THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

Rampion Two Offshore Wind Farm

Appendix J3 to the Natural England Deadline 3 Submission

Natural England's advice on Protected Species

For:

The construction and operation of the Rampion 2 Offshore Windfarm located approximately 13km off the Sussex coast in the English Channel.

Planning Inspectorate Reference EN010117

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25 April 2024

Appendix J3 - Natural England's advice on Protected Species

Summary

Natural England has done a further review of all documents submitted at application, and prior to Deadline 3. The focus of this response is on survey design and next steps to resolve risks and issues in regard to the following potentially licensable species:

- Great crested newt
- Otters
- Water Vole
- Bats
- Dormouse
- Badger

In general, there is insufficient information at this stage of the project to determine whether a protected species licence will be required, or even if the project design is appropriate/should be reconsidered. Natural England does its best to provide helpful guidance at any stage of a project but are limited to the information provided to them. Detailed advice is provided for each species within the Annexes to this submission, which describe the information received, and any relevant information/evidence which may be useful for the Applicant to provide.

NB: For species which are not licensable, Natural England does provide standing advice, to ensure that Applicants have freely available advice, which explains how to conduct best practice surveys for a wide number of species, and fulfil their protected species obligations.

In line with best practice, we would expect any project to do a proportionate level of consultation to determine historical species records and background information regarding a given area, prior to putting together any licence application. Natural England would expect and encourage the Applicant to engage with us (on a cost recovery basis) at this stage during examination to ensure that we are able to work collaboratively to progress towards letters of no impediment wherever possible. **Please note that in addressing our advice included within this response, further surveys may be required prior to consent, and we draw your attention particularly to our advice on bats.**

For ease we have provided our comments in the following annexes below:

- Annex 1: Otters
- Annex 2: Hazel Dormouse
- Annex 3: Bats
- Annex 4: Water Voles
- Annex 5: Badgers
- Annex 6: Great Crested Newts

NB: The advice on this proposal, and the guidance contained within Natural England's standing advice relates to this project only and does not represent confirmation that a species licence (should one be sought) will be issued. Please see **Annex 7** for information regarding licensing for European Protected Species.

Annex 1: Otters

The following advice is based upon the information within:

- [APP-063] Rampion 2 Wind Farm Category 6: Environmental Statement Volume 2, Chapter 22: Terrestrial ecology and nature conservation Date: August 2023 Revision A.
- [APP-189] Rampion 2 Wind Farm Category 6: Environmental Statement Volume 4, Appendix 22.11: Badger, otter and water vole survey report CONFIDENTIAL Date: August 2023 Revision A.

Detailed Protected species advice - otters

1.1 Surveys

- Ref. 22.5.65 - The desk survey for this species was based on information from two sources and yielded only limited otter records for the area under consideration. However, we note that none of this information was recent.

- Ref. Table 22-18 - Within the Terrestrial Ecology and Nature Conservation scoping assessment, otters were scoped out as reflected by the comment *"this species is not considered to be resident in West Sussex, or present in small numbers only".* Further information on the evidence behind this information should be provided within the survey summary.

- Table 22-11-Field surveys were completed by April 2023, following the published guidance, with 90.75 percent of site coverage achieved. The survey appears to be generally satisfactory, but there is some question over the survey limits: Natural England had previously asked in 2023 for the otter survey to incorporate 100m either side of the DCO red line boundary, but it is not clear whether the survey distance is 50m from the DCO (S.2.4.1) or 250m (Fig. 22.11.7). We therefore advise clarity is provided on this. Some areas were inaccessible for survey or viewed from a distance with binoculars. Areas of potential otter habitat were identified and recorded (Ref. 22.5.66). Ref. S.4 - only two locations had confirmed/possible otter evidence, one in the north of the project area at Oakendene (confirmed) and one in the south (possible).

1.2 Mitigation

Insufficient detail is provided on mitigation for otters, and so we cannot provide detailed comments on mitigation.

- Ref. table 22-18, p.104 "*Although it may occur occasionally (as evidenced by field survey) the mobility of this species will allow it to easily bypass any works ongoing (noting that works are locationally restricted at any point of time). As a precaution embedded environmental measures (see Section 22.7) C-135 (standoff distance from identified otter features) and C-210 (watercourse crossing surveys & Natural England licence) ensure that this species will be considered during the implementation of the Ecological Clerk of Works role".*

As such, the appointment and role of the Ecological Clerk of Works is therefore important for otter mitigation, particularly as the onshore cabling project is some 39km in length and could result in significant impact for otter if not well designed. This should therefore be committed to by the Applicant in a named plan.

- Ref. Fig.22.1.7 and 22.5.67 states that the only sign of otter recorded during the field survey was adjacent to a stocked fish-pond close to the onshore substation site (at Oakendene) (see Figure 22.11.7 of Appendix 6.4. 22.11: Badger, otter and water vole survey, Volume 4 of the ES [APP-189]).

We advise that more otter surveys are therefore required to inform any licence application at this location given presence has been established. The construction (lighting, noise) of the substation and ongoing potential pollution risks to local waterways could affect otters in both the short- and long-term. Further consideration should be given to mitigation for otters at this location.

- Ref. C-17, P.114 – Over pumping of rivers (at cable crossings) is proposed, which could affect otters, particularly if adjacent to temporary or permanent roads.

This should be considered as surveys continue and mitigation is designed.

1.3 Compensation

No specific compensation for otters is evident in the documents provided. Compensation may be required as a condition or recommendation of any Natural England licence granted for otters for this project.

1.4 Designated Sites

We note otters are not listed as a qualifying species for the designated sites listed in the documents provided.

Annex 2: Hazel Dormouse

The following advice is based upon the information within:

- [APP-076] 6.3.4 Rampion 2 ES Volume 3 Chapter 4 The Proposed Development - Figures (Part 1 of 2). Revision A, August 2023.
- [APP-077] 6.3.4 Rampion 2 ES Volume 3 Chapter 4 The Proposed Development - Figures (Part 2 of 2). Revision A, August 2023.
- [APP-187] 6.4.22.9 Rampion 2 ES Volume 4 Appendix 22.9 Hazel dormouse report 2020-2022. Revision A, August 2023.
- [APP-063] 6.2.22 Rampion 2 ES Volume 2 Chapter 22 Terrestrial ecology and nature conservation. Revision A, August 2023.
- [APP-232] 7.10 Rampion 2 Outline Landscape and Ecology Management Plan. Revision A, August 2023.
- [PEPD-030] 6.4.22.19 Rampion 2 Wind Farm Category 6: Environmental Statement Volume 4, Appendix 22.19 - Hazel dormouse report 2023. Revision A, January 2024.

Detailed Protected species advice – hazel dormouse (*Muscardinus avellanarius*)

2.1 Surveys

- Within Sections 2.4.2 and 2.4.3 of Appendix 22.9 it is referenced that *"A full survey programme to confirm presence / likely absence of hazel dormouse in all suitable habitats within the proposed DCO Order Limits was not deemed proportionate"* and "*in line with CIEEM guidance (CIEEM, 2018), discrete 'survey sites' were selected for sampling"*.

All dormouse surveys should follow best practice guidelines outlined within The Dormouse Conservation Handbook. Should a dormouse mitigation licence be sought, any deviation from these guidelines would require detailed justification to ensure appropriate and robust conclusions have been drawn.

Within Section 2.4.7 of Appendix 22.9 it is mentioned that due to changes in the design of the proposed development there are several survey sites no longer within or adjacent to the proposed DCO Order Limits. Natural England notes that currently there is still a large amount of the proposed development area that has not yet been surveyed for dormouse presence, with many of the current survey areas no longer within or adjacent to the proposed DCO Order Limits. The suitability and connectivity of habitats can change and may result in adaptations in how dormice utilise the landscape. Surveys should be updated regularly based upon proposed impacts within and adjacent to the proposed DCO Order Limits, covering as much area as reasonably possible. Natural England advises that, due to the change in the Order Limits, the locations of surveys are adjusted and updated surveys prior to consent are carried out. Dormouse surveys should always be carried out if there is the possibility of their presence on a site. These surveys are required in order to determine dormouse absence/presence elsewhere in the DCO Order Limits for the Proposed Development. Natural England typically expect surveys to cover all locations of potential impact to dormice, with full surveys covering locations with dormouse suitable habitat subject to permanent or temporary clearance, as well as adjacent suitable habitat. Overall, we advise that the current baseline data is insufficient to robustly determine dormouse presence across the whole proposed development.

Within Sections 2.5.2 and 2.5.3 of Appendix 22.9 [APP-187] it is mentioned that nest tube deployment timing has ranged across chosen sites. Natural England advises that full surveys should be carried out for each site. Nest tubes should be located 20m apart and left in place for several months for the entire survey season from March, with monthly checks from April

until November (inclusive). Nest tubes are most frequently occupied in May and August/September; therefore, it is important for tubes to be left out for as long as possible. All dormouse surveys should follow best practice guidelines outlined within The Dormouse Conservation Handbook.

Document [APP-187] states that nest tubes were deployed in: September 2020 and April 2021 for survey sites 1 & 2; June 2021 for survey site 3; April & June 2021 for survey site 4; June/July 2021 for survey site 5; April 2021 for survey site 6; and April 2022 for survey sites 7 & 8. Nest tubes were left in situ, with monthly checks until October inclusive. Therefore, these timings do not directly follow best practice guidelines as detailed in the dormouse conservation handbook. We seek clarity regarding the distance between dormouse nest tubes. We advise this should be ~20m as per best practice handbook.

Document [PEPD-030] provides an additional dormouse survey carried out during the 2023 survey period at survey site 9. Survey site 9 is located within the proposed DCO Order Limits and in an area adjacent to it. Nest tubes were deployed in April, and surveyed May – September inclusive. Dormouse presence was not confirmed. This survey had an index of probability score, which is used to determine survey effort, of 20 (this is incorrectly calculated as 21 within the report). Whilst this meets the minimum target effort score of 20, Natural England would recommend that nest tubes used for dormouse surveys are left out for as much of the survey season as possible (March to November inclusive). We typically expect nest tube checks to continue to take place until the end of the survey season, so a full season of checks can be provided, or until dormouse presence is confirmed on site.

Where it is not possible to carry out surveys, alternative methods of confirming dormouse presence could be used, such as recent records of dormouse presence or existing mitigation licences. Dormice are common within Sussex and so dormouse presence could be assumed where it has been confirmed nearby and there is suitable connective habitat between that location and the site itself. It is noted within [APP-180] that 143 records of hazel dormouse were found, dated between 2013-2022, 0.2km south of the DCO Order Limits, and therefore it may be possible to use these records to determine dormouse presence if there is suitable.

2.2 Surveys undertaken at the proposed substation site at Oakendene

We highlight that the above advice for the cable route is also relevant at the substation location.

For hazel dormouse, survey sites 5 and 7 were immediately adjacent to/on the Oakendene substation site and cable route near to this location. Desk studies of dormouse records and nest tube surveys have been carried out as well as ecological surveys. Other dormouse field signs were also surveyed for, including nut searches at survey site 7. These methods are deemed as suitable for determining likely dormouse presence / absence.

The timings of the dormouse surveys are within the dormouse survey period.

Document [APP-187] states that nest tubes were deployed in June/July 2021 for survey site 5 and April 2022 for survey site 7. Nest tubes were left in situ, with monthly checks until October inclusive. Therefore, these timings do not directly follow best practice guidelines as detailed in the dormouse conservation handbook.

We note that there are limitations are included within [APP-187] as there were issues with land access at survey site 5.

A single male dormouse was recorded at survey site 7 in October 2022; therefore, dormouse presence has been confirmed at the Oakendene substation site.

2.3 Timing of habitat removal

Habitat removal should follow best practice guidelines, and consideration should be given to clearance methodology used. Environmental measure C-21 in Table 22-20 of Chapter 22 refers to the scheduling of vegetation removal over winter to avoid the bird breeding season.

If dormouse habitats are to be cleared, the clearance methodology should follow best practice guidelines: single stage clearance in May or mid-September – October; two stage clearance with stage 1 in November – March and stage 2 in May. If any dormouse nests are found (in the hibernation or active season) the relevant procedures detailed in Section E2.2 of the WML-A35.3 hazel dormouse method statement should be followed.

Natural England does not typically license single stage clearance during the dormouse hibernation season without sufficient justification as to why works cannot be timed to avoid this sensitive period. The use of two stage clearance, following the timings as above is advised to avoid impacting nesting birds as the vegetation can be down to 15-30cm above ground in advance of the bird breeding season. Any single stage clearance that would be permitted during the hibernation season would be subject to strict measures, such as the entire area to be cleared must undergo hand searches for any hibernation nests immediately prior to clearance.

2.4 Mitigation measures and compensation

Any potential habitat fragmentation or loss of connectivity as a result of these works needs to be considered, with appropriate mitigation and compensation strategies in place to minimise impacts on dormice.

We advise that the proposed dormouse mitigation measures that are mentioned within [APP-063] and [APP-232] need further consideration. We advise that there is insufficient detail to provide a full evaluation of proposed mitigation measures for the proposed development.

Mitigation measures could include temporary connectivity features such as dead-hedging or the planting of more mature plants to minimise establishment times. Natural England will consider the proposed mitigation and compensation strategies further as part of any dormouse licence application assessment. The works should result in no net loss of dormouse habitat.

We advise that consideration must be given to establishment periods for any planted compensation habitat, particularly where this is required to maintain or restore dormouse habitat connectivity. Environmental measure C-103 in Table 22-20 of APP-063 mentions that *"Areas of temporary habitat loss will be reinstated within 2 years of the loss, other than at the temporary construction compounds, cable joint bays, landfall and substation location where activities may take longer to complete."*

In the current survey results the only dormouse record was at the location of the new substation (as detailed in Chapter 4 The Proposed Development – Figures and the Outline Landscape and Ecology Management Plan), and it is unclear when habitat reinstatement/enhancement is planned for this location. Consideration needs to be given as to when habitat will be reinstated or created, factoring in establishment time, in locations with confirmed dormouse presence (from updated surveys as advised above) to ensure that impacts on dormice are minimised. We advise that Applicant particularly considers whether establishment time will have an impact on the use of habitat for dormice, and whether there would be any severance of dormouse habitat. This is particularly important as this is the single confirmed location of dormice, by survey results, thus far.

Where habitat enhancement (rather than creation) is proposed as a compensation measure,

there needs to be clear justification as to why this habitat needs to be improved and that a noticeable difference can be made to the habitat quality by the proposed measures.

Annex 3: Bats

The following advice is based upon the information within:

- [APP-186] Rampion 2 Wind Farm Category 6: Environmental Statement, Volume 4, Appendix 22.8: Passive and active bat activity report (dated August 2023) Revision A. Doc ref: 6.4.22.8
- [PEPD-029] 6.4.22.18 Rampion 2 Wind Farm Category 6: Environmental Statement Volume 4, Appendix 22.18 - Passive and active bat activity report 2023. Revision A, January 2024

Detailed Protected species advice - bats

3.1 Surveys

The current baseline data is insufficient in robustly determining full bat community (species present and abundance), and areas of key importance such as those used for roosting. There are also limitations to the commuting and foraging data, as a result of: lack of access, the number of remote devices deployed and absences of recording over core periods (May, June and July) from various locations by the four remote devices.

At present remote/automated and transect surveys are the sole means of data collection. Whilst these methods have merit in assisting the collection of baseline data, they cannot be relied upon completely where there is the potential for significant impacts on roosting, foraging and commuting of rare and or cryptic tree/woodland bat species.

It has been stated that all species recorded so far within the DCO order limits have been identified using transect and passive monitoring methodology. The survey summary acknowledges constraints in the data collection which may have influenced the frequency of species records or failed to record them entirely. This has resulted in some species recorded at genus level, as it is not possible to accurately identify all bats to species level using echolocation call analysis software alone. Whilst it has been stated that there is a low possibility of high conservation priority species such as grey long-eared bat (*Plecotus austriacus*) being present, this is not adequately evidenced as Plecotus have only be recorded to the genus level, or assigned to brown long-eared bat (*Plecotus auritus*). This situation is further exacerbated by their often-quiet whispering call, and ability to forage without echolocating, which reduces their detectability further when only using the above survey techniques. This may lead to inaccurate interpretation of species habitat use. We note that *Myotis* is another genus where species ID can be problematic when reliant on call analysis alone.

For bat mitigation licenses Natural England require identification of the species impacted at species level for them to be included on the licence annex (unless reasonable justification can demonstrate this has not been possible). Annex 2 Bechstein's bat (*Myotis bechsteinii*) are currently unrecorded within the Rampion 2 surveys within the DCO order limits. Within the report (section 4.1.4 pp. 27) it states they were recorded in 2016 within Binstead Woods 3.2km of the proposed development. Advanced Licence Bat Survey Techniques (ALBST) were used in Binstead Woods to identify Bechstein's bat habitat use. We advise that advanced survey effort may be necessary to enable identification of bats to species level which would be required to support an application for a mitigation licence. Other woodland Annex 2 bat species, such as barbastelle bat *Barbastella barbastellus* were recording within the DCO order limits and the key habitat use areas are focused around least agricultural areas, and where woody features (including hedgerows) are present. As such, ALBST techniques are likely to be required where there is the potential for significant impacts on roosting, foraging and commuting of rare and or cryptic tree/woodland bat species in-line with Collins 2023: Bat

surveys for Professional Ecologist. 4th ed.

Advanced License Bat Survey Techniques (ALBST) may also be able to identify specific roost used - not only during the activity/ breeding season. When combined with follow up tree roost inspections between January and February ALBST may indicate wintering resource features

Natural England will need to be confident that any trees identified for removal, structural changes, fragmentation or subject to disturbance have had the appropriate level of tree specific bat surveys conducted on them. In line with methods stated within Collins 2023, a Level Tree Assessment (GLTA) is only the first step in qualifying a trees importance to bats. Once Potential Roost Features (PRF's) have been identified a climbing inspection should follow (where safe to do so), to endoscope any PRF's not observable from the ground. Emergence surveys alone would generally be seen as a constraint by Natural England when used alone with GLTA's unless there are genuine reason e.g. health and safety, known and visible access feature etc.

The timings of the remote/ automated and transect surveys carried out to date are appropriate (April-October) for the collection of foraging, commuting data.

3.2 Mitigation

To minimise disturbance to roost in trees a minimum working distance of 20m is required. Ideally, there would be no nighttime working, where this is necessary, lighting should be kept to an absolute minimum and be directional. Likely or identified bat habitat used for roosting, foraging and/or commuting should not be illuminated, and where this is unavoidable impacts should be minimised as much as possible within a light management plan and limited to the duration of works required.

Disturbance is now a standalone licensable activity, and when combined with direct impacts to roost a licence would be required. A direct impact to a roost would include any obvious loss of a roost integrity, this includes habitat associated with the roost. Every effort should be made to retain connectivity between bat habitats. If linear features used for commuting and foraging are to be lost, measures should be taken to provide viable alternatives, prior to the removal (where possible) of any integral feature/s to ensure habitat functionality.

Any removal of trees confirmed as containing a bat roost should be timed in accordance with the roost characterisation. Works to trees identified for hibernation should not be undertaken between November to March.

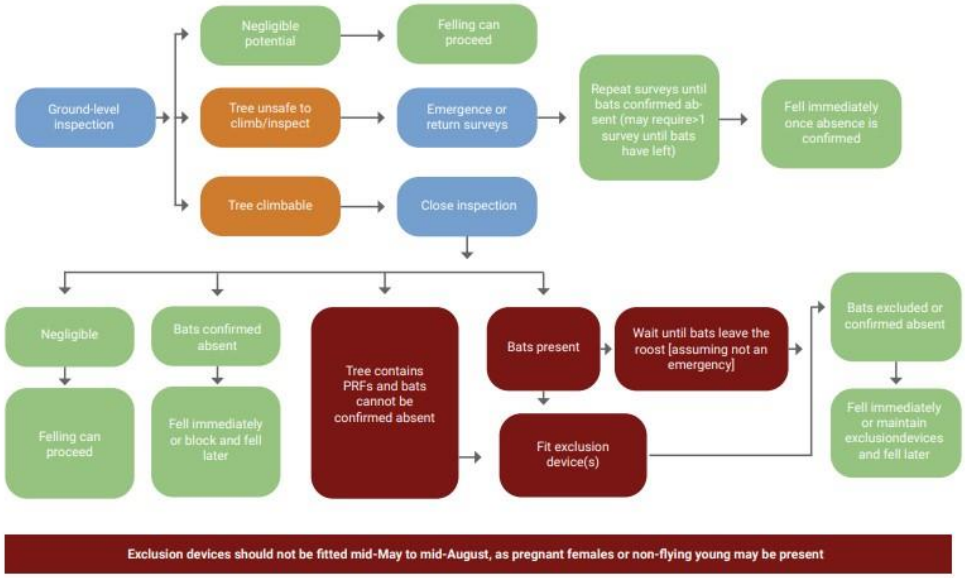

Fig 1. Flow chart for tree inspection and felling taken from Reason, P.F. and Wray, S. (2023). *UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats*. Version 1.1.

3.3 Compensation

Natural England would expect to see any roost loss appropriately compensated for, unless deemed low impact due to species, roost type and numbers. Landowner permissions will need to be evidenced to ensure compensation can be protected for the duration of licence (or until occupied by bats). Whilst bat boxes may be accepted in some circumstances, depending on roost lost and species identified other compensation features should be considered including translocation/grafting of limbs PRF's, veteranisation etc.

3.4 Advice on Masterplan Documents for Bat Mitigation Licence Applications

3.4.1 <u>Definitions</u>

- Bat Mitigation Master Plan: This is a standalone document comprising several maps, plans and statements detailing the high-level development schemes for the whole site in the context of bat impacts, mitigation, and compensation.

- A phased development: This is when an area of land, usually owned by the same landowner, is to be developed in separate phases over a number of years (e.g. mineral extraction, landfill, large residential housing developments etc). The applicant could apply for a single mitigation licence to cover all phases (if appropriate) or, more usually, apply for separate mitigation licences for each phase to be developed. Which approach to adopt will rest with the applicant and their consultant based on many site factors such as timing, habitats, and mitigation requirements amongst others.

- A multi-plot development: This is when an area of land is sub-divided into separate plots which are owned by different landowners but have been allocated for development by the planning authority. Such development is likely to take place over a number of years (e.g. large residential housing developments etc) and usually each individual plot will be subject to a separate mitigation licence application.

3.4.2 Masterplan Guidance

A Masterplan to support a protected species licence application must be specific to licensing (it is not appropriate to submit planning documents) and be supplied with the first phase licence application for the whole scheme. As a minimum Natural England expects the Licensing Masterplan to include:

A map of the overall site (i.e. the entire area the proposed development will cover) to show the pre-development terrestrial and aquatic habitat types, and areas currently present.

a) Maps showing:

- Where each construction phase or plot is to be located and where each licence will be required. Note that the phases shown must be the phases of impacts to bats, not the phases of construction. E.g. if there are four stages to construction but only two phases include impacts to bats, the map should clearly show the two phases that will impact bats.
- The impacts of each phase which require a licence (i.e. roost loss, damage, and disturbance etc.).
- All proposed compensation measures (e.g. bat boxes, roost replacement buildings etc.).
- Post-development connectivity across the site (i.e. how will mitigation and compensation habitat link to each other and the wider landscape).

b) The proposed phasing programme (to include information on the number of phases (i.e. which need licensing) and indicative time frames for their construction start and end dates.

c) Brief, explanatory text to describe:

- The overall size (ha) of the site and what it currently consists of (habitat types and areas).
- Total roost losses (temporary and permanent) and disturbance incurred for the entire site and those resulting from each individual phase.
- The impacts caused by the phasing of the development in the absence of mitigation.
- The total compensation features proposed for the development and that for each individual phase.
- How post development connectivity will be maintained across the site
- Post development monitoring.

d) A map to show the location and extent of all bat compensation measures (new roosts and any connectivity measures etc).

e) A detailed Habitat Management and Maintenance Plan (HMMP) (specific to bats) to describe how mitigation/compensation areas will be managed and maintained in the long term to benefit bats (to include the timeframe it will cover). Note this can be part of the Masterplan or a separate document. However, the HMMP must be specific to bats and not the overall habitat management and maintenance for other species/purposes.

f) A Population Monitoring Plan outlining which features will be monitored, along with the duration and methods /techniques that will be undertaken.

g) Assurances and guarantees that long term safeguards are in place to protect the affected populations.

Annex 4: Water Vole

The following advice is based upon the information within:

- [APP-063] Rampion 2 Wind Farm Category 6: Environmental Statement Volume 2, Chapter 22: Terrestrial ecology and nature conservation Date: August 2023 Revision A
- [APP-181] Rampion 2 Wind Farm Category 6: Environmental Statement Volume 4, Appendix 22.3: Extended Phase 1 habitat survey report Date: August 2023 Revision A
- [APP-189] Rampion 2 Wind Farm Category 6: Environmental Statement Volume 4, Appendix 22.11: Badger, otter and water vole survey report CONFIDENTIAL Date: August 2023 Revision A

Detailed Protected species advice - Water Vole

4.1 Surveys

Surveys should be carried out in line with Best Practice laid out in the Water Vole Mitigation Handbook (2016). Within this handbook (Box 1 survey design) states that field surveys for works that are temporarily affecting up 50m of watercourse should survey the footprint of the works (in this case the red line boundary) and 200m upstream and downstream.

In Section 2.4.1 of 'Environmental Statement Volume 4, Appendix 22.11: Badger, otter and water vole survey report' it is written that only the potential habitats along watercourses, ponds and ditches and associated terrestrial habitat suitable for water vole within the proposed DCO Order Limits and a 50m buffer were surveyed. An explanation for this deviation from best practice has not been given in the document. However, we note this is not consistent with 'Environmental Statement Volume 2, Chapter 22: Terrestrial ecology and nature conservation', where it is written that water vole surveys were undertaken to search for signs of activity and burrows inside the onshore part of the proposed DCO Order Limits and up to 250m upstream and downstream of it. Please can the Applicant confirm which statement is correct and make sure each document is updated with the correct information. If surveys were carried out up to 250m upstream and downstream, this is in line with best practice, otherwise justification for the deviation from best practice should be provided.

The field survey data within Environmental Statement Volume 2, Chapter 22: Terrestrial ecology and nature conservation confirms that water vole field signs are within areas where works are to take place. Therefore, best practice dictates that further data is required to demonstrate that there is sufficient alternative suitable habitat adjacent to the works to displace the water voles into.

Where it is not possible to avoid direct impacts to water vole, additional surveys will be required to look for field signs, including latrines, feeding remains, footprints and water vole burrows. These should be mapped and used to inform an appropriate mitigation plan. Surveys should follow best practice as described in the Water Vole Mitigation Handbook (Dean, et al 2016).

At present only one survey for water voles has been undertaken, this was conducted during the Extended Phase 1 Habitat Survey. One survey can be acceptable where the assessment of the effects on water voles can be made on a precautionary basis and the mitigation can be determined on the first visit; or if the habitat suitability and the likelihood of water voles being present are both very low. It is not yet clear from the materials provided which of these circumstances applies. We advise clarity is provided on this point.

If one of these circumstances does apply, a second visit would still be advisable before commencing the works. We advise that two visits provide more robust survey data and allow for a more robust assessment of the impacts.

We note that no specific references to water voles near to the Oakendene substation site were included in the evidence provided however, if water voles are present within the vicinity, then the comments above would apply.

The environmental measures to reduce impacts on water vole habitats, as described within the Environmental Statement documents, such as the use of trenchless crossings, would appear to be appropriate and proportionate approaches.

4.2 Displacement

Natural England would require additional information should a licence for displacement be required. This must include the full survey data (carried out under best practice) as well as any other limitations such as unsuitable habitat to displace into along with any necessary compensation proposals.

As current proposals are only expected to impact short areas of water vole habitat (less than 50m) is currently being proposed it may be possible to carry out the works under Natural England water vole class licence. More information is available on gov.uk.

All works that may cause disturbance such as site traffic, use and storage of materials, noise and vibration should be considered, and if appropriate, water voles potentially displaced temporarily from the sites affected.

Natural England has the following general comments at this stage to factor into the project design.

4.3 Timings

The preferred time for carrying out displacement of water voles is during spring (typically 15 February to 15 April) however, it can also be carried out in autumn (15 September to 31 October).

If following the necessary detailed surveys, trapping water voles is required, the works should be planned so that trapping is scheduled for spring (1 March to 15 April) and captured water voles released directly into a previously prepared receptor site. Trapping water voles in the spring is most likely to achieve successful results as that numbers will be lower following winter mortalities.

Autumn trapping (15 September to 31 October) could be considered if it can be undertaken whilst weather conditions remain appropriate for immediate ‘soft release’, from suitable enclosures. Given the timescales, there is currently adequate time to prepare any receptor sites ahead of trapping (see below). Taking water voles into captivity over winter will not be considered a viable option.
The information submitted for review states that the water vole surveys were undertaken during the Extended Phase 1 habitat survey which took place between April 2020 and March 2023; however, precise dates as to when the areas were surveyed for water voles have not been provided. We advise that these should be provided. We advise figures are provided showing the survey area and the location of water vole evidence.

4.4 Mitigation

A relative population density of water voles has not been provided nor discussed in the documents presented for review. Providing such information to indicate how many water voles could be using the site would assist Natural England in assessing any proposed mitigation, should a license be required.

We advise that detail on the specific mitigation measures proposed for water voles should be presented for comment.

4.5 Compensation habitat:

Consideration should be given to preparing a local (same river catchment) receptor site and / or areas of habitat that could be improved for water voles, as soon as possible, if trapping is required. Vegetation in the created habitat must be suitably established before any trapping of water voles commences, in most cases this will take several months. If the receptor sites are not ultimately required to accommodate translocated water voles, they could still be offered in terms of compensation for any water vole habitat likely to be damaged or destroyed during the works.

4.6 Licensing purpose

As a result of changes in legislation brought about by Environment Act 2021, water vole licences to enable development are now issued under the new purpose of 'reasons of overriding public interest'. If an individual (A11) water vole licence is required the application documents can be found on Gov.uk.

A Reasoned Statement will also be required to support water vole applications that are submitted for the purpose of reasons of overriding public interest.

Annex 5: Badgers

The following advice is based upon the information within:

- [APP-063] Rampion 2 ES Volume 2 Chapter 22 Terrestrial ecology and nature conservation Date: August 2023 Revision A Document Reference: 6.2.22
- [APP-189] Rampion 2 ES Volume 4 Appendix 22.11 Badger, otter & water vole survey report (CONFIDENTIAL) Date: August 2023 Revision A Document Reference: 6.4.22.11
- [APP-224] Rampion 2 Outline Code of Construction Practice Date: August 2023 Revision A Document Reference: 7.2

Detailed Protected Species Advice - Badgers

5.1 Survey Effort

Natural England agrees that the survey effort and survey area is appropriate and proportionate for the proposed impacts that could arise and affect badgers from Rampion 2 Wind Farm works. Natural England agrees that, based on the survey evidence collated and presented to date and considering the environmental measures proposed in the above referenced documents, that overall impacts to badgers would likely be low.

5.2 Desk Study

A 5km buffer was used to complete the desk study; Natural England agrees that this is a suitable buffer distance to inform the desk study.

5.3 Survey Results

It is indicated in the Outline Code of Construction Practice document that, based on the current desk-study and field survey information, there is at present no need for a badger licence, although it is acknowledged that even relatively modest changes in the distribution of setts (or expansion of existing main setts) could make a licence necessary prior to construction. It is recommended that further surveys are undertaken as appropriate to ensure the most up to date information is available to inform whether sett interference licences are required to facilitate works.

5.4 Survey Timings

The submitted information does not indicate when the habitat-based assessment occurred. Natural England expects up-to-date surveys to be completed within 6 months prior to an licence application being submitted, if a licence is required, and for surveys to be conducted during the winter months when badgers will be more active around setts and vegetation will not hide signs of activity.

5.5 Survey Methodology

Following review of the figures detailing the badger survey field sign results in the Badger, Otter and Water Vole Survey Report, the buffer used was 100m. However, Chapter 22: Terrestrial Ecology and Nature Conservation states that a 50m buffer was used. Natural England would typically expect a 100m buffer to be used if a sett closure is required, as it gives consideration to setts beyond, but close to, the development. If no interference with setts is anticipated, then a 50m buffer may be satisfactory. Please note that if methods likely to result in significant disturbance to badgers using associated setts are to be used, the use of a

larger buffer value of 100m would be expected.

It is noted that only badger field signs were looked for during the extended Phase 1 Habitat Survey. Any preconstruction surveys should be conducted on habitat that is suitable to support badgers, in addition to appropriate any areas where high levels of badger activity are known and/or have been recorded, and any areas where badgers may have dispersed into, taking into consideration the mobile nature of the species.

5.6 Survey Coverage

The survey coverage was 90.75% during the extended Phase 1 Habitat Survey. Natural England requires all land within the survey area to be surveyed, or, for a suitable ecological justification as to why this did not occur and/or was not possible to be recognised and discussed as a limitation. If an application for a formal licence is required, this would need to be addressed and justified appropriately.

5.7 Survey Figures

Natural England requires an additional figure/(s) if a formal application for a licence were to be submitted, which should include the setts that will be disturbed, damaged, or destroyed during the works, with all sett entrances and tunnel directions clearly labelled to allow for assessment of how they will be impacted during the works. Photographs of the sett entrances would also be required.

The number of setts differs throughout Chapter 22: Terrestrial Ecology and Nature Conservation. Page 74 states "*During the field surveys sixteen setts were located including one main sett, two annexe setts, four subsidiary setts, six outlier setts and three not classified (due to access restrictions to neighbouring property).*" Page 170 states "*A number of main (3), annex (2), subsidiary (4), outlier (8) and unclassified (7) setts have been identified during the survey programme.*" In addition, Figure 22.11.3 indicates 18 badger setts identified in the desk study results. If a future licence is required and applied for, clarity will be required on the number of badger setts present overall as they relate to the scheme, and which of those setts are within the 100m buffer.

The survey results detail the information gathered regarding the setts and badger signs in Table B-1 of the Badger, Otter, and Water Vole Survey Report. If a badger licence were to be required, it would be useful to indicate how far the setts are from the DCO Order Limit too, as it is currently unclear which are the two active subsidiary setts within the DCO Order Limits and which is the disused unclassified sett.

5.8 Sett Classification

There are several unclassified setts identified in the survey effort. If a licence is required Natural England will require all setts to be classified appropriately in any formal licence application.

5.9 Surveys undertaken at the proposed substation site at Oakendene

Following review of the figures provided in the Badger, Otter and Water Vole Survey Report [APP-189] it is not clear what was surveyed at the proposed substation site at Oakendene. A figure has not been provided which includes this location, and no information has been presented in the Badger, Otter, and Water Vole Survey Report regarding this location.

It is not clear in which season the badger surveys were undertaken for the Oakendene substation. We note that the Phase 1 habitat surveys were conducted for all accessible

habitats within the proposed DCO Order Limits and within a 30m buffer from the Order Limit boundary between April 2020 and March 2023.

5.10 Mitigation

There are 3 main setts, 2 annex setts, 4 subsidiary setts, 8 outlier setts and 7 unclassified setts identified within the 100m buffer. Of these, 2 subsidiaries are within the proposed DCO Order Limits. If the classification of these setts changes and a licence is required Natural England will need clarification on whether the setts will be disturbed, damaged, or destroyed. The ecological consultants for the scheme will be best placed to decide if a partial closure, full closure, temporary closure, or no action is needed, and they should consider the sett tunnel directions, topography and information from the existing survey effort. If a licence is required, the Methodology, Work Schedule and Monitoring strategy would need to be included as part of the Method Statement.

Natural England would need to be able to understand as part of any licence assessment if the tunnel directions of the two subsidiary setts that are located on or just within the DCO Order Limits are traveling towards the area of works, as there could be a potential for tunnels to be impacted during works. If additional setts were discovered within 100m of the DCO Order Limit after additional surveys were carried out, and those setts were to be impacted, further information regarding these setts would need to be submitted to Natural England as part of the formal licence application, including a clear Figure detailing the location of the setts, the sett entrances and direction of tunnels.

If the sett classification changes for any of the setts identified as lying within 30m of the DCO Order Limit, and a licence is likely required, then this information would need to be captured as appropriate as part of a formal licence application. Relatedly, if the sett classifications changed from Subsidiary to Main, and those setts were to be damaged or destroyed, then bait marking surveys would be required as part of the survey information to support a licence application to ensure the best placement for any artificial setts required as compensatory measures. The building of an artificial sett is typically expected where the proposals include the closure or destruction of a main sett.

Artificial setts must be constructed:

- in a suitable location,
- within the territory of the affected badger social group (determinable using bait-marking surveys)
- away from main roads, public rights of way or sources of danger to badgers,
- using materials and in a manner which is sufficiently robust for long-term use by badgers,
- made of materials not harmful to badgers,
- of a size to reflect the importance and extent of the sett to be lost
- provide a dry and well-ventilated (but not draughty) refuge,
- ideally with vegetative cover immediately around the structure.
- with a minimum internal diameter of artificial tunnels, chambers, and sett entrances being 300mm.

Construction of the artificial sett must be completed in advance of installing one-way gates to evict and exclude badgers from their main setts. Activities to evict and exclude badgers from their setts should only begin once there is evidence that badgers have discovered the artificial sett. Confirmation that badgers have found an artificial sett can be achieved through monitoring signs of badger activity such as: uptake of an attractive food such as peanuts and syrup; sand traps for paw prints; hair traps around the entrance; and via camera traps.

Construction of artificial setts can commence in advance of receipt of a licence, allowing further time for impacted badgers to locate them.

5.12 Foraging/ Commuting Routes

The areas of loss of foraging ground have been identified in the survey effort; however, it is not clear where the area of loss of foraging ground is within the documents submitted for review. Further information on this should be submitted to Natural England if a licence is required.

5.13 Experience of the Ecologist

If a formal application for a badger licence is submitted to Natural England, we typically require the Named Ecologist to have previous and relevant experience. Information on the ecologist and their experience should be detailed in the Application Form to demonstrate to Natural England that the applying ecologist has the skills, experience, and knowledge to confirm that the surveys and mitigation have been undertaken correctly and in line with best practice and ecological guidelines.

5.14 Designated Sites

If a formal licence application is submitted, and the works are likely to impact a Designated Site such as a European Site and/or a SSSI, Natural England expects this to be highlighted clearly in the application to enable the relevant checks to be undertaken. This has been suitably discussed in Chapter 22: Terrestrial Ecology and Nature Conservation.

5.15 Licencing

At present, Natural England understands that the Applicant does not intend to apply for a badger mitigation licence. Should further impacts be identified likely to require a licence, then further surveys as set out above will need to be conducted to support a license application for a mitigation development licence.

Annex 6: Great Crested Newts (GCN)

The following advice is based upon the information within:

- [APP-185] 6.4.22.7 Rampion 2 ES Volume 4 Appendix 22.7 Great Crested Newt environmental DNA survey report 2021-2023
- [APP-063] 6.2.22 Rampion 2 ES Volume 2 Chapter 22 Terrestrial ecology and nature conservation
- [APP-224] 7.2 Rampion 2 Outline Code of Construction Practice

6.1 Detailed Protected species advice – Great Crested Newts

Following review of the documents outlined above, it is understood that the development will be seeking to use the District (Level) Licensing approach as administered by the NatureSpace partnership. As NatureSpace is an external organisation and separate to Natural England, it is difficult to provide detailed commentary on this approach other than to recommend that the Rampion 2 Scheme engages with NatureSpace as early as possible to secure input and certainty with respect to the efficacy of using the District Licensing scheme (DLS). Natural England cannot comment in detail on the suitability of the survey and proposals as they relate to the NS DLL scheme.

At present, the quantity or quality of surveys provided would be insufficient to support an application for a GCN European Protected Species (EPS) Mitigation License for the following reasons:

- eDNA and Habitat Suitability Index (his) were the only methods used, therefore, only presence and absence of GCN across the development and surrounding areas is known. This makes it difficult to determine appropriate mitigation and compensation, as opposed to approaches supported with full population size class assessment surveys. Furthermore, the values for potential terrestrial habitat loss and damage (ha) across the site have not been provided so we are unable to determine whether this level of survey is sufficient.
- 31 waterbodies were sampled outside of the recommended eDNA survey window, with 16 of those not re-visited during the next surveys.
- Only 12 of the 17 waterbodies within the DCO Order Limits were surveyed with eDNA.
- 37 waterbodies were subject to HSI surveys only.

Natural England is therefore unable to comment on the suitability of the conclusions made with regards to any areas that form part of the landward part of the proposed development.

It is believed that the appropriate guidelines and methodologies have largely been followed however, a couple of instances have been noted where this is not the case:

- Some eDNA surveys were undertaken outside the optimal window.
- A number of waterbodies did not receive survey effort.

Furthermore, further clarity is required regarding when the works are likely to be carried out, as this will likely alter the risks posed to GCN.

6.2 Surveys undertaken at the proposed substation site at Oakendene

Natural England has not been provided with specific information relating to the Oakendene substation within [APP-185]. However, the figure on page 97 shows Oakdendene Industrial Estate and Oakendene Manor. If this is the correct area in question, at present, the quantity or quality of surveys provided would be insufficient to support an application for a GCN EPS Mitigation License due to the following reasons:

- 13 of the ponds surveyed (3 of which are within the DCO Order Limits or on the border) returned inconclusive results, meaning that the impacts of the development on GCN cannot be accurately determined.
- eDNA and HSI were the only survey methods used, therefore only the presence or absence of GCN is known. Furthermore, the values for potential terrestrial habitat loss and damage (ha) within the Oakendene substation area have not been provided so we are unable to determine whether this level of survey is sufficient.

We consider that the appropriate guidelines and methodologies have largely been followed; however, some eDNA samples were undertaken outside the optimal window. This will likely have reduced the accuracy of the results and therefore the reflection of GCN presence across the site.

As the survey effort is deemed insufficient for a GCN EPS Mitigation License at present, Natural England is unable to comment on the suitability of the conclusions made about the areas in the vicinity of the Oakendene substation site and cable route.

Annex 7: Protected species

The advice on this proposal, and the guidance contained within Natural England's standing advice relates to this case only and does not represent confirmation that a species licence (should one be sought) will be issued. Please see below for information regarding licensing for the following European Protected Species: Great Crested Newt This proposal, as presented, has the potential to affect species protected under European or UK legislation. It features a number of habitats that could support protected species e.g. breeding ponds. Natural England has produced Standing Advice which is available on its website. Whilst this advice is primarily designed to assist local planning authorities better understand the information required when assessing the impact of developments upon protected species, it also contains a wealth of information to help applicants ensure that their applications comply with good practice guidelines and contribute to sustainable development. In particular we draw your attention to the flow chart which gives guidance on the species that are likely to be present on the application site based upon readily identifiable habitat features. Please refer to this Standing Advice for further information on what information the authority may require in terms of survey and mitigation proposals. Further information can also be obtained from The Institute of Ecology and Environmental Management and Biodiversity Planning Toolkit for more guidance.

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's European Protected Species: Mitigation Licensing - How to get a licence (WML-G12) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's guidance on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.