

25 April 2024

Dear Mr Allen,

Rampion 2 Offshore Windfarm – EN010117
Interested Party Reference – 20045298

The South Downs National Park Authority (SDNPA) response comprises detailed comments in respect of:

- Appendix A – Response to ExQI (**Appendix A**)
- Appendix B – SDNPA suggested amendments to the DCO (**Appendix B**)
- Appendix C – SDNPA comments on other Deadline 2 Submissions (**Appendix C**)

In addition to these, we would also like to provide an update on the following matters.

Statement of Commonality of Statement of Common Ground

The SDNPA confirms that the Statement of Commonality provided at Deadline 2 is an accurate reflection of our ongoing discussions with the applicant.

Accompanied Site Visit Attendance

The SDNPA would like to attend the afternoon portion of the ASI. We have been discussing potential additional vehicular arrangements for part of the visit, in order to ensure appropriate accessibility.

Attendance at Issue Specific Hearings 15-16 May 2024

The SDNPA acknowledge that we have been specifically invited to attend the Hearings on these days and confirm representatives will be in attendance. As the agenda, or topics for discussion, has not yet been confirmed, we cannot confirm who will be in attendance at this stage. Please be aware, the Ecology specialist will not be available from 3pm on Wednesday 15th May.

Section 106 Agreement

The Applicant and SDNPA have been in discussion regarding the Heads of Terms for a Section 106 Agreement. We have provided comments back to the applicant on the latest draft Heads of Terms (sent to SDNPA on 11 April 2024) and will continue to work with the applicant to reach agreement on these.

The SDNPA and Applicant remain in dialogue, in order to continue to identify areas of agreement and potential steps to resolve ongoing areas of concern. We will continue to engage with the applicant to progress the Statement of Common Ground and seek to reduce the number of Principle Areas of Disagreement.

Yours sincerely,



Vicki Colwell
Principal Planning Officer - SDNPA

Appendix A

Response from the South Downs National Park Authority to the Examining Authority's written questions and requests for information (ExQ1)

The South Downs National Park Authority's (SDNPA) response to the questions asked of it are contained in the table below, against the Examining Authority's original question for ease of reference. These responses are provided for Deadline 3 of the examination (25 April 2024).

Question Reference	Examining Authority Question	SDNPA Response
COD 1.1	<p>Provide a response to the Applicant's statement in the Applicant's Responses to Relevant Representations, J3 [REPI-017] on page 416 that:</p> <p><i>"Commitment C-5 (Commitments Register [APP-254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD-033] secured via Required 22 within the Draft Development Consent Order [PEPD-009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic Worst-Case Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through amendment to</i></p>	<p>There still appears to be a gap between the Commitments Register [REPI-015] and the Outline Code of Construction Practice - Appendix A: Crossing Schedule [PEPD-033]. For the consistency and clarity, the SDNPA would like to see more explicit references to Sullington Hill and Michelgrove Park in the main body of both documents. It should however be noted that there is limited weight given to the Commitment Register, as it does not form a DCO Requirement or tied to a control document.</p> <p>Subject to the above point being addressed, there would be no concerns about the commitment to HDD or other trenchless technology. There remain concerns in respect of the ability to deploy these methods in some areas, which are discussed in our response at Appendix C.</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p><i>the stage specific Code of Construction Practice and Crossing Schedule.”</i></p> <p>Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].</p>	
COD I.7	Comment on expectations for recycling or reuse of the wind turbine materials at the decommissioning stage.	The SDNPA will await the comments from the applicant on this matter and respond at Deadline 4.
DCO I.4	<p>In its LIR [REPI-049] the SDNPA considers the provisions of the National Parks and Access to the Countryside Act 1949 as updated by the Levelling Up and Regeneration Act 2023 to “seek to further” the purposes of the National Park should be conferred to the Applicant in this Article. The Applicant states [REP2-024] that it is already bound by s11A of the National Parks and Access to the Countryside Act 1949 and the NPS.</p> <p>Explain whether this response satisfies the initial concern and if not, justify further the need to amend Article 6 with suggested wording.</p>	<p>Whilst it is noted this question has been directed to the Applicant, the SDNPA hopes that the following comments are of some assistance to the ExA.</p> <p>The SDNPA considers that explicitly acknowledging this enhanced duty when taking on the powers normally held by statutory undertakers (e.g. Local Highway Authority) would address the concern. We therefore suggest the following wording – also included in Appendix B of this response.</p>
DCO I.5	West Sussex CC in its LIR [REPI-054] state that the 28-day time-period set out in Article 13(2) is insufficient.	The SDNPA notes that in the latest draft DCO [REP2-002] the time-period set out in Article 13(2) has been updated to 45 days. The SDNPA considers it would appropriate to amend the other

Question Reference	Examining Authority Question	SDNPA Response
	<p>a) Confirm that the same time-period set out in the said Articles are adequate.</p> <p>Comment on the appropriateness of the deemed consent provisions in these (and possibly other) Articles and the Applicant’s justification for such provisions as set out in response at Deadline 2 [REP22-022].</p>	<p>Articles to 45 days as well (NB Parts 3 and 4, Articles 11(7), 12(3), 13(2), 15(5), 16(9) and 18(7)).</p>
DCO 1.9	<p>The LIR [REP1-049] considers the powers in these Articles to be imprecise and arbitrary. Justify further and set out wording for each article which would overcome the concern. Alternatively, confirm whether the Applicant’s response at Deadline 2 [REP2-024] has satisfactorily answered the concern.</p>	<p>The applicant’s response has provided some clarification, however we consider there remains ambiguity in what is allowed through this power. Please see further comments in Appendix B.</p>
DCO 1.18	<p>Provide a response on the Applicant’s amendments to the draft DCO submitted at Deadline 2 [REP2-002] in which the definition of “Commence” in Article 2 and a number of Requirements have been amended in respect to “carving-out” onshore site preparation works for the onshore Works.</p>	<p>The SDNPA welcomes the clarity provided through this amendment.</p>
DCO 1.19	<p>There are concerns from relevant planning authorities over the provisions of this Requirement and the reliance on the provisions contained within the Biodiversity Net Gain (BNG) Strategy Information document, Appendix 22.15 to Chapter 4 of the ES [APP-193]. The ExA notes the Applicant’s responses to West Sussex CC [REP2-020] and SDNPA [REP2-024] in respect to the wording within the Requirement and the BNG Strategy Information document. However, the</p>	<p>Please see our responses to the questions in the Biodiversity and Terrestrial Ecology sections below. We consider that whilst the commitment to provide biodiversity net gain is welcomed (and enhancement of wildlife is expected within the National Park in any event), the harm to ecology has been obfuscated by the approach taken by the applicant.</p> <p>The SDNPA suggests that it may be appropriate to create two requirements to overcome the concerns; one to cover</p>

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	<p>ExA is concerned that the BNG Strategy Information document may not contain the required evidence or clarity that BNG can be achieved, and accordingly Requirement 14 is not adequate in its current guise.</p> <p>Interested Parties are asked to review the questions contained in BD (below) and consider whether Requirement 14 needs amending and suggest appropriate wording.</p>	<p>mitigation measures associated with net loss and the other to deliver appropriate biodiversity net gain. We support the revised wording suggested by WSCC in respect of BNG (copied below):</p> <p><i>14. (1). No stage of the authorised project within the onshore Order limits is to commence until each of the following has been approved in writing by the relevant planning authorities, including the South Downs National Park Authority:</i></p> <p><i>(i) A biodiversity net gain strategy for that stage which accords with the outline biodiversity net gain information comprising Appendix 22.15 of the Environmental Statement.</i></p> <p><i>(ii) The Applicant provided proof of purchase of all necessary biodiversity units from third party providers.</i></p> <p><i>(iii) At least 70% of the total number of biodiversity units as required for that stage of the development have been implemented on the ground according to the approved biodiversity net gain strategy and to the satisfaction of the relevant planning authority/authorities, including where relevant the South Downs National Park Authority.</i></p> <p><i>(2) The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in Appendix 22.15 of the Environmental Statement, with priority given to areas inside or within close proximity to the proposed DCO Limits.</i></p>

Question Reference	Examining Authority Question	SDNPA Response
		<p>(3) <i>The biodiversity net gain strategy for each stage must be implemented as approved.</i></p> <p>(4) <i>Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</i></p>
DCO I.22	<p>Comment, if required, on the revisions made by the Applicant to Requirement 20 of the draft DCO submitted at Deadline 2[REP2-002]. List any further amendments, if required, to this Requirement with justification.</p>	<p>Whilst it is noted this question has not been directed to the SDNPA, we hope the following could be considered. In Requirement 20(2) could ‘Authority’ be added after the second reference to South Downs National Park?</p>
LR.1.22	<p>In its WR [REPI-058], National Highways state that it is not clear from the Land plans [PEPD-003] whether some of the verges on the northern side of the A27 that are subject to Land Rights are within National Highways land or within the SDNPA. The ExA considers an enlarged section of this land may assist the ExA and National Highways in ascertaining the information needed. Consider and submit at Deadline 3.</p>	<p>Whilst this question has not been directed to the SDNPA, it is noted that the land to the north of the A27 can be both in National Highways’ ownership and within the South Downs National Park – the SDNPA does not own land in this area although it could still be part of the designation. An enlarged section of this land would be of assistance.</p>
BD I.1	<p>a) It is noted that the latest metric is now the Statutory Biodiversity Metric. Explain whether the calculations need to be updated using the latest version.</p> <p>b) Is there agreement on the biodiversity baseline presented in Appendix 22.15 Biodiversity Net Gain information [APP-193] for the:</p>	<p>a) The calculations should be updated using the Statutory Metric, as this is the trading tool used by habitat banks registered on the Natural England’s national off-site register, to allow purchase of Biodiversity Units and/or statutory credits.</p>

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	<ul style="list-style-type: none"> i. Total number of baseline units calculated for the worst-case realistic scenario. ii. Total number of units lost to the Proposed Development. c) Confirm whether clarity exists on how the calculations have been done and is there agreement on the methodology and the spatial areas for which the calculations have been presented? 	<p>This should include (updated) condition assessment sheets for the relevant habitats as these are a requirement of the Statutory Metric.</p> <p>Following the publication of the Biodiversity Net Gain Regulations (The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024) and associated Government guidance, SDNPA have recently published interim guidance on delivery of meaningful biodiversity net gain (BNG) attached as Appendix D to this submission. Attention is drawn in particular, to Paras 2.20 to 2.28 which set out the baseline and post-delivery strategic significance criteria which should be used for applications within the SDNPA in advance of the Local Nature Recovery Strategy framework, as well as guidance on Spatial Risk Multipliers for offsite delivery.</p> <ul style="list-style-type: none"> b) No, however subject to updated info set out above (including condition assessment and review of strategic significance criteria as set out in BNG TAN) this could be resolved. c) The SDNPA does not agree with the methodology or the spatial areas for which calculations have currently been presented. The habitat parcels have been conflated across the DCO area and there is therefore no clear indication of the areas to which each unit relates. This should instead be split by LPA/NPA area, which would make it easier to show individual habitat parcels/groups on a series of maps which cross refer to separate lines

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		<p>within the Metric and therefore demonstrate more clearly what is being lost and where, and what is being delivered post consent and where. And using two separate Metrics for each LPA/NPA area to separate what elements relate to no net loss and what relates to net gain (i.e. above 100%).</p>
BD 1.2	<p>Confirm that the Applicant has adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain.</p>	<p>The SDNPA considers the mitigation hierarchy has not been adequately followed. We advise the ‘avoid, mitigate and compensate’ stages are clearly addressed through the assessment, before any enhancements or net gains are considered.</p>
BD 1.5	<p>a) Confirm that the proposal for BNG aligns with and complements relevant national or local plans, policies and strategies including the Local Nature Recovery Strategy or other relevant local plans, policies or strategies.</p> <p>b) Confirm that the mitigation hierarchy has been adequately followed to avoid then mitigate then compensate, in that order, in respect to biodiversity.</p>	<p>a) Please see our response to BD 1.1.</p> <p>b) We do not consider that the mitigation hierarchy has been adequately followed, as per our response to BD 1.2. We advise that the ‘avoid, mitigate and compensate’ stages are properly addressed throughout the assessment, before any enhancements or net gains are considered. Further, Natural England’s position is that compensatory habitat measures within an Ancient Woodland (AW) buffer zone can count up to no net loss only (as they are required to mitigate impacts on the AW (to match the approach being taken to protected site and species mitigation). It isn’t possible to see if/where this might be an issue currently in relation to AW, designated sites or protected species as the mitigation/</p>

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		compensation /enhancement hasn't been mapped or attached to specific habitat parcels.
BD 1.6	<p>Concern has been raised by SDNPA [REPI-049], Sussex Wildlife Trust [RR-381], Horsham DC [REPI-044] and Natural England [RR-265] regarding the transparency between delivery of compensation for the Proposed Development i.e. no net loss of biodiversity and biodiversity enhancement of 10% i.e. 10% biodiversity net gain (BNG). The Applicant states it has used the Natural England BNG metric tool to calculate the units required for both [APP-193].</p> <p>a) Explain whether Table 4-5 on page 24 of Volume 4, Appendix 22.15 of the ES APP-193, provides a sufficiently clear and transparent explanation of how many units of each type are required and is there agreement on the number of units to achieve no net loss and 10% net gain.</p> <p>b) Comment on whether no double-counting is clear between activities planned to deliver mitigation, compensation, enhancement and net gain.</p> <p>Is further explanation required? If so, please specify what is needed.</p>	<p>Please see our response to BD 1.1 with regard to the clarity and transparency of the explanation and information presented. It is therefore not possible for the SDNPA to agree on the number of units required to achieve no net loss and 10% net gain. It is also not yet possible to comment on whether any double counting has taken place.</p> <p>It is suggested that on receipt of the additional information requested by the Examining Authority, consideration is given to whether a separate Requirement is needed in order to secure the detailed mitigation and compensation for net loss of biodiversity, before delivery of any net gain provisions.</p>

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BD 1.8	<p>The Applicant states in section 5.2.1 of Volume 4, Appendix 22.15 of the ES APP-193 that:</p> <p><i>“To avoid a deficit in biodiversity growing as the construction programme progresses, the Proposed Development will follow two courses of action. The first is to enable a progressive reinstatement of habitats, whilst the second is to secure 70%⁷ of the deficit (as calculated in Table 4-5 – i.e., as a realistic worst-case scenario) prior to commencement of construction. Any remaining shortfall identified following detailed design will be secured prior to construction works being completed.”</i></p> <p>⁷ <i>It is expected that 70% of the deficit as calculated at Table 4-5, will likely be equivalent to that which will be necessary to provide to secure the commitment once detailed design has been completed.”</i></p> <p>Confirm whether there is general agreement on this approach, particularly the delivery of 70% of the deficit prior to commencement of construction. Provide details of any outstanding concerns.</p>	<p>The SDNPA are concerned about the mechanisms for securing the location/type of delivery and how this is secured within the National Park to provide a betterment on the existing baseline. Further, we are consider there is a risk that there is nothing to prevent the remaining 30% (or any element of the on-site reinstatement measures that are not wholly successful) may have to be provided off-site outside the National Park boundary. This would therefore not demonstrate that the natural beauty and wildlife of the National Park are being conserved and enhanced through the proposed development.</p>
HE 1.8	<p>In the context of ES Chapter 25 Historic Environment [PEPD-020] that identifies a high potential of archaeological remains of high heritage significance within the South Downs area and further to SDNPA</p>	<p>There is no disagreement that the area is of high heritage significance, with multiple scheduled monuments in close proximity to the order limits. The SDNPA is concerned that given the potential for significant finds and the immediate context</p>

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	<p>Principal Areas of Disagreement Statement (PADS) point 7 [AS-006], West Sussex CC PADS points 38 to 40 [AS-008] and Historic England's RR [RR-146], comment upon the Applicant's assertion that further investigation would not change the outcome of the assessment at table 4-2 in response to paragraph 2.33.2 [REPI-017].</p>	<p>of the site, that the mitigation proposed is not fit for purpose. Non-intrusive surveys have been undertaken, however it is not possible to accurately describe significance, nor characterise any archaeology that might be present without trial trench evaluation. See in this regard <u>R (Low Carbon Solar Park 6 Limited) v SSLUJC [2024] EWHC 770 (Admin) at [49]</u>.</p> <p>SDNPA support the views of WSCC County Archaeologist on this matter and remain of the opinion that further field work should be undertaken prior to determination.</p> <p>Given the optionality presented through the pre-application stage, we remain of the opinion that this part of the cable corridor should have been avoided in principle.</p>
HE 1.9	<p>In the context of the applicant's second statutory consultation exercise feedback captured at table 25.7 of ES Chapter 25 Historic Environment [APP-066] and Historic England's concerns [RR-146], explain whether the amendment to C-225 [APP-254] to 'preservation by record' is preferable to the 'retention in situ' of unexpected archaeological remains of national significance that maybe discovered during works.</p>	<p>Whilst this question has not been directed to the SDNPA, we would like to comment in our role as the relevant Planning Authority for the area of archaeological significance between Blackpatch and Harrow Hill.</p> <p>The SDNPA consider it is too early to commit to a 'preferable' option at this stage, as the appropriate approach would be dictated by the nature of discovery and the impacts of reburial from land use. We consider it would be more appropriate to ensure that the full suite of options for safeguarding and custody of the historic environment is available to the archaeologists.</p>
MI 1.1	<p>West Sussex CC expresses concern in its LIR [REPI-054] about the mitigation measures proposed by the Applicant to safeguard minerals. West Sussex CC state</p>	<p>The SDNPA support the response from WSCC to be submitted at Deadline 3 on this matter. In summary, concerns remain and as a minimum, further detail should be provided within the</p>

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	<p>that the Applicant's proposed mitigation measure is a Commitment, secured through the OCoCP [APP-224], for the Applicant to produce a Minerals Management Plan (MMP) that is prepared prior to construction. The SDNPA support this concern in their LIR [REP1-049] raising that the Applicant has not yet provided a Minerals Management Plan (MMP). Additionally, West Sussex CC believes the submitted OCoCP is lacking in detail.</p> <p>The Applicant has provided information on minerals in Chapter 24: Ground conditions, Volume 2 of the ES [APP-065]. The Applicant has responded in [REP2-020], explaining why they could not produce a MMP at this stage and that the information provided is proportionate with proper consideration based on the information available and, where appropriate, considers worst case scenarios.</p> <p>Explain whether agreement been reached on this issue of:</p> <ul style="list-style-type: none"> a) the timing of the provision of a MMP and b) the level of detail in the OCoCP. <p>If there are outstanding concerns, provide details of further information that the Applicant should provide.</p>	<p>Outline CoCP in respect of mineral safeguarding at construction stage.</p>
SLV 1.1	<p>Points 12 to 14 of its PADS submission [AS-006], SDNPA state that Kinetic Testing of viewpoints should be used at SDNP area. Having regard to the Applicant's mid examination progress tracker [REP2-013],</p>	<p>The South Downs Local Plan 2019 [APP-036] contains several strategic policies that consider the importance of views</p>

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	<p>comment upon the correct approach and confirm the policy/guidance justification for such an approach.</p>	<p>experienced for prolonged distances (relevant sections extracted):</p> <p><i>SD4 (Landscape) Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that... They will safeguard the experiential and amenity qualities of the landscape.</i></p> <p><i>SD6 (Safeguarding Views) Development proposals will be permitted provided they conserve and enhance sequential views, and do not result in adverse cumulative impacts within views.</i></p> <p><i>SD7 (Relative Tranquillity) Development proposals will only be permitted where they conserve and enhance relative tranquillity and should consider the following impacts: ...Experience of users of the PRoW network and other publicly accessible locations.</i></p> <p><i>SDLP explains the term at Para 5.41: Sequential views are the series of views which we see unfold when moving through the landscape, for example, when walking along a footpath or travelling along a road. Impacts on these views can arise frequently or occasionally and may be generated by periodic views of the same development or by more than one development.</i></p> <p><i>SDLP sets out at para 6.24 that 'The rights of way network, together with access land, non-motorised user paths and permissive paths, are some of the National Park's most important assets in attracting visitors, and the Authority will protect the quality of experience enjoyed by users. Development which harms views from, or is otherwise detrimental to the amenity value, character and tranquillity of public rights of way and other non-motorised user routes, will not be permitted.'</i></p>

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		<p>The Guidance on Landscape and Visual Impact Assessment Vol.3 (GLVIA) [APP-059] mentions in para 7.34, in particular with wind farm cumulative assessment, the <i>'Use of linear routes, especially footpaths or other rights of way, ... may potentially see the different developments revealed in succession or as a series of sequential views.'</i></p> <p>GLVIA also sets out in Table 7.1 the types of cumulative visual effects. This includes reference to <i>'frequently sequential effects: where the features appear regularly and with short time lapses between instances'</i> .</p> <p>GLVIA para 7.38 sets out that 'higher levels of significance may arise from cumulative visual effects related to: - developments that are in close proximity to the main project and are clearly visible together in views from the selected viewpoints and – developments that are highly inter-visible, with overlapping ZTVs'.</p> <p>The South Downs National Park has 3200km of PRoW, with exceptional scope for walking, cycling and horse riding. The South Downs Way (SDW) is a long-distance trail of national significance from the proposed development would be experienced for a significant length (both on and onshore).</p> <p>The SDNPA have provided commentary to the Applicant on viewpoints. This includes the following in relation to the Applicant's SDW Sequential assessment: <i>'Kinetic [sequential] testing along longer route was requested to provide experiential views. Level of detail for the assessment of impact on National Trail is far less than from other SDNP viewpoints without full explanation of reasoning for this. Not clear why appropriate to reduce size of visual</i></p>

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		<p><i>representation of these views</i> [in comparison to other viewpoints]. Our reference to 'kinetic' testing was to demonstrate that assessment was required from more frequent points than has been provided and this was raised during consultation, see [APP-029].</p> <p>An example of an acceptable approach to the level of testing expected was provided as part of the PADS [AS-006].</p> <p>The SDNPA confirms that this is a matter that is still under discussion with the applicant.</p> <p>Despite this extensive guidance and the evidence provided in the wireframes from the SLVIA, the LVIA consistently states for many views from the SDNP where RI is already visible that 'None of the cumulative developments will be visible from this location. Therefore there will be no cumulative effects'.</p> <p>For example, at [APP-168] Table I-4 LVIA Viewpoint G Chantry Hill – compare to [APP-094] SLVIA 15.67 Viewpoint 54 wireframe where RI and RI2 are both visible.</p> <p>The SDNPA suggest that this shows a lack of joined-up consideration between different strands of assessment within the ES which needs to be addressed and goes to the heart of our concerns and the request for the further testing.</p> <p>It should also be noted that GLVIA also mentions in para 7.34 about the use of 360 deg. views, in particular with wind farm cumulative assessment. This has been raised by the SDNPA in commentary to the Applicant on viewpoints and the Expert to Expert Discussion (28.03.24) where viewpoints need to consider other directions and also multiple construction and</p>

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		reinstatement activities taking place concurrently in the landscape.
SLV 1.3	<p>In the context of the Applicant’s Seascape, Landscape and Visual Impact Assessment (SLVIA) Maximum Design Scenario and Visual Design Principles clarification note [REPI-037], comment upon the Applicants assertions at table 4.14 Applicants response to Natural England – Appendix I (Seascape, Landscape and Visual Impact) in response to Ref I6 [REPI-017], that:</p> <ul style="list-style-type: none"> • There is a distinct gap between R1 and the Proposed Development. • That the Proposed Development will form a clearly separate array grouping that has a narrower lateral spread in field of view than R1. • The south of R1 is the optimal location within Zone 6. • The additional 7 degrees over and above R1 is a relatively small lateral spread. • The WTG’s will be experienced within a remote context setting beyond intervening non designated and urbanised coastal strip between the open downs and the sea. <p>(Natural England may wish to combine with D3 response to this document).</p>	<p>Whilst it is noted that this question has been directed to Natural England, the SDNPA consider it would be beneficial to provide clarification and ensure that a consistent approach is being applied to the shared issues raised by the SDNPA and Natural England.</p> <p>At section 6.3 of Appendix A of the SDNPA’s Written Representation [REPI-052] detailed commentary has been provided on the maximum design scenario and design principles. To summarise and with specific regard to [REP-017]:</p> <p>The SDNPA disagree there is a distinct gap. The position of the proposed development to both the south and west of R1 means that there is always some form of overlap between the two arrays without a clear and distinct gap.</p> <p>The SDNPA disagree that the proposed development has a narrower lateral spread than R1. The Field of View is extensive and with the array set to the south and west of R1, this is far wider than the lateral spread of R1, giving rise to significant adverse seascape, landscape and visual impacts on the SDNP, its Purposes and Special Qualities.</p> <p>The SDNPA consider that no location in Zone 6 is acceptable in relation to landscape and visual effects on the SDNP and in particular on the Sussex Heritage Coast. However, if it were deemed to be unavoidable, the area to the south of R1 is likely to be less impactful.</p>

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SLV 1.4	<p>Justify the position on how Rampion One Offshore Wind Farm (R1) should not form part of the baseline assessment. The position is contrary to the Applicant's assessment in the ES [APP-056] in which R1 does form part of the baseline. The Applicant further cites accordance of its approach with paragraph 7.13 of the Guidance for Landscape and Visual Impact Assessments and the Planning Inspectorate's (PINS) Advice Note 17.</p>	<p>The R2 PEIR Review Seascape, landscape and visual impact assessment 2021 by White Consultants (Appendix E) in para 2.18 <i>'It is important for the SLVIA to acknowledge that the special qualities of the National Park including the 'breathtaking views' were described before Rampion 1 was built, and therefore it does not form part of the accepted characteristics or qualities of the National Park.'</i> This statement is also relevant to the LVIA. The SDNPA Written Rep [REPI-052] App A section 7.2.1. reiterates this point.</p> <p>The SDNPA would suggest that by considering the R1 development as part of the baseline, effects on the Special Qualities are not adequately assessed. The R1 development has itself detracted from the Special Qualities.</p> <p>Whilst the SDNPA acknowledges the GLVIA approach set out at 7.13, it would draw attention to other paragraphs too.</p> <p>[APP-128] acknowledges that R1 is a <i>'project with which Rampion 2 may interact to produce a cumulative effect.'</i> (definition from section 1.1.1).</p> <p>Para 7.17 (GLVIA) sets out different types of cumulative assessment that should be considered including situations where <i>'the effects of an extension to an existing developments or the positioning of a new development such that it extends or intensifies the landscape and / or visual effects of the first development'</i> and <i>'the interaction between different types of development, each of which may have different landscape and/or visuals effects and where the total effect is greater than the sum of parts'</i></p>

Question Reference	Examining Authority Question	SDNPA Response
		<p>GLVIA also sets out at para 7.18 that <i>‘agreement should be reached about whether the cumulative effects assessment is to focus primarily on the additional effects of the main project under consideration, or on the combined effects of all the past, present and future proposals together with the new project’</i>.</p> <p>The SDNPA would suggest that by considering the R1 development as part of the baseline that the cumulative assessment process is not adequately considered in the assessment. The presence of R1 does not lower the magnitude of change experienced from the SDNR.</p> <p>Para 7.17 also includes reference to the situation where <i>‘landscape and or visual effects resulting from a future action that removes something from the existing landscape which may have consequences for other existing or proposed development’</i>. This supports the SDNPA assertion that there should be assessment of the effects of R2 after the decommissioning and removal of R1. This assessment was requested by the SDNPA at ... and again mention in Written Rep App A section 5.6.1.</p>
SLV 1.5	<p>Given the Applicant’s conclusions on harm to statutory purposes at table 4.14 Applicant’s response to Natural England – Appendix I (Seascape, Landscape and Visual Impact) in response to Ref 11 [REPI-017]; to paragraph 3 of Natural England’s response to ExA Questions Appendix N2-Annex 1 Deadline 2 Submission [REP-039], and to the SDNPA’s LIR [REP1-049, explain what is the correct approach in concluding on the impact</p>	<p>As set out in the response to Question SLV 1.4, the SDNPA would suggest that by considering the R1 development as part of the baseline that effects on the Special Qualities are not adequately assessed.</p> <p>The SDNPA has set out in our submission at Deadline 2 [REP2-043] the correct approach to concluding on Special Qualities. We note that harm has been identified by the applicant in respect, however we consider that better mitigation and</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>upon special qualities and whether the statutory purposes of the designation are compromised.</p>	<p>compensation is needed as the current proposals are considered highly inadequate. The Statutory Purposes are compromised at the point harm occurs – it therefore stands that until appropriate mitigation and compensation has been secured, the statutory purposes of designation are compromised.</p> <p>Requirements for further mitigation and compensation have been highlighted in our Written Representation [REPI-052] and are also still being discussed with the applicant.</p> <p>The SDNPA would also note that it is not just the effects of seascape and landscape that impact upon the Special Qualities, as has been demonstrated in our response at Deadline 2 reference above.</p>
SLV 1.9	<p>Comment upon the conclusion of the applicant on Dark Skies in response to the submission from SDNPA paragraph 6.22 [REP2-024] and paragraph 18.11.18 of ES Chapter 18 Landscape and Visual Impact [APP-059] which states that the Proposed Development will not affect the South Downs International Dark Sky Reserve or Dark Skies within the SDNP.</p>	<p>Whilst it is noted this question has been directed to the Applicant, the SDNPA hopes that the following comments are of some assistance to the ExA.</p> <p>The SDNPA do not agree with the statement in at p11 of [APP-059] that <i>‘There would be no effect on the South Downs International Dark Sky Reserve or ‘dark skies’ within the SDNP due to the environmental measures within the Commitments Register (Document Reference: 7.22) (C-22, C-66, and C-200)’</i></p> <p>In recent discussions with the applicant, the SDNPA confirmed that this concern could be resolved through the provision of further details regarding lighting. This would be expected to include provision of firmer, detailed commitments in respect of lighting and working hours, with particular regard to the 24-hour working required for trenchless technology, which specifically</p>

Question Reference	Examining Authority Question	SDNPA Response
		reference the SDNPA's Dark Skies Technical Advice Note [APP-056].
SA 1.3	<p>Confirm whether the responses and updates the Applicant has provided regarding soils and agriculture are adequate or whether there are any outstanding concerns regarding:</p> <ul style="list-style-type: none"> a) soil surveys b) soil re-instatement c) soil stockpiles d) soil handling e) use of machinery <p>the Applicant's conclusions on potential impacts of BMV agricultural land</p>	The SDNPA is not aware of any further updates regarding soils and agriculture and refer to our comments in [REP1-052].
TA 1.15	Respond to the Applicant's response contained in [REP2-024] on the issues raised in the LIR [REP1-049] regarding the impact of the Proposed Development on PRowWs in the National Park. List any outstanding concerns and provide recommendations for addressing them	<p>The SDNPA notes that there will be continued discussion with WSCC in respect of the proposed construction works and the effects on the highway and PRowW network at Michelgrove Park. Given the significance of these works in the National Park, and their potential impact in respect of the SDNP second Purpose, we would welcome the opportunity to be party to these conversations as well.</p> <p>The effects on users of the PRowW network within the SDNP is still considered to be greater than the applicant has suggested. Although individual PRowW closures are generally short-term, the effects on users will be prolonged as regular users would experience multiple closures throughout the construction period</p>

Question Reference	Examining Authority Question	SDNPA Response
		<p>and activity will affect PRoW users' enjoyment of the National Park more generally.</p> <p>There has not been any consideration given to events that are frequently held on the South Downs Way National Trail. It would be expected that a commitment to these being assessed and avoided as part of the Outline Public Rights of Way Management Plan.</p> <p>The SDNPA note that the applicant has confirmed they will continue to engage with us on potential enhancement opportunities within the National Park, which is welcomed.</p>
TE 1.3	<p>Comment on whether remaining concerns exist regarding:</p> <ul style="list-style-type: none"> a) the quality of terrestrial ecological surveys in general undertaken by the Applicant for the whole of the landward part of the Proposed Development? b) the conclusions the Applicant has come to for the terrestrial ecological assessments for the whole of the landward part of the Proposed Development. c) the extent to which the appropriate guidelines and methodologies have been followed by the Applicant when undertaking relevant terrestrial surveys for the whole of the landward part of the Proposed Development. 	<p>The SDNPA had provided initial comments on this topic in our Written Representation and whilst we have not been asked to respond directly to this question, we hope the ExA find our response useful. A sampling approach has been used throughout to provide data against which to evaluate the habitats and species present and provide a basis on which to make an assessment. Such an approach, whilst acceptable for a large scheme, still needs to cover enough of the proposed route where that species might reasonably occur, in order to obtain a representative data sample. The associated surveys should also be carried out in accordance with best practice guidance in relation to the habitats and species being targeted – including proper consideration (and where appropriate, survey) of the relevant predicted zone of influence of the proposed scheme. Furthermore, the survey data should be used to inform the evaluation and assessment stages of the Ecological Impact Assessment (EclA). Significant concerns remain throughout</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>the quality and likely effectiveness of the mitigation the Applicant is proposing for potential impacts on terrestrial ecology for the whole of the landward part of the Proposed Development.</p>	<p>around the quality of the EclA in this regard. This is further discussed in our response to TE 1.11.</p>
TE 1.10	<p>Confirm if the surveys undertaken by the Applicant and proposed mitigation measures for hazel dormouse described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for hazel dormouse?</p>	<p>The survey coverage to date within the SDNPA is considered insufficient to conclude the likely absence of Dormice.</p> <p>A 2009 record confirmed the presence of Hazel Dormice within Butler’s Copse, 500m to the west/northwest of the DCO corridor and functionally linked to the application area via suitable Dormouse habitat. There are also 2021 records of Dormouse just south of the A27 at Grooms Copse, confirming presence of this species in the wider area. The 2023 Dormouse survey covered some of the area between Butlers Copse and Kitpease Copse (Survey Area 9) and concluded that Dormice were likely not present in Kitpease Copse and therefore not a constraint to the Proposed Development at this location.</p> <p>It is surprising that no Dormice have been recorded in this location, despite there being suitable habitat present within the survey area and positive records in well-connected habitat nearby. Given the established habitat connectivity with a known Dormouse population in this location, the fact that any ecological survey is a snapshot in time, the unfavourable conservation status of the species and the construction timescale of the project, we would expect an indication of how the applicant is taking a precautionary approach to the possible presence of this species in the adjacent woodland block(s) (including suitable habitat within the DCO corridor), in terms of survey updates (including use of other emerging methods such as footprint</p>

Question Reference	Examining Authority Question	SDNPA Response
		<p>tunnels), assessment, mitigation approach and potential habitat enhancement opportunities. The applicant should confirm that they have approached the Sussex Record Centre and any special interest groups such as Sussex Mammal Group, Peoples Trust for Endangered Species (including the National Dormouse Monitoring Programme and Footprint Tunnel Survey) Forestry Commission, Woodland Trust, etc regarding any more recent or ongoing survey or project work in the area and obtained the most up to date records for the species.</p> <p>Precaution is justified in this location as the DCO corridor interrupts the linear connection between Butlers/Hammerpot Copses to the west and similar woodland habitat in Olivers Copse and Stonyland Copse to the east and could represent a significant habitat barrier in the medium to long term for Dormice, in the event that on-site habitat reinstatement is not successful.</p>
TE 1.11	<p>Confirm if the proposed mitigation measures for bats described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for bats.</p>	<p>The SDNPA considers that very little of the proposed route was surveyed for bats; the surveys that have been carried out are not complete due to significant amounts of missing data. Further, the survey approach has not been properly tailored to the species and habitats present, and the data that is available has not been properly considered in the assessment. The applicant does not appear to have taken the opportunity to consider and further investigate the emerging survey results throughout the data collection period (2020-2023), or to address any gaps which have arisen during each year of data collection during the following year(s), to ensure that the baseline for the assessment</p>

Question Reference	Examining Authority Question	SDNPA Response
		<p>is robust and therefore in line with best practice. The assessment is therefore unreliable in its current form.</p> <p>Considering the amount of significant severance occurring in a highly sensitive landscape with numerous features of high potential value for roosting, foraging and commuting bats, the amount and quality of bat survey work carried out to inform the assessment is very disappointing. It does not provide confidence in the associated assessment of predicted impacts or the mitigation measures that ensure from that assessment. For example:</p> <ul style="list-style-type: none"> • There has been insufficient targeting of potential crossing points, • Minimal (and ineffective) use of statics and minimal transect surveys, • No use of advanced surveys to investigate bat activity in key potential habitats along and adjacent to the proposed route, • No use of night vision aids in conjunction with the surveys that have been conducted and large amounts of missing data (which has not been addressed through the survey period or properly considered as a limitation), • No consideration of seasonal variation in activity at key locations and what the effect of habitat severance might be in these locations for individual species in the assemblage during particular key periods, e.g. during the maternity or mating seasons.

Question Reference	Examining Authority Question	SDNPA Response
		<p>It is not clear how the survey approach has responded to the emerging findings through the survey period, nor how the baseline data has informed the assessment of predicted effects or the associated avoidance, mitigation and compensation strategy.</p> <p>For example, in 2023 no static detector data was recorded in September (a key month in terms of bat activity), data was limited for August 2023 and there was only one month during the entire data collection period (April to October) when all four static detectors were working. Activity peaks for certain species in particular locations along the survey corridor have not been discussed in the impact assessment or considered in the mitigation strategy.</p>
TE 1.26	<p>The Applicant has stated that surface works through the Sullington Hill Local Wildlife Site (LWS) are being avoided through use of a trenchless crossing.</p> <p>Respond, if required, to the decision of the Applicant to scope out the Amberley Mount to Sullington Hill SSSI, particularly in light of the proximity of the Proposed Development red line boundary to the SSSI and/or the evidence submitted into the Examination at Deadline 1 by Grahame Rhone Kittle [REPI-100] including the discovery of a nationality scarce spider.</p>	<p>The SDNPA will defer to Natural England as to whether Amberley Mount and Sullington Hill SSSI should remain scoped out of assessment. Given the evidence that has come to light [REPI-100], we consider there is a case for this decision to be revisited in respect of the potential indirect disturbance effects related to vehicular/human access and temporary construction effects.</p>
TE 1.28	<p>In addition to the Commitment made to seasonal restriction of construction work at Climping Beach (C-217), comment on whether there are any other sensitive areas within the onshore section of the</p>	<p>The SDNPA suggest that the following areas should also be considered for a seasonal restriction on construction works from an ecological perspective:</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>Proposed Development where a seasonal restriction on construction work is required from an ecological perspective.</p>	<ul style="list-style-type: none"> • Kitpease Copse/Olivers Copse (Static Locations 23-2a and 23-2b); • HDD compounds and activity at Michelgrove Park. <p>Given the high value habitat, connectivity/linkages and broad species assemblage (including rarer species) present across the SDNPA, there are likely to be similar sensitivities in many locations at particular times of the year. It is not possible to advise further as the survey data presented does not provide sufficient coverage to indicate such areas spatially for the majority of the proposed route.</p>
TE 1.30	<p>Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore Construction Method Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites.</p> <p>Provide a response to these proposed Requirements, stating any outstanding concerns.</p>	<p>Please could specific reference to Michelgrove Park be added to the list of other ecologically sensitive sites in Requirement 23 (2b).</p>
TE 1.31	<p>The Applicant has provided further justification of its proposed hedge notching technique in responses to SNDPA in their PADS [AS-006] and WR [REPI-052], and West Sussex CC's LIR [REPI-054].</p> <p>West Sussex CC commented in their LIR submitted at Deadline 2 [REPI-054] that:</p>	<p>There is evidence that bats prefer taller, wider, structurally diverse hedgerows and those with emergent trees (e.g. Boughey <i>et al.</i> 2011, Lacoeuilhe <i>et al.</i> 2016). Trenching may be a more suitable approach in certain areas where hedges/treelines are particularly ecologically diverse/sensitive, or where there are species sensitivities such as significant bat movement corridors/foraging areas which could be significantly affected by notching.</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p><i>“Although WSCC has concerns about the success of hedgerow ‘notching’, it recognises that this technique does offer some advantages and therefore is worth attempting provided any necessary remedial measures, such as re-stocking, are implemented immediately.”</i></p> <p>Provide an updated response to the Applicant’s proposed hedge noting technique, specifically stating whether there is agreement between the parties or any ongoing areas of disagreement or concern.</p>	<p>Please see the SDNPA’s previous comments at paragraphs 3.8.6-3.8.7 of the Written Representation [REPI-052] regarding reinstatement success.</p>
TE I.33	<p>The Applicant has stated in the OLEMP [APP-232] that:</p> <p><i>“stage specific LEMPs will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with this Outline LEMP for approval of the relevant planning authority, prior to the commencement of that stage of works. The stage specific LEMPs for the onshore substation and National Grid Bolney substation extension works shall be developed and submitted for approval alongside the detailed design of this infrastructure.”</i></p> <p>a) Comment, if required, on the approach put forward by the Applicant regarding the stage specific LEMPs. Explain if concerns remain and what approach is recommended.</p> <p>b) Comment, if required, on the durations between surveys and construction.</p>	<p>Whilst the principle of stage-specific LEMPs is supported, a more robust outline LEMP is required, to provide a much clearer set of objectives for what is expected across the cable corridor. It is likely that it will not just be the contractors, but also landowners who will be responsible for ongoing management of landscape and ecological features within the cable corridor.</p> <p>Significant weight has been given in the assessment of onshore landscape effects to the success of the reinstatement planting and therefore we consider more detail of what measures will be implemented and how these will be managed long-term should be provided prior to determination.</p> <p>Further comments were provided at Section 9.1, Appendix A of the SDNPA’s Written Representation [REPI-052]</p>

Appendix B – Comments on updated draft Development Consent Order

The following comments are based on the table submitted as part of the SDNPA's Local Impact Report [REPI-049]. Where matters are outstanding, the original comment has been retained with an update to provide further clarification. Where matters have progressed, we have removed our previous comment.

Section Article	Detail	Comment / Query
Part 1, Article 2	Definition of 'horizontal directional drilling'	This definition needs to be consistent with how the phrase is used elsewhere
Part 1, Article 2	Definition of 'relevant planning authority'	<p>Whilst there is nothing in the wording that would exclude the SDNPA as a local planning authority, later sections of the DCO and elsewhere in the application submission have not recognised the SDNPA as such.</p> <p>Further, where aspects of the scheme, such as the Washington Construction Compound, would impact on the setting of the National Park, we would expect to be consulted on the details. This could be added as a criterion.</p> <p>UPDATE: Whilst we welcome the inclusion of SDNPA in respect of Requirement 22, this remains an outstanding matter as there is a lack of consistency.</p>
Part 1, Article 2	Definition of 'trenchless technologies'	The change made to the definition remains of concern, as it now appears that horizontal directional drilling is included in open cut. It is suggested that the definition be updated to "means a cable installation method to install the cable circuits underground by means other than open cut, including horizontal directional drilling".
Part 2, Article 6	Application and modification of legislative provisions – duty to seek to further the purposes of the National Park.	As per the SDNPA's response to ExA Question DCO 1.4, we recommend the following is added to this article (7) The provisions of Section 11 of the National Parks and Access to the Countryside Act 1949 (as amended by Section 245(3) of the Levelling Up and Regeneration Act 2023) apply insofar as they relate to activities that would reasonably be carried out by Statutory Undertaker.
Part 4, Article 32	Temporary use of land for carrying out the authorised project – including removal of	This is a blanket power without any real constraint on its use. Given the rather arbitrary nature of this power it makes it difficult to understand and assess the actual tree and hedgerow loss associated with the development.

	vegetation	UPDATE: We note the clarification provided by the applicant, however consider that a more robust demonstration that these matters are secured by the documents suggested, would be appropriate.
Part 4, Article 33	Temporary use of land for maintaining the authorised project	See comments immediately above and note this also includes the provision of means of access.
Part 7, Article 43	Felling or lopping of trees and removal of hedgerows	This is a blanket power without any real constraint on its use. Given the rather arbitrary nature of this power it makes it difficult to understand and assess the actual tree and hedgerow loss associated with the development. Please see comments on Article 32.
Part 7, Article 44	Trees subject to tree preservation orders	This appears to suggest that trees subject to TPO are able to be felled without any further consideration. This is of significant concern where effort should be made to retain such trees.
Schedule 1, Part 3 Requirement 10	Programme of Works	The Applicant's updated wording, which separates 'construction' and 'onshore site preparation works' is welcomed. We consider that within Requirement 10(2) details of the specific onshore site preparation works for the associated stage should be required for submission.
Schedule 1, Part 3, Requirement 14	Biodiversity Net Gain	The SDNPA suggests that it may be appropriate to create two requirements to overcome the concerns; one to cover mitigation measures associated with net loss and the other to deliver appropriate biodiversity net gain. Please see comments on ExAQ DCO I.19.
Schedule 1, Part 3, Requirement 16	Highway Accesses in the South Downs National Park	The SDNPA also consider that Manual for Streets would be a more appropriate standard, given the status, location and use of the roads in question. UPDATE: In discussion with WSCC, we understand that they have requested the inclusion of wording to allow the use of other standards for the design of accesses. In this particular instance, we request that Manual for Streets is inserted in place of Design Manual for Roads and Bridges, for the updated wording.
Article 46, Schedule 14 Section 2	Further Information	The SDNPA consider that 20 business days would be more appropriate. Although, the alternative is that if the request for further information is not honoured, the Local Planning Authority would be within its rights to refuse to discharge the requirement. UPDATE: We note the ExA's comments on this matter, which appear to advise that 20 business days with no caveat, in line with our recommendation, should be applied.

Appendix C – SDNPA comments on other Deadline 2 Submissions

1 Introduction

- 1.1 The SDNPA remains of the opinion that the route selected for the onshore cable corridor has not demonstrated it is the most appropriate option through the South Downs National Park. The route choice has not been effective at moderating the detrimental effects on the environment, landscape and recreational opportunities.
- 1.2 Within the SDNP, further steps are expected to demonstrate that natural beauty, wildlife and cultural heritage are being conserved and enhanced. Overall, in their response to the SDNPA's Local Impact Report and Written Representation [REP2-024] the applicant does not appear to have recognised this requirement.
- 1.3 The following comments provide clarification of our concerns, where not discussed in the response to ExAQI (**Appendix A**).

2 South Downs National Park – Special Qualities and Status of Partnership Management Plan

- 2.1 Natural England advocate that proposals / actions should be assessed against the aims, objectives, and principles of the South Downs National Park Partnership Management Plan (PMP).
- 2.2 The PMP provides the framework for demonstrating how projects are contributing to the Special Qualities and how relevant bodies are performing their new duty in respect of the National Park Purposes under S245 of the Levelling Up and Regeneration Act 2023. This also applies to the offshore aspects of the scheme, as they have a direct effect on the National Park.
- 2.3 The SDNPA acknowledges that the new duty does not preclude decisions that are 'harmful' to the National Park. However, the new duty requires positive evidence that the relevant authority has, in all the circumstances, sought to further the purposes. This should not merely be through the mitigation of any harm but by taking all reasonable steps to further the statutory purposes. It is considered that the new duty also underlines the importance of avoiding harm to the statutory purpose.
- 2.4 Natural England's¹ advice states:
 - *'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. A relevant authority must be able to demonstrate with reason evidence what measures can be taken to further the statutory purpose,'* and

¹ Advice provided by Natural England to the Lower Thames Crossing DCO Examining Authority (Reference TRO010032), Annex 2 of letter dated 15 December 2023 and Advice provided by Natural England to Secretary of State on the A66 Trans-Pennine Dualling Project DCO (Reference TR010062) letter dated 19 January 2024

- *‘the proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition (our emphasis) to avoiding and mitigating the effects of the development.’*

2.5 Whilst it is correct that Local Plan policies do not apply directly to aspects of the development outside of the National Park, they remain a relevant consideration as they provide context for how the effects of development should be assessed in respect of the impact on the National Park Purposes and Special Qualities. They are also a reflection of how the PMP aims and objectives can be achieved. It is in this context that we consider the offshore landscape effects should be assessed.

3 Seascape and Landscape (Offshore and Onshore)

3.1 We acknowledge the Applicant’s response to our earlier representations [REP2-024]. For clarity, has been no fundamental change in our position since we submitted our Local Impact Report and Written Representation.

3.2 In respect of Seascape and Landscape associated with the offshore works, we have provided a detailed assessment of seascape sensitivity as part of our earlier submission (Appendix C of [REP1-052]). Please also note our additional comments on ExAQ SLV 1.3 and SLV 1.5. The applicant has acknowledged there will be significant adverse effects on the Special Qualities, which underpin the statutory purposes of the National Park. These effects are therefore undermining the purposes of designation. We would strongly disagree that the offshore elements of the proposal have avoided compromising the purposes of designation.

3.3 It is within the gift of the applicant to make changes, including providing more robust detail in respect of the design principles, which proactively respond to Rampion I development. These steps would go some way to providing appropriate mitigation for the significant adverse effects.

3.4 It would appear that an agreement between the applicant and SDNPA is not going to be possible in respect of the assessment or conclusions reached in respect of residual seascape impact and the necessary mitigation. Therefore we will be discussing an appropriate package of compensation to offset this considerable harm, with the applicant.

4 Ecology

4.1 There remains a fundamental issue with how the ecological assessment has been carried out and how residual impacts are proposed to be resolved. Biodiversity Net Gain and the statutory metric used to quantify this, do not address protected species and do not address severance in landscape terms. The mitigation and compensation associated with these effects need to be resolved discretely as these are the mandatory requirements. The elements of net gain and enhancement can then be properly understood and secured separately.

4.2 As has been suggested previously, we have not been able to understand from the data submitted what degree of loss / harm is occurring in the National Park specifically. It therefore not possible to conclude that there would be no significant effects on terrestrial ecology at this stage.

4.3 The SDNPA understands that the applicant will be submitting further information that will hopefully provide a better understanding of the effects within each Local Authority area at Deadline 3.

4.4 We remain concerned regarding the lack of investigation into the successful deployment of HDD or other trenchless technologies in ecologically sensitive areas, specifically at Michelgrove Ancient Woodland and Sullington Hill Local Wildlife Site. The applicant is risking unnecessary impacts on the Special Qualities by taking the approach of leaving further investigation to a later stage. More certainty in terms of deliverability and the route it will take should be provided now in order to ensure entirely avoidable harm is not caused to both ecological and landscape features.

5 Highways and Access

5.1 SDNPA support WSCC's comments in respect of traffic and highways impact, particularly as it relates to Long Furlong/Michelgrove Park. It would appear that traffic generated during construction would remain high along Long Furlong and the associated accesses, for a sustained period. The tables within the Traffic Generation Technical Note [REP1-008] however, are difficult to interpret and are without details of the exact assumptions that have been used to produce the estimates of both light and heavy good vehicles.

5.2 We remain of the opinion that there are too many accesses within the National Park. It is recognised that these serve construction and/or operational purposes, but there are still a disproportionate number. For example, between Storrington and Washington (Works Plans PEPD-005) there are 5 operational accesses within 2km. We would welcome confirmation that this would be reviewed and reduced once a contractor was appointed.

5.3 Please see our comments in respect of ExAQ TA 1.15 for our response regarding Public Rights of Way.

6 Cultural Heritage

6.1 The SDNPA note the applicant's assertion in response to our concerns raised in respect the cable corridor route between Harrow and Blackpatch Hills [p 32, REP2-024]. As previously advised by the County Archaeologist and in the preapplication discussions, geophysical survey is not always an appropriate investigation technique. Please see our comments in Appendix A HE 1.8.

6.2 It has also come to our attention that temporary construction access (Work No 13, Sheet 16 of the Onshore Works Plans [PEPD-005] is within the boundary of a Scheduled Monument (Muntham Court Roman British settlement). There could be c.244 heavy vehicles in two way traffic formation using this. The Scheduling record confirmed that the wider setting of the monument includes archaeological remains that were not included at the time of scheduling within the scheduled area as they had not been subject to formal investigation. There could be additional residual effects on this heritage asset as a result of the traffic generation. This concern is linked to our wider concerns regarding the number of accesses and their suitability, from Long Furlong.

Biodiversity Net Gain

Technical Advice Note

March 2024

SOUTH DOWNS LOCAL PLAN



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I. INTRODUCTION

What is Biodiversity Net Gain?

- I.1 Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.
- I.2 The concept of development delivering a net gain for biodiversity has been part of national discussions for a long time. The principle has been in the National Planning Policy Framework (NPPF) since 2018 and the South Downs National Park Authority (SDNPA) has had a policy requirement in place for applications to demonstrate that development proposals identify and incorporate opportunities for net gains in biodiversity (Policy SD9(1)(b)) since the adoption of the South Downs Local Plan in 2019.
- I.3 Following the Environment Act 2021, and subsequent secondary legislation, there is now a national mandatory requirement for BNG, which has very specific technical and procedural requirements associated with this.

Purpose of this Technical Advice Note

- I.4 The purpose of this Technical Advice Note (TAN) is to provide guidance for applicants and decision makers on how BNG is to be achieved in the South Downs National Park in accordance with legislation and national policy on BNG and in accordance with existing South Downs Policy and **how BNG is expected to make a meaningful contribution to nature recovery.**
- I.5 The remainder of **Part I** of this TAN sets out guidance on the scope of BNG requirements, including exemptions. SDNPA Requirements for new development are set out in **Part 2** of the TAN, and is divided into the following sections:
 - **Overarching principles** - The key principles that are expected to be applied and demonstrated by BNG proposals.
 - **Major Applications** – Key principles specifically for major applications.
 - **Small Sites** – Interim position BNG requirements for small sites applications pre-02 April 2024. This section will be updated in due course following further information from government.
 - **Securing and monitoring BNG** – Key principles for how BNG will be secured.

Status of this Technical Advice Note

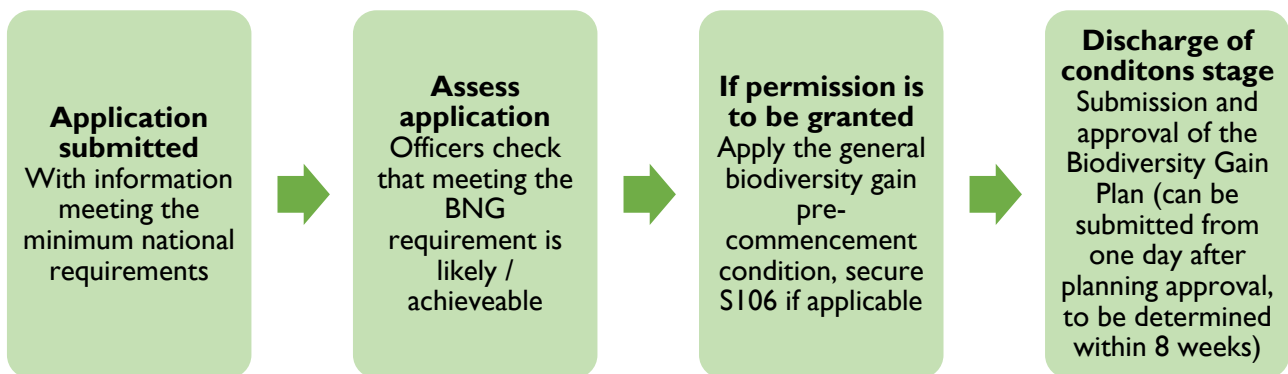
- I.6 This **guidance will be subject to review and will be updated** as new national policy and guidance is available and through ongoing industry learning on key aspects of implementing BNG at national and local level. **The latest version of the TAN should always be used.**
- I.7 This TAN is a material consideration that will be taken into account by decision makers both at the Authority and at the host authorities working on our behalf when determining planning applications that are within the scope of BNG requirements.

An overview of mandatory BNG

Key Facts

- **BNG does not change the statutory protection** of certain species, habitats, and designations.
- A **minimum 10% BNG** is required (i.e. 110% of pre-development biodiversity value) as established by the Environment Act 2021.
- Relates to **habitats within the red line** boundary.
- **Significant on site BNG** to be secured for 30 years with an associated Habitat Management and Monitoring Plan (HMMP).
- **Off Site BNG** must be recorded on the national register.
- There are **minimum statutory requirements for what must be provided to support a planning application** in order for it to be validated. The SDNPA has **additional requirements set out in the Local Validation List**.

Planning Applications Process Overview - Summary of the minimum process requirements set out in national regulations and guidance:



BNG Delivery – Onsite, OffSite, Statutory Credits

- Addressing the biodiversity gain hierarchy (37A of the Regulations) and an **appropriate balance** between onsite gains, offsite gains, and the use of statutory biodiversity credits is important.
- Where a development cannot achieve BNG either wholly or partly on site, then the developer can secure the unit shortfall by:
 - **Purchasing units** from appropriate sites on the local net gain habitat market (habitat banks),
 - A **bespoke site** for net gain, or
 - As a **last resort**, the purchase of Statutory Credits.
- A completed metric must be provided with onsite and offsite baseline and post-development calculations completed, so that offsets can be married up.
- Offsite units must be purchased (and the purchase registered) before the Biodiversity Gain Plan (BGP) can be approved. Development cannot commence until the BGP is approved.

Order of preference:



The Statutory Metric

- BNG is calculated using the Statutory Metric. This uses habitats as a proxy for biodiversity (measured as Biodiversity Units (BUs)).



- The Metric has three distinct BNG type categories: **habitat (area)**, **hedgerow (linear)** and **watercourse (linear)** biodiversity units. **These are not interchangeable** - i.e., 10% gain required for each where they are present.

Statutory Biodiversity Metric: inputs and outputs

<u>Pre-development</u>	<u>Post-development</u>
<ul style="list-style-type: none">• Habitat Size• Habitat Distinctiveness (Type)• Habitat Condition• Strategic Significance	<ul style="list-style-type: none">• Habitat Size• Habitat Distinctiveness• Habitat Condition• Strategic Significance <p>PLUS</p> <ul style="list-style-type: none">• Temporal Risk (on and off-site) – time to target condition.• Difficulty Risk (on and off-site) - difficulty to create habitat.• Spatial Risk (off-site only) – distance from impact.

When do mandatory BNG requirements apply?

- 1.8 Mandatory BNG requirements commence for the following types of development on these dates:
- **12th February 2024 – Major applications** – As defined in article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This includes all minerals and waste applications.
 - **2nd April 2024 – Small sites** – For residential development: between 1 and 9 dwellings, or if this is unknown, the site area is less than 0.5 hectares; and commercial development: floor space created less than 1,000 square metres or total site area is less than 1 hectare.
 - **November 2025 – Nationally Strategic Infrastructure Projects (NSIPs)**

What types of planning applications are exempt from mandatory BNG requirements?

- 1.9 The following types of development are exempt from mandatory BNG requirements:
- **Developments below the threshold** – development that **does not impact a priority habitat and impacts less than 25 square metres (5m x 5m) of habitat or 5 metres of linear habitat**. Existing sealed surfaces such as tarmac or buildings are assigned a zero score in the statutory biodiversity metric, meaning that these surfaces are effectively exempted from the 10% net gain requirement.
 - **Householder applications** - as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
 - **Small scale self-build and custom build applications** - as defined in Section 1(A1) of the Self-build and Custom Housebuilding Act 2015, sites up to 9 dwellings with a site area no larger than 0.5 hectares.

- **Biodiversity gain sites** - developments undertaken for the purpose of fulfilling the BNG planning condition for another development through off-site enhancement, or to permit public access to a biodiversity gain site for educational or recreational purposes without payment of a fee are exempt.

Useful links to legislation, national policy and other guidance

I.10 Please see below for a series of links to legislation, regulations, national policy and guidance, and other guidance on mandatory BNG:

- Schedule 7A of the Town and Country Planning Act 1990 (as inserted by [Schedule 14 of the Environment Act 2021](#))
- [6 Statutory Instruments / sets of regulations](#)
- [Planning Practice Guidance \(PPG\) for BNG](#)
- The [Statutory Metric](#) and supporting guidance.
- A range of [Defra guidance notes](#) which includes links and guidance for the Register of offsetting sites.
- Articles on the [Defra Natural Environment Blog](#)
- The [Planning Advisory Service \(PAS\) resources](#)
- The [Chartered Institute of Ecology and Environmental Management \(CIEEM\) guidance](#) including good practice principles and case studies.

2. BIODIVERSITY NET GAIN REQUIREMENTS FOR DEVELOPMENT PROPOSALS

OVERARCHING PRINCIPLES

- 2.1 This section sets out the principles for achieving landscape led BNG that makes a meaningful contribution to nature recovery.
- 2.2 The First Purpose of the South Downs National Park is to conserve **and enhance** the natural beauty, wildlife and cultural heritage of the area (*emphasis added*). **It is therefore expected that all BNG is delivered within the South Downs National Park in order to meet the First Purpose.**

The First Purpose of the South Downs National Park:

‘To conserve and enhance the natural beauty, wildlife and cultural heritage of the area’

Box 1: First Purpose of the National Park

South Downs Local Plan Policy

- 2.3 The South Downs Local Plan (SDLP) Policy SD9(1)(b) requires it to be demonstrated that development proposals identify and incorporate opportunity for net gains in biodiversity. SD9(1)(b) as currently worded applies to all types of applications and section 38(6) of the Planning and Compulsory Purchase Act 2004 says that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 2.4 Paragraph 020 of the [Planning Practice Guidance](#) states: “*It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain... decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework*”. The conflict with Policy SD9 is acknowledged and the role of the PPG advice and the statutory provisions is an important material consideration which indicates that BNG should not be applied to exempted development such as householder applications.
- 2.5 It is important to note that other policy requirements in the SDLP for biodiversity still apply. This is recognised by planning practice guidance paragraph 020 which goes on to say: ‘*other local biodiversity policies which require specific enhancements to support biodiversity would continue to apply to these applications where appropriate*’. The application of Local Plan Policy SD2 still requires “an overall positive impact on the ability of the natural environment to contribute goods and services” which may include biodiversity enhancements and overall gains and is still applicable. Other criteria in Policy SD9 contain important requirements for other aspects of biodiversity. As do many other policies in the SDLP, including but not limited to: SD10 International Sites, SD11 Trees, Woodlands and Hedgerows, SD17 Protection of the Water Environment and SD50 Sustainable Drainage Systems.

A Landscape-led Approach to BNG in the South Downs

- 2.6 Development proposals are required to take a landscape-led approach in accordance with South Downs Local Plan Policies SD4 (Landscape Character) and SD5 (Design) and supporting information including the Design Guide SPD. **It is expected that applications will demonstrate how the overarching landscape-led principles set out in Box 1 have been addressed.** A landscape-led approach should support actions for the ‘right habitats, in the right places, for the right reasons’, maximise multiple benefits, and continue to meaningful nature recovery. The remainder of this section provides information and guidance on how to apply BNG in accordance with the principles below.

Key Principles for a Landscape-Led Approach to BNG in the South Downs

- **Principle 1 - Consider BNG in a landscape context at the earliest stages in the design process.** Helping to achieve better outcomes for biodiversity and avoiding need to retrofit BNG at a late stage resulting in costly changes to design proposals.
- **Principle 2 – Respond to the local landscape, cultural heritage, and ecological context of the site.** Consider the surrounding landscape patterns and elements including habitats, connectivity, historic landscape and cultural heritage features around the site (i.e. within the Ecological Impact Assessment zone of influence). Evidence to inform this includes the [South Downs Landscape Character Assessment 2020](#).
- **Principle 3 - Respond to the site-specific evidence within the development site itself.** e.g. geology, soils, aspect, slope, topography, existing ecology and past land uses which can provide a positive steer on opportunities for restoration or can impact feasibility of proposals.
- **Principle 4 – Be informed by strategic and/or adopted evidence and guidance.** Information for landscape and ecology of the area can be found in existing publications. The [South Downs Landscape Character Assessment 2020](#) includes Nature Recovery Zone layers, this evidence should be used to inform BNG proposals.
- **Principle 5 – Apply the Lawton Principles of bigger, better, more joined up... and more.** This could involve repairing or restoring habitats, expanding, buffering and/or connecting habitats, or renaturing habitat that has been heavily modified to function by natural processes.
- **Principle 6 – Support naturally functioning ecosystems and use of nature-based solutions.** e.g. thinking holistically about wider benefits of BNG design and the multiple benefits that may be achieved.
- **Principle 7 – Be well designed for ecological functionality.** e.g. consider size, habitat type, context and connectivity in relation to the intended function of the habitat.

Box 2: Key Principles for a Landscape-Led Approach to BNG in the South Downs

Delivering BNG to achieve meaningful Nature Recovery

- 2.7 BNG is one of a toolkit of strategic measures designed to contribute to nature recovery. To achieve this, it is essential that BNG proposals must be meaningful, respond to contextual evidence, maximise opportunities for nature and follow best practice principles. The following principles must be addressed by development proposals and demonstrated through the submitted supporting ecology and BNG information.

Demonstration of Competency

- 2.8 The [Statutory Metric User Guide, Feb 2024](#) states: “Principles and rules underpin the use of the biodiversity metric tool. The first principle is that the metric assessment should be completed by a competent person. A competent person has the knowledge and skills to perform specified tasks to complete and review biodiversity metric calculations. You obtain this through training, qualifications, experience, or a combination of them. Competency is aligned with the British Standard ‘Process for designing and implementing biodiversity net gain (BS 8683:2021)’. You should be a qualified assessor to undertake a river condition assessment.”

Application of the Mitigation Hierarchy

- 2.9 Statutory delivery of enhanced biodiversity does not override the need to avoid, mitigate and enhance the existing biodiversity value of a site and policy and legislation to prevent this happening has not changed in this regard. The mitigation hierarchy sets out that impacts on biodiversity must first be avoided then mitigated and only as a last resort, compensated. This must be done before measures that will provide a net gain can be identified. Any submitted Ecological Impact Assessment (EclA)/Environmental Impact Assessment (EIA) report will need to clearly evidence the genuine application of the Mitigation Hierarchy prior to the proposed gains in the Biodiversity Gain Plan. The best and most efficient means of avoiding the need to create additional biodiversity is by retaining the most important existing habitats on-site, which then can be targeted for enhancements, e.g. via restoration to improve habitat condition. Mitigation or compensation for any negative impacts to Irreplaceable Habitats or protected/priority species on site is considerably easier to achieve when adequate and suitable habitat is retained on-site.

Additionality and Compensation for Irreplaceable Habitats, Protected and Priority Species

- 2.10 BNG does not replace existing protections for designated sites and protected/priority species. All other biodiversity requirements, policies and best practice must be fully addressed and demonstrated alongside BNG as part of any planning application. BNG must be in addition to ‘business as usual’ and cannot substitute for other legal instruments requiring biodiversity enhancements, for example on statutory protected sites (such as Sites of Special Scientific Interest (SSSI)).

Protected and Priority Species:

- 2.11 The Statutory Biodiversity Metrics use habitats as a proxy for biodiversity value and do not take rare, notable, and protected species into consideration. It will therefore be necessary to demonstrate how these species have been considered, protected, and supported through the Ecological Impact Assessment (EclA) process in order to address legal requirements and to meet Policy SD9(1)(d) of the South Downs Local Plan. The presence of protected species is expected to influence the design, layout and specification of the proposals for habitat retention, enhancement and creation and this should be clearly demonstrated in the planning application documentation.
- 2.12 Although there may be species benefits resulting from habitat enhancement and creation, BNG does not replace or override species-specific enhancements, which should continue to be provided in line with the top tier of the mitigation hierarchy and South Downs Local Plan Policy SD9.

Irreplaceable habitats:

- 2.13 Irreplaceable habitats are by definition highly valued habitats, and their protection should be prioritised in the site proposals – development resulting in the loss or deterioration of Irreplaceable Habitats should be refused, unless there are wholly exceptional reasons as per South Downs Local Plan Policy SD9(2)(d).
- 2.14 The Schedule to The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 (legislation.gov.uk) sets out an initial list of Irreplaceable Habitats to support the launch of mandatory BNG including: blanket bog; lowland fens; limestone pavements; coastal sand dunes; ancient woodland; ancient trees and veteran trees; *Spartina* saltmarsh swards; Mediterranean saltmarsh scrub.
- 2.15 Government has committed to a public consultation on a broader definition of irreplaceable habitat in 2024.
- 2.16 The Statutory Biodiversity Metric does not account for Irreplaceable Habitats and those defined in the Metric are flagged and included on a separate worksheet to emphasise their retention: any loss to their original baseline area automatically triggers an error on the Headline Results worksheet. By definition, their loss cannot be adequately compensated. Where ‘compensation’ in respect of applying the mitigation hierarchy ends (i.e. to the point of no net loss), and where contributing to the required quantum of biodiversity net gain starts, is an area currently left largely to professional ecological judgement. There will be clear cases, for example around impacts to protected/priority species, where ‘compensation’ is considered bespoke and thus inadmissible as net gain, but others will not be so straightforward and thus highlighting the clear driver to retain important habitats on site. It must be clearly set out in the Biodiversity Gain Plan what habitat enhancement/creation consists of compensation contributing up to ‘no net loss’ and what consists of proposals contributing to the biodiversity gain element of the calculations. Applicants are expected to follow Government guidance (including [‘Irreplaceable Habitats’](#) and [‘What Can Count Towards Biodiversity Net Gains’](#), and [Planning Practice Guidance](#)) in the approach to compensation and biodiversity net gain.

Selection of Appropriate and Functional Habitats

- 2.17 Site-specific evidence will be needed to inform BNG choices for the site. Consideration of past uses and how management might have affected the quality and condition of habitats present within and adjacent to the site will provide a useful steer on opportunities for restoration.
- 2.18 When completing a Biodiversity Gain Plan (as required by the legislation), applicants should provide evidence that project targets are achievable and viable within the project time frame, supported by ecological best practice. If the time for a habitat to reach target condition exceeds the project timeframe, then the following should be considered: whether more achievable outcomes would be more appropriate; whether a longer project timeframe or agreement is required (for example, where like-for-like replacement of a high distinctiveness habitat such as lowland calcareous grassland is required).
- 2.19 High and very high distinctiveness habitats require very specific environmental conditions to become successfully established. In the Biodiversity Gain Plan applicants should demonstrate how these requirements will be met over the project timescale, by including reference to factors including: habitat size (and potential for edge effects), location and geology,

management, environmental conditions, access arrangements (e.g. for mowing/grazing) and habitat requirements, e.g. soil condition/structure and pH.

Strategic Significance

- 2.20 Strategic significance is one of the inputs of the Statutory Metric. It is one of three core habitat quality inputs (the others being distinctiveness and condition) which contribute towards the calculation of biodiversity units. It is a multiplier within the calculation that responds to the local significance of the habitat based on its location and the habitat type. This multiplier is applied to the baseline (the current habitats) and the proposed post-development (the proposed habitat enhancement and creation) calculations.
- 2.21 The [Statutory Metric User Guide February 2024](#) states that ‘Where a Local Nature Recovery Strategy (LNRS) has been published, you should use the relevant published LNRS, and the descriptions set out in table 7 [of the User Guide] to assign strategic significance’. In this area, the Responsible Authorities for preparing LNRS are the County and Unitary Councils. Current timetables indicate that publication of approved LNRS is likely to be during summer 2025. In the absence of LNRS, the User Guide states: ‘If an LNRS has not yet been published, a relevant planning authority should specify alternative documents for assigning strategic significance whilst an LNRS is put in place’ and refers to Table 8 within the User Guide for assigning strategic significance. In summary:
- High – When the habitat type is mapped and described as locally ecologically important within a specific location in a formally identified local strategy.
 - Medium – When the habitat and location is ecologically desirable but not in local strategy.
 - Low – When the area / compensation is not in local strategy and where habitat and location is not ecologically desirable as per the medium category.
- 2.22 Whilst the LNRS framework is in development, in the South Downs National Park the areas classed as having ‘High’ strategic significance will comprise existing designated sites (Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs), Local Wildlife Sites (LWS/SINC/SNCI) and Ancient Woodland) and Biodiversity Opportunity Areas (BOAs) (excluding built or sealed surfaces or land within these areas). This is on the basis that they are well established, known, understood, and applied in planning, are referred as part of SDLP Policy SD9 and its supporting text, and these are expected to inform the Hampshire, West Sussex, and East Sussex LNRS. A map of the BOAs and designated sites is available on the SDNPA website. In addition, designated sites can be viewed on the South Downs Local Plan Policies Map. BOAs in Sussex can be viewed on the [Sussex Local Nature Partnership \(LNP\) website](#) and BOAs in Hampshire can be viewed on the [Hampshire County Council website](#).
- 2.23 The ‘Medium’ category comprises Priority Habitats outside of BOAs and the zones mapped in the Nature Recovery section of the South Downs Landscape Character Assessment 2020. This is not a formally identified strategy but it is an evidence document for restoration and nature friendly habitat enhancement and creation for landscape types across the National Park.
- 2.24 Tables 1 and 2 below explain the interim approach in more detail. Table 1 gives definitions for how strategic significance should be applied to the baseline calculations. Table 2 gives definitions for how strategic significance should be applied to the post-development calculations.

- 2.25 Overall, this should maximise the attraction of locating off-site net gain projects within the BOAs, where these will have most impact on repairing habitat connectivity (a key aspect of ‘landscape-scale’ conservation) and therefore recovery of SDNPA’s nature/biodiversity.
- 2.26 Once approved LNRS are published, the ‘high’ strategic significance category will be limited to land identified within the LNRS and the ‘medium’ category will disappear. This could mean that some sites for off-site BNG provision are scored differently during this interim period than they will be once the LNRS are approved. It also provides an incentive for landowners to submit their sites for inclusion within the LNRS.

Table 1: Strategic Significance for baseline calculations

Strategic significance (metric multiplier)	Definition
High (x1.15)	<p>With the exception of built or sealed surfaces or land within these areas, every constituent habitat-type:</p> <ul style="list-style-type: none"> • Within Biodiversity Opportunity Areas (BOAs); and • Within designated sites (Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs) and Local Wildlife Sites (LWS/SINC/SNCI) and Ancient Woodland) <p>A map of the BOAs and designated sites is available on the SDNPA website.</p>
Medium (x1.10)	<p>Priority Habitat/Habitats of Principal Importance beyond BOAs and areas within mapped South Downs Landscape Character Area Nature Recovery Zones layers ‘<i>Nature friendly actions to improve and connect existing habitats</i>’ and ‘<i>Actions to restore and create new habitats</i>’ should be scored as medium strategic significance (i.e., location ecologically desirable but not in local strategy).</p>
Low (x1.0)	<p>All other habitats should be scored as low strategic significance (i.e., area not in local strategy).</p>

Table 2: Strategic significance for post-development habitats calculations

Strategic significance (metric multiplier)	Definition
High (x1.15)	<p>Within BOAs and other designated sites outside these areas, BNG proposals can be scored as ‘high significance’ when the proposals are enhancement or habitat restoration of:</p> <ul style="list-style-type: none"> • Priority Habitat/Habitats of Principle Importance or equivalent quality, or • habitats which support species of conservation importance relevant for those areas, or • the wider objectives of the BOA/designated site
Medium (x1.10)	<p>Actions to create or improve other habitats within Priority habitats or within the LCA Nature Recovery Zone layers ‘<i>Nature friendly actions to improve and connect existing habitats</i>’ and ‘<i>Actions to restore and create new habitats</i>’, outside of BOAs or designated sites will be scored of medium significance (i.e., location ecologically desirable but not in local strategy).</p>
Low (x1.0)	<p>Enhancements to any habitats beyond BOAs/ LCA Nature Recovery Zone layers or outside of designated sites and outside</p>

	Priority Habitat/Habitats of Principal Importance will be scored of low strategic significance (i.e., not in local strategy).
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Spatial Risk Multiplier (for offsite units)

- 2.27 For the South Downs National Park, the key categories in the Statutory Metric are:
- Compensation inside Local Planning Authority (LPA) boundary or National Character Area (NCA) of impact site
 - Compensation outside LPA or NCA of impact site, but in neighbouring LPA or NCA
 - Compensation outside LPA or NCA of impact site and neighbouring LPA or NCA
- 2.28 The SDNPA boundary is intersected by several LPA and NCA boundaries. Development sites within the SDNP boundary which rely wholly or partially on off-site BNG provision are expected to deliver the required Biodiversity Units within the South Downs National Park unless there are exceptional reasons why this cannot be achieved. Within the National Park boundary, preference should be given to off-site provisions which fall within the same NCA (and ideally within the same Landscape Character Area (LCA) as the impact site), unless there are ecological or other reasons why this cannot be achieved.

Selling excess Biodiversity Units

- 2.29 National guidance allows the sale of excess Biodiversity Units where more than 10% biodiversity gain is demonstrated on site. Should the sale of excess units be sought, national legislation and [guidance](#) must be followed, excess units must be identified as clearly within the red line of the site, and a buffer of Biodiversity Units will be expected to minimise risks around failure to deliver the minimum 10% gain. The size of the buffer will be agreed between the concerned party and the planning authority and will be determined on a case-by-case basis depending on the habitat types and areas involved and the overall quality of the scheme.

MAJOR APPLICATIONS

Local requirements

- 2.30 In addition to Statutory BNG information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), applicants are required to submit the following additional information as set out in the Local Validation List:
- BNG Strategy setting out how 10% BNG will be achieved, and
 - Completed draft Statutory BNG Metric for the proposed scheme.
- 2.31 Habitat condition is an input required for the Statutory Metric. As part of the Statutory Metric Guidance from Defra, a condition assessment methodology and condition assessment sheets are provided. Condition assessments and associated sheets should be completed following the Defra guidance. These completed condition assessment sheets are expected to be provided with the completed draft Statutory Metric for the proposed scheme.
- 2.32 A statement of competency including qualifications, training, and relevant experience (Paragraph 2.4) should be provided in the Biodiversity Strategy submitted at validation stage.
- 2.33 The Full Statutory Metric should be completed by a suitably qualified Ecologist (Paragraph 2.4). For Metrics containing watercourse units, the river condition assessment component should be completed by a [qualified assessor](#) and evidence should be provided to confirm this.
- 2.34 Where appropriate, applicants are encouraged to include a draft Biodiversity Gain Plan and a draft Habitat Management and Maintenance Plan at validation stage, to inform discussion around feasibility, securing and monitoring of BNG. However, this is not a requirement of validation.

Meaningful BNG

- 2.35 By virtue of their size, major applications are likely to present the best opportunities for achieving ecologically functional, landscape-driven biodiversity gains. The SDNPA therefore attaches high importance to the delivery of BNG on major sites. Applications should clearly demonstrate how the BNG proposals have been developed in line with the overarching principles set out in this document, the approach taken to retaining, protecting and improving Irreplaceable Habitats and in the application of the BNG Hierarchy in relation to very high, high and moderate distinctiveness habitats.

SMALL SITES APPLICATIONS

- 2.36 The mandatory requirement for BNG for applications for Small Sites is not expected to commence until 2 April 2024. A draft version of the Small Sites Metric is available, but other national policy and national guidance on applying BNG will be produced.
- 2.37 In the interim, South Downs Local Plan Policy SD9(1)(b) remains relevant, and applicants are encouraged to provide a minimum of 10% BNG demonstrated by the draft Small Sites Metric.
- 2.38 This section of the TAN will be updated with further guidance on applying the mandatory requirements for BNG for small sites applications in the South Downs National Park in due course.

SECURING AND MONITORING BNG

Principles for securing and monitoring BNG

2.39 Set out below are key principles and process information for securing and monitoring BNG both on site and for off-site arrangements.

1. **A tiered approach to S106 monitoring:**

- a. **Tier 1 – Major development applications (excluding exemptions) submitted on or after 12th February 2024: As a starting point, all major applications are considered likely to be ‘significant’ in regards onsite BNG on the basis of their size/scale, unless demonstrated otherwise by the applicant in accordance with the guidance published by Defra and where agreed by SDNPA.**
- b. **Tier 2 – Small sites (excluding exemptions) determined under SD9(1)(b) in the transition period prior to 2nd April 2024.**

Table 3: Approach for securing and monitoring on-site and off-site BNG

Tier	Pathway	Secured by	Monitoring approach
Tier 1 Major applications (excluding exemptions) submitted on or after 12 th February 2024.	(a) On-site (significant on-site BNG)	Secured by S106	LPA compliance monitoring – a fee will be secured. Information on charges will be published on the SDNPA website. BNG provider-led monitoring undertaken by and paid for by developer unless strategic partnership agreement with LPA made.
	(b) Offsite – established habitat bank	Secured through condition and then proof of purchase at discharge of condition stage.	n/a – Monitoring fees and approach are agreed with the habitat bank provider separate to the development application.
	(c) Off-site – bespoke	Secured by S106	LPA compliance monitoring – a fee will be secured. Information on charges will be published on the SDNPA website. BNG provider-led monitoring undertaken and paid for by developer unless strategic partnership agreement with LPA made.
	(d) Statutory Credits	Secured through condition and then proof of purchase at discharge of condition stage.	n/a – No specific monitoring fee or approach – these are a nationally administered system.
Tier 2 Applications for ‘small sites’ (excluding exemptions) under Policy SD9(1)(b) in the transition period prior to 2 nd April 2024		Secure through condition Standard condition charge.	N/A

2. **Private land (excluding residential gardens) or communal/shared land can be used for significant on-site BNG however the management must be secured through a S106 legal agreement and guaranteed through a management company or landowner with liability for the ongoing maintenance and requirement for the land, and the primary purpose of this land must be managed for biodiversity. The legal agreement would need to bind the owner of the land in question and set out clearly how the land will be managed during the 30-year period. A compliance monitoring**

fee would be secured for the role of the SDNPA in monitoring and enforcing the obligations over the 30-year period.

Reason: Private land is relatively difficult to observe, monitor and enforce and so this principle will help to ensure that private land does make the intended contribution to BNG.

3. When s.106 agreements are used they must include a requirement that the LPA is notified of all land transfers i.e. when landownership changes.

Reason: As land may be sold over the 30-year period, it will be important for LPAs to know who the landowner is for any monitoring and enforcement queries.

4. For medium and high distinctiveness habitat (level 4 or higher) and other habitat as appropriate, the management company responsible for the creation and / or management / maintenance of that habitat must demonstrate competency in relation to those habitats (i.e. relevant qualifications and expertise).

Reason: One of the aims of BNG is to protect and enhance England's habitats of high conservation value. However, by their nature these habitats are often difficult to create and maintain. The SDNPA landscape is characterised by certain high-distinctiveness habitats (e.g. lowland calcareous grassland) which are likely to be targeted for creation and enhancement within the Statutory Metric. We must therefore ensure that habitats proposed are feasible and achievable, to ensure meaningful BNG is achieved within the SDNP. Competency of parties involved in assessing baseline and post-development habitats through the Metric AND those implementing approved schemes through a S106 must be sufficiently demonstrated and approved by the SDNPA prior to commencement. This threshold for medium and high distinctiveness habitat is based on the new Biodiversity Gain Hierarchy set out in paragraph 008 of the [Planning Practice Guidance](#).

Habitat Banking Criteria

- 2.40 A [Habitat Bank Checklist](#) has been produced by SDNPA setting out key information for landowners interested in creating habitat banks in the South Downs National Park as part of new rules for Biodiversity Net Gain (BNG). The Checklist sets out for landowners the information that is required in order satisfy the SDNPA validation process of a prospective Habitat Bank for BNG prior to entering into a s106 legal agreement.

Rampion 2 PEIR Review

Seascape, landscape and visual impact assessment

Final Report

for

South Downs National Park Authority

August 2021

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1. Introduction

- 1.1. White Consultants were appointed in June 2021 to review the proposed Rampion 2 offshore wind farm Preliminary Environmental Information Report (PEIR) seascape, landscape and visual impact assessment (SLVIA) findings in relation to the offshore wind farms buffer study¹ prepared for South Downs National Park Authority (SDNPA) and to make recommendations on how the proposals should be modified to minimise effects on the National Park purposes and special qualities. This report should be considered as an annex to the buffer study which is referred to in this report as ‘SDNPA, 2021’.
- 1.2. This report sets out to:
 - Review the SLVIA in terms of approach to seascape character and sensitivity and cumulative effects.
 - Review how the proposed scheme affects seascape zones set out in the White Consultants, April 2021 study and compare this with the seascape character assessment.
 - Make recommendations on how seascape zones should be taken into account in the final SLVIA and scheme.
 - Give advice on how the scheme may be improved or effects may be mitigated.
- 1.3. The PEIR SLVIA will also be reviewed by in-house SDNPA landscape architects in terms of other matters, although there may be overlap between the reports. This report should be considered in conjunction with this other work. If any conflict or inconsistency is perceived, SDNPA should be contacted to clarify its position.
- 1.4. In addition to the SDNPA, 2021 report, the following guidance and contextual reports have been taken into account:
 - Landscape Institute and IEMA, 2013, Guidelines for Landscape and Visual Impact Assessment. (Referred to in this report GLVIA 3).
 - MMO, 2020, An approach to seascape sensitivity assessment. (Referred to in this report MMO, 2020).
 - BEIS/Hartley Anderson, 2020, Offshore Energy Strategic Environmental Assessment (OESEA): Review and update of Seascape and Visual Buffer study for Offshore Wind farms. (Referred to in this report BEIS, 2020).
 - Natural England, 2012, An approach to seascape character assessment. NECR105.
 - DTI, 2005, Guidance on the assessment of the impact of offshore wind farms: seascape and visual impact report. (Enviros). (cited in NPS EN-3)
 - Scottish Natural Heritage, March 2012, Assessing the cumulative impact of onshore wind energy developments. (Referred to in this report SNH, 2012).
 - Scottish Natural Heritage, 2005, An assessment of the sensitivity and capacity of the Scottish seascape in relation to wind farms. (University of Newcastle, Commissioned Report no.103). (Referred to in this report SNH, 2005).
- 1.5. The report is carried out within the context of national and local policy including the UK National Policy Statements EN-1 and EN-3, and the South Downs Local Plan: Adopted 2 July 2019 (SDLP) and South Downs Partnership Management Plan 2020-2025. The relevance of these to the method and assessment are set out in the White Consultants, April 2021 report.
- 1.6. The PEIR SLVIA and this report are based on the maximum design scenario of 75 turbines 325m high to blade tip with a rotor diameter of 295m and a minimum of 1,720m between turbines.
- 1.7. This report is a desk study - no site visits have been carried out as part of this review although a series of site visits were undertaken as part of the SDNPA, 2021 study in April 2021. It has been prepared by Simon White who is a Fellow of the Landscape Institute with 35 years’

¹SDNPA, April 2021, South Downs National Park Offshore wind farms buffer study. (White Consultants).

experience and reflects his views, not necessarily SDNPA's.

- 1.8. The method used in the PEIR SLVIA is considered in Section 2, a comparison between consideration of marine character areas and seascape zones derived from the White, 2021 report are set out in Section 3, and recommendations on how seascape zones should be incorporated in the final SLVIA and advice on scheme improvements are considered in Section 4.

2. Review of PEIR SLVIA method

- 2.1. The detailed method is set out in Appendix 16.2. All references in brackets are within this Appendix unless otherwise stated.
- 2.2. The method is 50 pages which is long. One page addresses cumulative effects- this is very short and therefore does not seem proportionate.
- 2.3. The method relies heavily on GLVIA 3 which has less than half a page dedicated to seascape character assessment (GLVIA 5.6). Though the PEIR SVIA mentions documents which specifically address seascape and offshore wind energy in its references, it does not appear to take on board the more detailed and focused approach and context of these documents. GLVIA 3 states that methods to assess seascape character are being developed and practitioners should refer to the latest available guidance (GLVIA 5.6). For instance, MMO seascape sensitivity guidance, 2020, states that it is relevant to both SVIAs for specific developments and strategic assessments (MMO, 2020, 1.2). As such it refines and considers in more detail and precision the factors which should be considered in determining the sensitivity of any given area. As Rampion 2 is a large-scale development set within a seascape this is proportionate to use.
- 2.4. The iterative assessment and design section (1.3) is stated as aiming to design out significant effects. The maximum development scenario assessed clearly does not achieve this. As the SLVIA understates the effects, it does not sufficiently guide development away from locations which significantly detract from views from the National Park and Heritage Coast to the east, or reduce the size of turbine proposed.

Effects on seascape character (Section 1.5)

- 2.5. Key factors to be considered in sensitivity- value:

Various factors mentioned in the assessment in 1.5.11 are mixed together under three headings (designations, quality and experience) which does not aid clarity. This reinforces the need to assess the effect on the seascape zones set out in the SDNPA, 2021 study with a clearer underpinning rationale. For example, the contribution of the seascape to the wider setting of the National Park and Heritage Coast, and to specific relevant special qualities, should be taken into account.
- 2.6. Key factors to be considered in sensitivity- susceptibility:

Various factors mentioned in the assessment in 1.5.12-1.5.13 are mix of landscape and seascape which leads to unclear criteria in some cases. For example, the nature of the coastal edge and visual characteristics such as the presence of key views and intervisibility are not included. The differentiation between coastal and seascape pattern and focii would also be helpful. As above, this reinforces the need to assess the effect on the seascape zones with a clearer underpinning rationale.
- 2.7. Table 1-3 sets out the seascape/landscape magnitude of change ratings. It is not clear how 'large scale' and 'medium scale' elements are defined. The intermediate categories are stated as a 'combination of criteria' rather than defined intermediate scales and extent of change which would be more helpful.
- 2.8. The study just assesses the effects on the national Marine Character Areas eg Table 16.25 and 16.30. It does not subdivide or refine these spatially. Different parts of MCA 5 are given different levels of sensitivity or magnitude of change, but this is not shown graphically. This is an imprecise approach. Effects on MCAs remain valid as they apply to all receptors in the study area but they should be refined.
- 2.9. It is appreciated that the White Consultants, 2021 study was not available to RWE until April

2021. However, it now forms the most detailed and focused study on sensitivity to wind farms with boundaries which reflect the characteristics of the area and the relationship between Rampion 1 and the potential Rampion 2 area with the National Park. As such, the effects of the proposals on zones set out in the SDNPA, 2021 study should be carried out in parallel with the MCA assessment using an improved method based on the comments above. In our view, the sensitivity study zones better reflect the National Policy context of EN-1 and EN-3 in regard to offshore wind turbine development and effect on them should be assessed as part of the tools to avoid or minimise effects on the national designation of the National Park.

Visual effects (Section 1.6)

- 2.10. The visual impact assessment can underpin and contribute to the assessment of impact on seascape character. Therefore it is important that the method and assumptions underpinning this assessment are reasonable. Table 1.5 sets out the definitions for the magnitude of change with examples of that change. It is of concern that there are no clear definitions for medium-high and medium-low magnitudes of change (as for landscape/seascape Appendix 16.2 Table 1-3). Of most concern is the following:
- 2.11. The size and scale of *medium* change is stated as a *prominent* change to the view, and *low* change is characterised by a *noticeable* change. It would be expected that a prominent change to the view would coincide with a medium-high magnitude and a noticeable change would coincide with a medium magnitude of change. The definitions as they stand therefore has a strong potential to underplay visual effects. They do not coincide with accepted definitions used in many SVIAs and included in the SNH University of Newcastle Study (2002) and more recently in the White Consultants OESEA background study (2020) page 34- see below:

5.8. Useful definitions of magnitude of change are set out to assist consistency of approach in Table 5.2. These are derived originally from the University of Newcastle Study (2002).

Table 5.2 – Magnitude of change: names, descriptors and definitions

Magnitude/ size class	Other terms used	Name	Descriptors – appearance in central vision field	Definition
Very Large	High, very high substantial, very substantial,	Dominant	Commanding, controlling the view, foremost feature, prevailing, overriding	Proposed offshore wind farm causes very large alteration to key elements / features / characteristics of the baseline seascape or visual conditions (pre-development) such that there is a fundamental change.
Large	Medium- high, moderate - substantial	Prominent	Standing out, striking, sharp, unmistakable, easily seen	Proposed offshore wind farm causes large alteration to key elements / features / characteristics of the baseline seascape or visual conditions (pre-development) such that there is an unmistakable change.
Moderate	Medium	Conspicuous	Noticeable, distinct, catching the eye or attention, clearly visible, well defined	Proposed offshore wind farm causes moderate alteration to elements / features / characteristics of the baseline seascape or visual conditions (pre-development) such that there is a distinct change.
Small	Low, slight, minor	Apparent	Visible, evident, obvious, perceptible, discernible, recognisable	Proposed offshore wind farm causes small loss or alteration to elements / features / characteristics of the baseline seascape or visual conditions (pre-development) such that there is a perceptible change.
Very Small	Low, slight or minor-negligible	Inconspicuous	Lacking sharpness of definition, not obvious, indistinct, not clear, obscure, blurred, indefinite, subtle	Proposed offshore wind farm causes very small loss or alteration to elements / features / characteristics of the baseline seascape or visual conditions (pre-development) such that there is a distinguishable change.
Negligible		Faint	Weak, not legible, near limit of acuity of human eye	Proposed offshore wind farm causes negligible loss or alteration to elements / features / characteristics of the baseline seascape or visual conditions (pre-development) such that there is no legible change.

- 2.12. The definitions used in the SLVIA are also not consistent with the definitions used by the same consultant (OPEN) for the recent East Anglia TWO offshore wind farm SLVIA (see extract in Appendix A). Here *high* magnitude of change is described as the development forming the prevailing influence and introducing substantially uncharacteristic elements into the baseline

view, also displaying visual *prominence*. *Medium* magnitude of change is described as the project being plainly visible and forming a *readily apparent* influence introducing elements that are potentially uncharacteristic on the receiving view, resulting in a *moderate* incremental change. These are reasonable definitions which are broadly in line with guidance unlike the Rampion 2 method, which is therefore likely to understate the level of both visual and seascape effects.

Cumulative effects (Section 1.7)

- 2.13. The method (1.7.1) cites SNH, 2012 as being relevant guidance for assessing cumulative effects alongside GLVIA 3. It defines cumulative effects as the additional changes caused by a proposed development in conjunction with other similar developments or as the combined effect of a set of developments, taken together. In order to fully assess the effects on the National Park our view is that both should be undertaken. Rampion 1 is the only other windfarm nearby and is a known, measurable quantity. Rampion 2 directly abuts it and extends it in easterly and westerly directions and so the assessment is straightforward with a clear rationale. The assessment of both would be meaningful as it would explore the extent of effects of the long term but non-permanent renewable energy developments on the National Park.
- 2.14. It is accepted that the key development to be considered in the cumulative assessment in addition to Rampion 2 is Rampion 1. The key principle about cumulative impact, and which makes it differ from the main SLVIA, is that the existing development is not considered as part of the baseline character. This means that existing and proposed developments can be considered together as part of the cumulative impact assessment. The logic of this is reinforced by the fact that the developments are not permanent, though they are long term, and so theoretically the seascape character will revert to one with no wind farms, dependent on changes in technology.
- 2.15. It would therefore be expected that the following assessments will take place:
 - A combined cumulative impact assessment of Rampion 1 and Rampion 2 together at least on seascape character and visual receptors and resultant effects on the purposes and special qualities of the National Park. Others may also require effects on landscape character to be assessed. Evidence will include a combined ZTV and consideration of factors like the aesthetic relationship between the size and spacing of turbines of the two developments.
 - A cumulative impact assessment of the additional effect of Rampion 2 as a contribution to the combined cumulative impact of both windfarms. Evidence will include a ZTV showing the additional areas intervisible with Rampion 2 over and above Rampion 1. Consideration of factors like the aesthetic relationship and contrast between the size and spacing of turbines of the two developments will also be needed.

Significance (Section 1.8)

- 2.16. In Table 1-6 evaluation of seascape, landscape and visual effects, the calibration of where effects may be significant or otherwise, appears to be low. For instance, medium magnitude of change effects on medium-high receptors are stated only as moderate, which may or may not be significant. The SLVIA approach therefore has the potential to underestimate the level and number of significant effects and should be reconsidered. BEIS (2020) sets out significance in Table 5.3 (see below) where high sensitivity is the equivalent of medium/high as the second highest level (page 35).
- 2.17. Whilst it is appreciated that ultimately a judgement has to be made on the likely effects and related significance, matrices act as a transparent guide and help underpin judgements.

Table 5.3 - Significance of effects

Landscape and visual sensitivity	Magnitude of change				
	Very large	Large	Moderate	Small	Very small
Very high	Major	Major	Major	Major/ moderate	Moderate
High	Major	Major	Major/ moderate	Moderate	Moderate/ minor
Medium	Major	Major/ moderate	Moderate	Moderate/ minor	Minor
Low	Major/ moderate	Moderate	Moderate/ minor	Minor	Minor/none
Very low	Moderate	Moderate/ minor	Minor	Minor/none	None

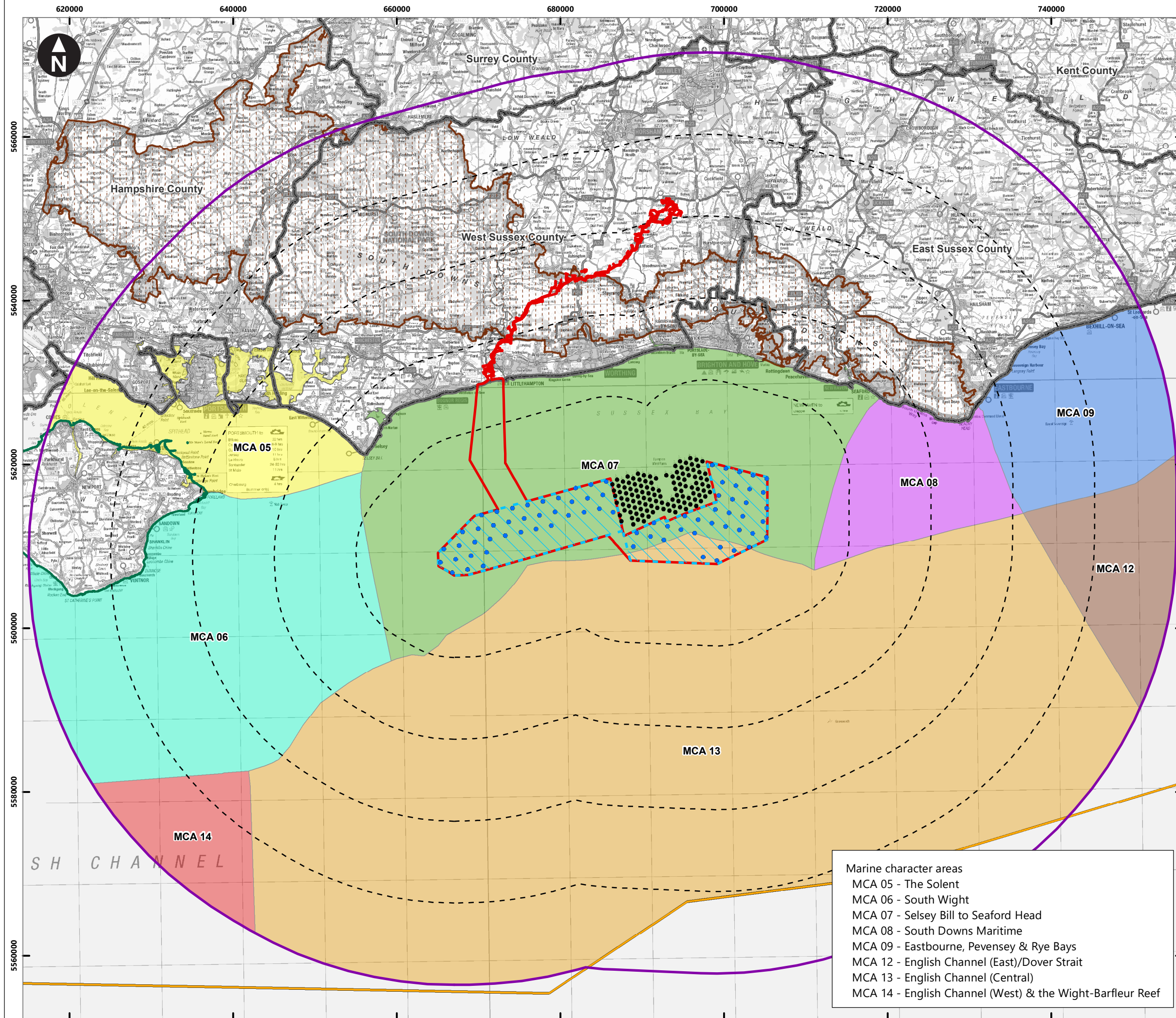
Note: Those boxes of significance of effects shaded orange are considered to be significant effects, those shaded yellow may be significant. Those which are not shaded are considered not to be significant.

Effects on special qualities

- 2.18. It is important for the SLVIA to acknowledge that the special qualities of the National Park including the ‘breathtaking views’ were described before Rampion 1 was built, and therefore it does not form part of the accepted characteristics or qualities of the National Park.

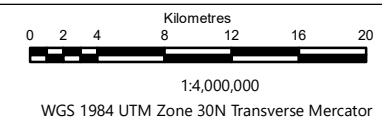
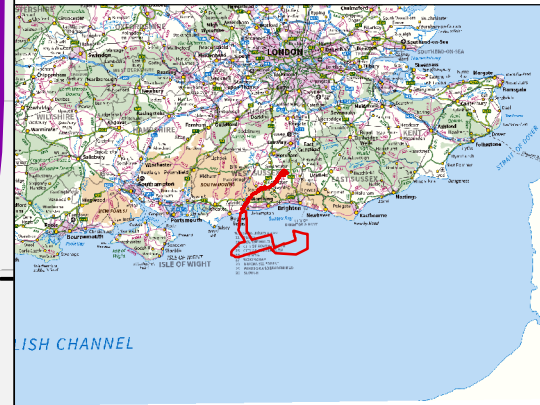
3. Effects on seascape character

- 3.1. The structure of the impact assessment on seascape character is structured in false divisions which do not allow full expression of the effect on the National Park and associated seascape character. In the section on the National Park only MCA 08 is considered as the ‘associative setting’ (16.15.8). However, the spread of effect is much larger, as demonstrated by the SDNPA, 2021 study. The MCA 07 description notes the relationship with the National Park/Heritage Coast to the east and as such this should be considered in the seascape effects on the National Park. The National Park also has a strong relationship with MCA 13 and would undergo effects from development within this area and should be considered. MCA 07 also has a relationship as demonstrated by the numerous viewpoints from the downs to the north and west. All these MCAs should be considered as part of the SDNP effects section. This also flags up the need to consider the effects of the development on the seascape zones in the SDNPA, 2021 study which are helpful in expressing different levels of sensitivity in relation to the National Park. This information can then feed into the discussion of effects on the purposes and special qualities of the National Park.
- 3.2. It is important to note, as the SDNPA, 2021 report states, that, in designating the area, the Inspector left the maritime boundary of the National Park open. In our view the SDNPA, 2021 report seascape zone boundaries (especially SCZ01) better reflect this sentiment in considering wind turbine development than the boundaries of MCA 08 (which do not reflect static features on the sea surface or the boundaries of likely visibility of structures). Nevertheless it is recognised MCA 08 is a valid receptor to consider as part of the Marine Plan evidence base.
- 3.3. The assessment of effects on the following seascape character zones should be undertaken: SCZ01, SCZ02, SCZ04, SCZ05, SCZ06.
- 3.4. The consideration of the SLVIA findings and a preliminary assessment of the effects on the seascape zones derived from the SDNPA, 2021 study are set out in the following pages. For reference, the MCAs assessed within the SLVIA and the seascape zones in the SDNPA, 2021 study are copied into this report overleaf.



Key

- PEIR Assessment Boundary
- 50km Study Area
- Array Area
- 10km Radii
- Rampion 2 WTG
- Operational Rampion 1 WTG
- National Park
- County boundary
- Isle of Wight district boundary
- Maritime boundary (UK and France)

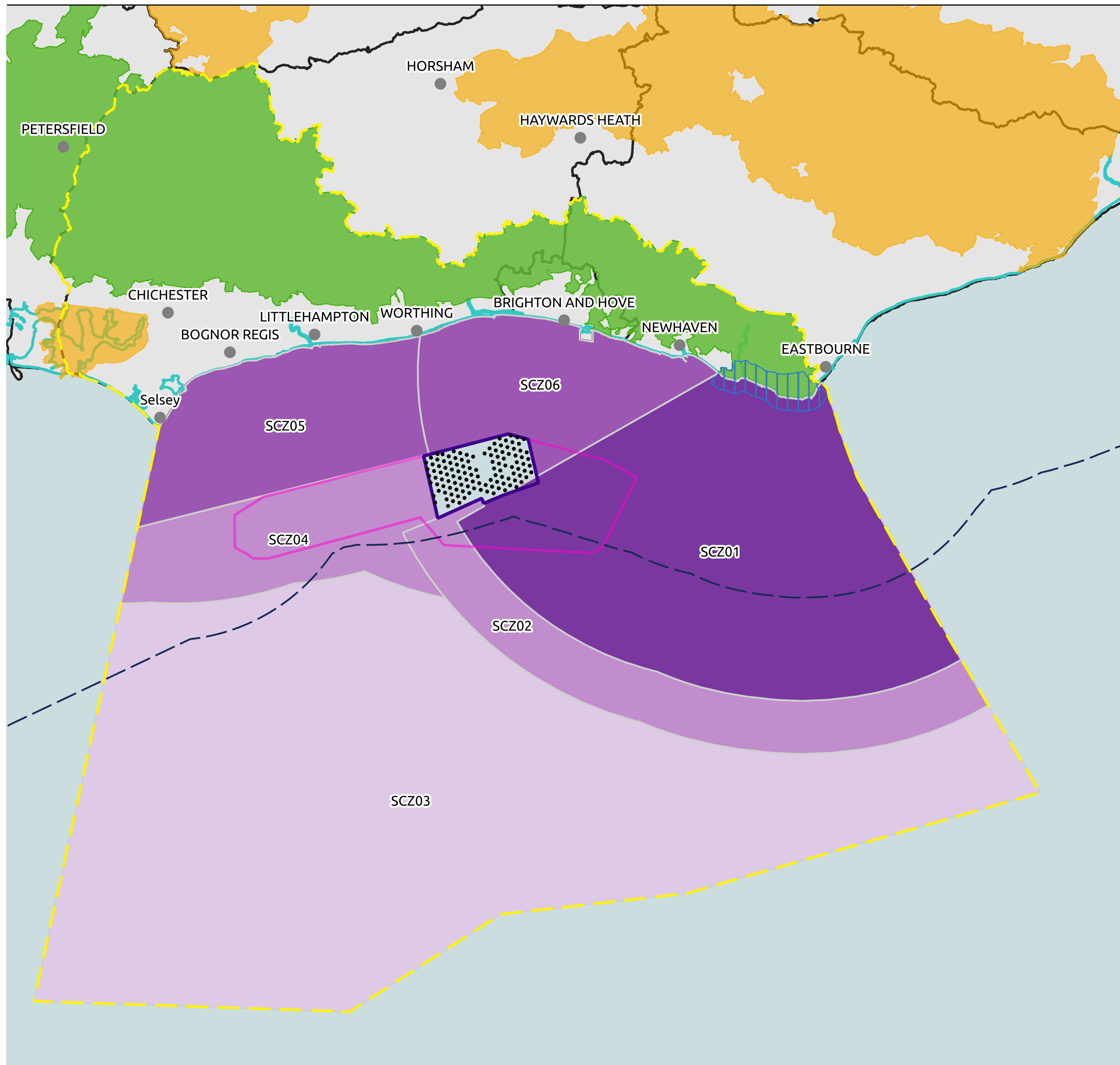


Rampion Extension Development

Rampion 2 Offshore Wind Farm
 Figure 16.4 Seascape character
 Preliminary Environmental Information Report

Marine character areas
 MCA 05 - The Solent
 MCA 06 - South Wight
 MCA 07 - Selsey Bill to Seaford Head
 MCA 08 - South Downs Maritime
 MCA 09 - Eastbourne, Pevensey & Rye Bays
 MCA 12 - English Channel (East)/Dover Strait
 MCA 13 - English Channel (Central)
 MCA 14 - English Channel (West) & the Wight-Barfleur Reef

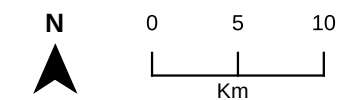
System Identifier: 42285-GOBE-PE-OF-FG-10-9567		Version: 1.0
Company: OPEN	Drawn By: JM	Chk/Prvrd: WOOD
Drawn Date: 29/06/2021	Status: FINAL	



KEY

-  Study Area
 -  County Boundaries
 -  South Downs National Park
 -  Sussex Heritage Coast
 -  AONBs
 -  High watermark/coastline
 -  12 nautical mile limit
 -  Rampion 1 implemented turbines
 -  Rampion 2 offshore array scoping area
- Seascape sensitivity zones (offshore wind farms) (High to Low)**
-  High
 -  High/medium
 -  Medium
 -  Medium/low

Note: The sensitivity of seascape zones relate to offshore wind farms only and to receptors in the South Downs National Park only.



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South Downs National Park Offshore wind farms buffer study

Figure 8
Seascape sensitivity to offshore wind farms

	Wood/OPEN assessment in relation to South Downs NP					
Seascape receptors	Sensitivity	Magnitude	Significance of effect	Nature of effect	Relevant seascape zones identified in SDNPA, 2021 study which should be assessed for effects	This report comment
MCA 08 South Downs Maritime	High	Medium to medium-high	Major to major/moderate	Indirect, long term, reversible	SCZ01	<p>Sensitivity- agreed. The combined National Park/Heritage Coast to the north of this area is highly sensitive.</p> <p>Magnitude of change- not agreed. Though the effects are indirect, the proposals are at least prominent when viewed from this MCA and contrasting in scale and spacing with Rampion 1 forming an awkward juxtaposition of structures. Seascape effects are likely to be at least medium-high.</p> <p>Significance- not agreed. It would be expected that the effects would be major and would be considered significant.</p>
MCA 07 Selsey Bill to Seaford Head	-	-	-	-	SCZ01, SCZ02, SCZ04, SCZ06	Only considered in relation to inland SDNP viewpoints, not in relation to National Park/Heritage Coast receptor. An assessment such as the above is relevant on the combined National Park/Heritage Coast to the east and south of Rampion 1, with a separate assessment of the effects on the National Park to the north and east.
MCA 13 English Channel (Central)	-	-	-	-	SCZ01, SCZ02	Not assessed though turbines are located within the area and directly adjacent. The area contributes to open views from the National Park and so is relevant. An assessment such as the above is relevant on the combined National Park/Heritage Coast to the east.

EFFECTS ON SEASCAPE ZONES: PRELIMINARY SUMMARY ASSESSMENT

Seascape receptors	Sensitivity	Nature of effect	This report preliminary summary assessment comments
SCZ01	High	Negative	<p>Magnitude of change- the proposals extend into the area some way and are much closer to the National Park/Heritage Coast covering an area of open sea and skyline, reducing openness and adversely affecting the unspoilt character of the seas east of Rampion 1. The proposals are <i>at least</i> prominent when viewed from the National Park/Heritage Coast and would be seen on more days a year than Rampion 1. They detract from the breathtaking panoramic views from the distinctive coast including the South Down’s Way and Beachy Head, and they interrupt and reduce the strong sense of tranquillity and wildness which the seascape contributes to the coast. These factors relate to the National Park’s special qualities. They extend the spread of turbines of Rampion 1 and contrast in scale and spacing forming an awkward juxtaposition of structures. Though there is shipping and some leisure use within the area this is transitory and at a smaller scale, shipping passing some way offshore and there are a limited number of detractors and lighting both along the coast and offshore. Seascape effects are likely to be at the high end of the scale.</p> <p>Significance- it would be expected that the effects would be significant at the high end of the scale.</p>
SCZ02	Medium	Negative	<p>Magnitude of change- the proposals form a small part of the area adjacent to Rampion 1 and lie 30-37km from the combined National Park/Heritage Coast and 24km average from the edge of the SDNP to the north. The area contributes to an extent to the National Park’s setting but the proposed turbines would be visible and apparent behind the existing array although are contrasting in scale and spacing forming an awkward juxtaposition of structures. This contrast increases the magnitude of effect. Seascape effects are likely to be at the lower end of the scale.</p> <p>Significance- it would be expected that the effects would not be considered significant although the relationship between the proposed and existing turbines is visually conflicting.</p>
SCZ04	Medium	Negative	<p>Magnitude of change- the proposals extend substantially into the area and are visible in elevated views from the ridges in the hinterland out to sea including views from the South Downs Way and Monarchs Way, mainly across the open sea west of Rampion 1. The turbines cover a large area of open sea and skyline and are between noticeable and prominent when viewed from the National Park to the north due to the width of horizon affected. They substantially reduce the undeveloped nature of the zone which acts as part of the setting of the National Park and reinforces the sense of tranquillity of the ridge tops where there are limited views of development on the coastal plain, which relates to the National Park’s special qualities. The proposals extend and contrast in scale and spacing with Rampion 1 adjacent to the east forming an awkward juxtaposition of</p>

			<p>structures. Though there is shipping and some leisure use this is transitory and at a smaller scale. Seascape effects are likely to be at the higher end of the scale.</p> <p>Significance- it would be expected that the effects would be considered significant.</p>
Seascape receptors	Sensitivity	Nature of effect	
SCZ05	High/medium	Negative	<p>Magnitude of change- the proposals lie directly to the south and are visible in elevated views from the ridges in the hinterland out to sea including views from the South Downs Way and Monarchs Way, mainly across the open sea west of Rampion 1. The turbines cover a large area of open sea and skyline to the south and are between noticeable and prominent when viewed from the National Park to the north. Due to their size and scale they substantially reduce the undeveloped character of the zone which acts as part of the setting of the National Park and reinforces the sense of tranquillity of the ridge tops where there are limited views of development on the coastal plain, which relates to the National Park's special qualities. The proposals extend and contrast in scale and spacing with Rampion 1 adjacent forming an awkward juxtaposition of structures. Though there is shipping and some leisure use this is transitory and at a smaller scale. Seascape effects are likely to be at the higher end of the scale due to the scale and extent of turbines.</p> <p>Significance- it would be expected that the effects would be considered significant.</p>
SCZ06	High/medium	Negative	<p>Magnitude of change- the proposals form a relatively small part of the area adjacent to Rampion 1 but extend further to the east within the zone closer to the combined National Park/Heritage Coast and to the south and west of Rampion 1.</p> <p>The turbines would be seen in breathtaking views along the Heritage Coast in juxtaposition with the unspoilt cliffs including the iconic Seven Sisters and often with the developed coast hidden from view by landform within the National Park such as Seaford Head. Whilst in front of Rampion 1 they are contrasting in scale and spacing forming an awkward juxtaposition of structures and would be seen for more days of the year. This would further erode the strong sense of tranquillity, wildness and openness which the seascape setting contributes to the coast, all of which relate to the Natural Parks special qualities. The turbines would be between noticeable and prominent especially from the west of the Heritage Coast.</p> <p>When viewed from the north they would be seen extending Rampion 1 with contrasting scale and spacing and would be between noticeable and prominent. Though there is shipping and some leisure use this is transitory and at a smaller scale. The developed coast and coastal plain is apparent in some views (but not all) from the National Park to the west of the Heritage Coast and this, to an extent, modifies the relationship between the downs and the sea but there is a clear delineation with the sea itself which is open with no structures apart from Rampion 1 to the west. Seascape effects are likely to be at the higher end of the scale due to the scale of turbines. This contrast increases the magnitude of effect.</p> <p>Significance- it would be expected that the effects would be significant.</p>

4. Recommendations on assessments and advice on scheme improvements

Recommendations on assessments

- 4.1. We recommend that the definitions, calibration and factors included in the seascape character and visual effects assessments should be amended in line with the above comments.
- 4.2. We recommend that a separate assessment on the effects of the proposals on the SDNPA, 2021 seascape zones should be carried out to complement the MCA effects and contribute to the evidence base considering the effects on the SPNP purpose and special qualities.

Advice on scheme improvements

- 4.3. It is stated that the SVIA is part of an iterative EIA process which aims to design out significant effects including avoidance and design (Appendix 16.2 1.3). It is clear that the worst-case scenario being assessed does not reflect this approach.
- 4.4. The SDNPA, 2021 study summarises the findings on seascape zones in Section 5 and these are still highly relevant as they considered turbines within the PEIR scoping area. It is acknowledged that the worst-case scenario extent to the east has now been reduced slightly.
- 4.5. Taking into account the PEIR including its visualisations with this response and the SDNPA, 2021 findings for each SCZ, it is recommended that development should only occur within the Extension Area west of Rampion 1 and that turbines should not exceed 225m to blade tip in height ie the smaller 210m turbine scenario would be most appropriate (see SDNPA, 2021). In addition, it is recommended that there is clear separation between Rampion 1 and 2 to minimise the horizontal extent of arrays east to west along the horizon and the turbine layout is designed in coherent blocks. It is considered that the full north to south extent of the extension area should be utilised to maximise the size of east/west gaps between the arrays.

Appendix A Extract from East Anglia TWO SLVIA method

sensitivity and magnitude, to allow a final judgement to be made on whether each effect is significant or not significant.

65. For the purposes of the assessment, it is assumed that the proposed East Anglia TWO project would have an operational life of at least 25 years. Therefore, the proposed East Anglia TWO project would be considered a permanent feature, although its visual effects would be reversible.

28.4.2.4 Magnitude of Change Rating – Views/ Visual Receptors

66. An assessment of the magnitude of change resulting from the proposed East Anglia TWO project on each visual receptor and viewpoint will be made by assessing the size or scale of change. The geographical extent over which this change takes place will also be assessed. The basis of the assessment is made clear using evidence and professional judgement. There may also be intermediate levels of magnitude of change, such as medium-high or medium-low, where the change falls between the definitions. The levels of magnitude of change that can occur on views are defined in **Table A28.7**.

Table A28.7 Magnitude of Change – Visual Effects

Magnitude of change	Visibility level	Magnitude of Change Definition
High	The proposed East Anglia TWO project will be the prevailing feature in the view and will form the major focus of visual attention due to its large vertical scale and lateral spread, filling a large proportion of the field of view. Contrasts in form, line, colour, texture, luminance or motion may contribute to the prevailing influence. Moving objects associated with the proposed East Anglia TWO project may contribute substantially to drawing viewer attention. The visual prominence of the proposed East Anglia TWO project will detract noticeably from views of other seascape/ landscape elements.	The proposed East Anglia TWO project will result in a high level of alteration to the existing view, forming the prevailing influence and/or introducing elements that are substantially uncharacteristic in the baseline view. The addition of the proposed East Anglia TWO project will result in a major incremental change, loss or addition to the baseline view.
Medium	Plainly visible, so will not be missed by casual observers, but does not strongly attract visual attention or dominate the view because of its apparent size. The proposed East Anglia TWO project is obvious and will have sufficient size to contrast with other seascape/ landscape elements, but with insufficient visual contrast to strongly attract visual attention and insufficient size to occupy most of an observer's field of view.	The proposed East Anglia TWO project will result in a medium level of alteration to the baseline view, forming a readily apparent influence and/or introducing elements that are potentially uncharacteristic in the receiving view. The addition of the proposed East Anglia TWO project will result in a moderate incremental change, loss or addition to the baseline view.

Magnitude of change	Visibility level	Magnitude of Change Definition
Low	The proposed East Anglia TWO project will be visible when scanning in its general direction; otherwise it may be missed by casual observers. Very small and/or faint, but when the observer is scanning the horizon or looking more closely at an area, can be detected and sometimes noticed by casual observers; however, most people would not notice it without some active looking.	The proposed East Anglia TWO project will result in a low level of alteration to the baseline view, providing a slightly apparent influence and/or introducing elements that are characteristic in the receiving view. The addition of the proposed East Anglia TWO project will result in a low incremental change, loss or addition to the baseline view.
Negligible/None	Visible only after extended viewing. The proposed East Anglia TWO project is near the limit of visibility or is not visible. It would not be seen by a person who was unaware of it in advance and looking for it. Even under those circumstances, it may be seen only after looking at it closely for an extended period.	The proposed East Anglia TWO project will result in a negligible or no alteration to the existing view. If visible it may, form a barely discernible influence and/or introduce elements that are substantially characteristic in the baseline view. The addition of the proposed East Anglia TWO project will result in no change or a negligible incremental change, loss or addition to the baseline view.

67. Criteria that tend towards higher or lower magnitude of change are set out in **Table A28.8**.

Table A28.8 Magnitude of Change – Views/Visual Receptors

Criteria tending towards higher or lower magnitude		
Size or scale of change	Higher	Lower
	<p>Large scale change in the view resulting from loss and/or addition of features and changes in its composition.</p> <p>Proposed development located in close proximity to the viewpoint and will form large scale component of the view.</p> <p>All or majority of the proposed East Anglia TWO project will be visible in the view e.g. full towers and rotor sweep.</p> <p>The proposed East Anglia TWO project affects a large proportion of available field of view.</p> <p>The proposed East Anglia TWO project has a high degree of contrast/ low degree of integration with existing seascape/ landscape elements, in terms of scale, form, mass, line, height, colour and texture.</p> <p>The proposed East Anglia TWO project appears inconsistent; in a different</p>	<p>Small-scale change in the view resulting from loss and/or addition of features and changes in its composition.</p> <p>The proposed East Anglia TWO project is located at long distance from the viewpoint and will form a small scale component of the view.</p> <p>Limited amount of the proposed East Anglia TWO project will be visible in the view e.g. extremity of blade tips.</p> <p>The proposed East Anglia TWO project will affect a small proportion of available field of view.</p> <p>The proposed East Anglia TWO project has a low degree of contrast/ high degree of integration with existing seascape/ landscape elements, in terms of scale, form, mass, line, height, colour and texture.</p>