

Date: 25 April 2024
Our ref: Case: 15576 Consultation: 467672
Your ref: EN010117



Richard Allen
National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Hornbeam House
Crewe Business
Park Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Richard Allen,

Rampion 2 Offshore Wind Farm

The following constitutes Natural England's formal statutory response for Examination Deadline 3.

1. Natural England's Deadline 3 Submissions

Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 3. Please find an update of Natural England's position regarding these documents in Table 1 below, including anticipated timing of responses. In addition, Natural England is also submitting the following detailed responses, signposted from Table 1, within the following thematic appendices:

- EN010117 467672 - Appendix B3 - Natural England's Advice on the Applicant's Deadline 1 submissions relating to Guillemot, Razorbill and Great black-backed gull
- EN010117 467672 - Appendix E3 to the Natural England Deadline 3 Submission - Natural England's Advice on the Applicant's Deadline 1 submissions relating to Fish and Shellfish
- EN010117 467672 - Appendix C3 to the Natural England Deadline 3 Submission - Natural England's advice on 8.42.1 Applicant's Response to Action Points Arising from Issue Specific Hearing 1: Marine Mammals
- EN010117 467672 - Appendix J3 to the Natural England Deadline 3 Submission - Natural England's advice on Protected Species
- EN010117 467672 - Appendix I3 to the Natural England Deadline 3 Submission - Natural England's advice on the Applicants Deadline 1 Submission – 8.35 SLVIA Maximum Design Scenario Principles and Visual Design Principles Clarification Note [REP1-037]
- EN010117 467672 Appendix N3 to the Natural England Deadline 3 Submission - Natural

England's Response to the Examining Authority's Written Questions (ExQ1)

- EN010117 467672 - Appendix N3 – Annex 1 to the Natural England Deadline 3 Submission - Natural England's Response to The Examining Authority's Written Questions relating to Seascape, Landscape and Visual

2. [REP2-012] - 8.21 Statement of Commonality for Statements of Common Ground

2.1 Meetings and Statement of Common Ground (SoCG)

- We suggest the second call listed relating to Natural England on 15/02/2024 'Risk and Issues Register and SoCG coordination call National Air Services' removes the reference to National Air Services.
- We attended a call to discuss the Statement of Commonality of SoCG and NE's Risk and Issues log on 26/03/24, this should be added to the list. We discussed the Statement of Commonality of SoCG in the meeting on the 26/03/24, but did not go through our Risks and Issues log in detail.
- Natural England has not conducted a 'page turn' of the Statement of Common Ground with the Applicant.
- Natural England did not attend the Expert-to-Expert Meeting SLVIA/LVIA call on the 28/03/2024, this should be removed from the list accordingly.

2.2 Statement of Commonality for SoCG

As stated in our Rule 6 letter, we note that the ExA does not intend to request any draft SoCGs either before or during the Examination, with only a final SoCG required to be submitted at Deadline 6. Natural England support the approach of not requesting an updated SoCG at each deadline, as this will allow us to focus our resource on the most pertinent technical aspects. We continue to submit an updated Risks and Issues Log at each Deadline. We hope that this will assist the Applicant in updating their Statement of Commonality of SoCGs at the relevant stages identified, as well as the final SoCG.

Natural England maintains our advice that the traffic light system proposed by the Applicant in the Statement of Commonality for SoCG is complex, unclear and misleading. We advise that because no issues with Natural England are coloured red or orange, this does not accurately represent the levels of risk and disagreement that still exist regarding key receptors, such as (but not limited to) impacts on seascape, landscape and visual impacts and the Kingmere Marine Conservation Zone. As Natural England has made clear with our own risk rating system within our Relevant Representations, there are a number of red and amber issues where significant disagreement exists. Given the Applicant has indicated there will be no further amendments to the proposal with respect to some of these matters, we have reached an 'agree to disagree' point. The Statement of Commonality for SoCG does not reflect this.

Notwithstanding our comments above, Natural England has provided a table below based on the Applicant's coding system to demonstrate where matters stand in our view:

Table 1.1 – Response to the Applicant's Table 1.2 -Status of SoCGs in [REP2-12]

Subject area	R2 Assessment	NE Assessment
Coastal processes		
Fish/Shellfish Ecology	Blank	
Benthic/Subtidal/Intertidal Ecology		
Marine Mammals		
Offshore and Intertidal Ornithology		On condition of compensation packages for impacts on FFC SPA and Farne Islands SPA seabird features being secured.
Seascape, Landscape and Visual Impact		
Landscape and Visual Impact		
Terrestrial Ecology/Nature Conservation		
Water Environment		
Habitats Regulations Assessment		
Principle of Development		
DCO and Securing Mechanisms	Blank	

3. [REP2-013] - 8.22 Applicant's Mid-Examination Progress Tracker Rev B

Natural England have compared the points raised in this document to our understanding on the key points that require tracking, including the advice provided in our Appendix K to the Relevant Representations of Natural England Principal Areas of Disagreement Summary Statement (PADSS). We advise that:

- Our points regarding recent storms as well as future coastal erosion and flooding at

Climping, including in relation to Climping Site of Special Scientific Interest (SSSI) have been omitted.

- The point around Horizontal Directional Drilling (HDD) does not specifically mention locations where we have particular concerns in relation to impacts to terrestrial ecology and/or landscape, such as Climping Beach SSSI, Sullington Hill, and Michelgrove Park.
- Our concerns raised around Arun Valley about water neutrality and functionally linked land have not been covered. Please see our risks and issues log and deadline 2.5 submissions regarding this matter.
- Our points within Appendix K regarding impacts of underwater noise from piling on the short snouted seahorse (*Hippocampus hippocampus*) feature of Beachy Head West Marine Conservation Zone (MCZ), Beachy Head East MCZ, Selsey Bill and the Hounds MCZ and Bembridge MCZ have been omitted.
- In relation to Kingmere MCZ, given the Applicant is not willing to adopt a full seasonal restriction in relation to underwater noise impacts on black seabream we advise this should be rated Red.
- In relation to marine mammals this is currently rated as green. We advise that we consider this issue amber at this stage, though we are hopeful of progress.
- In relation to Kittiwake as a feature of Flamborough and Filey Coast Special Protection Area (FFC SPA) we do not agree a rating of green at this stage and should be rated as amber. We advise that if the Applicant were to address our Deadline 2 comments on Kittiwake this issue may be moving towards green.
- We note that there is no mention of Flamborough and Filey Coast SPA in relation to in-combination impacts on guillemot and razorbill and Farne Islands SPA in relation to in-combination impacts on guillemot. We advise that both should be included and rated as Amber.
- We advise that Natural England appear to have been entirely omitted in relation to seascape, which is concerning given this is one of our key areas of disagreement. We advise that two rows are added in relation to our advice, one to address the comments in our PADSSs in relation to significant seascape impacts on the South Downs National Park (SDNP), including the Sussex Heritage Coast (SHC), which should be rated red. The other should be in relation to our advice on the significant seascape impacts on the Isle of Wight Area of Outstanding Natural Beauty (IoWAONB) and Chichester Harbour Area of Outstanding Natural Beauty (CHAONB), which should be rated Amber.
- We also advise that our advice regarding Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 in our deadline 1 cover letter, which the Applicant has not responded to thus far, should be included within this document.

3. Applicant's Responses

This advice relates to, but is not limited to:

- [REP1-017] - Applicant's Responses to Relevant Representations
- [REP1-018] - Applicant's Response to Action Points Arising from Issue Specific Hearing 1 [REP1-033] - Applicant's post hearing submission - Issue Specific Hearing
- [REP2-018] - Applicant's Response to Action Points Arising from ISH1 Rev A
- [REP2-026] - Applicant's Response to Prescribed Consultees' Written Representation Rev A

As set out in our response to the Rule 6 letter, Natural England advises that unless there are further updates to ES chapters, and/or named plans, any responses and commitments made by the Applicant within the above documents will not be secured and therefore will not necessarily be 'pulled through' to the post consent phases. We therefore require our risks and issues to be addressed by the Applicant in updated ES chapters, Named Plans and DCO/dML conditions, in order to provide a clear audit trail through to post consent phases. If this is not undertaken, where the Applicant's representations have structured their responses as standalone 'comments on comments', Natural England will not provide detailed responses. Where an issue remains unchanged/unresolved in our risk and issues log, it should be considered that we are awaiting the submission of an updated chapter/plan/DCO/dML conditions (at which point we will conduct a detailed review and provided further commentary/ update our risks and issues log as required), or that further commentary from the Applicant has not sufficiently addressed our advice.

We understand that the Applicant intends to submit an updated Offshore in Principle Monitoring Plan at deadline 3 therefore we will aim to provide an update to our deadline 1 comments at deadline 4.

We would particularly highlight in relation to the Appendix 8.4: Black Seabream Underwater Noise Technical Note and Survey Results – Revision A [PEPD-023] that the comments provided by the Applicant do not address our key ongoing concerns in relation to black seabream as a feature of Kingmere MCZ. We particularly highlight that any comments relating to thresholds for other windfarms do not relate to black seabream, this issue is unique to Rampion OWF.

4. Terrestrial Ecology

As we advised in our deadline 2 letter, our outstanding comments and responses on the Examining Authority's Written Questions arising out of Issue Specific Hearing 1 on Environmental Matters [PD-008] were provided to the examining authority on the 5th April. We understand that the examining authority intends to publish these comments after deadline 3 has closed. Our outstanding response on protected species is provided in Appendix J3.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

Emma Preston
Marine Senior Advisor – Sussex and Kent Area Team
E-mail: emma.preston@naturalengland.org.uk

Table 1 Natural England's Response/Summary Position to the Applicant's Documents Submitted at Deadline 3 that are relevant to our remit.

PINS Document Reference	Applicant's Document Name	Natural England's Response/Position Summary
PEPD-029	Pre-Exam Procedural Deadline Submission- 6.4.22.18 - Environmental Statement - Volume 4 -Appendix 22.18: Passive and active bat activity report 2023 - Revision A	Natural England's response to this document in is provided in Appendix J3.
PEPD-030	Pre-Exam Procedural Deadline Submission - 6.4.22.19 - Environmental Statement - Volume 4 - Appendix 22.19: Hazel dormouse report 2023 - Revision A	Natural England's response to this document in is provided in Appendix J3.
REP1-006	Deadline 1 Submission - 6.2.32 Environmental Statement Volume 2, Chapter 32: ES Addendum	Natural England's response to terrestrial ecology documents was provided on 5 th April in Appendix J2.5a and J2.5b.
REP1-007	Deadline 1 Submission - 6.3.8 Environmental Statement: Volume 3, Chapter 8: Fish and shellfish - Figures	Natural England's response to this document in is provided in Appendix E3.
REP1-008 & REP1-009	Deadline 1 Submission - 6.4.23.2 Environmental Statement: Volume 4, Appendix 23.2: Traffic Generation Technical Note assessment (Clean)	Natural England has no comments on this submission at this time.
REP1-010 & REP1-011	Deadline 1 Submission - 7.6 Outline Construction Traffic Management Plan (Clean)	Natural England has no comments on this submission at this time.
REP1-012	Deadline 1 Submission - 7.17 In Principle Sensitive Features Mitigation Plan	Natural England's response to this document in relation to fish and shellfish ecology has been provided in Appendix E3.
REP1-017	Deadline 1 Submission - 8.24 Applicant's Responses to Relevant Representations	Please see paragraph 4 above, we do not intend on commenting on any direct responses by the Applicant or other interested parties on our representations.
REP1-018	Deadline 1 Submission - 8.25 Applicant's Response to Action Points Arising from Issue Specific Hearing 1	Please see paragraph 4 above, we do not intend on commenting on any direct responses by the Applicant. Natural England has highlighted some key points within Appendix E3.

PINS Document Reference	Applicant's Document Name	Natural England's Response/Position Summary
REP1-020	Deadline 1 Submission - 8.25.1 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise	Natural England's response to this document in is provided in Appendix E3.
REP1-021	Deadline 1 Submission - 8.25.2 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 2 - Further information for Action Point 4 – Wineham Lane North	Natural England's response to terrestrial ecology documents was provided on 5 th April in Appendix J2.5a and J2.5b.
REP1-022	Deadline 1 Submission - 8.25.3 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 3 – Further information for Action Point 14 and 16 – Construction Accesses	Natural England has no comments on this submission at this time.
REP1-023	Deadline 1 Submission - 8.25.4 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 4 - Further information for Action Point 20– Oakendene Substation Flood Risk	Natural England has no comments on this submission at this time.
REP1-024	Deadline 1 Submission - 8.25.5 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 5 – Further information for Action Point 27 – South Downs National Park	Other than to support the representations of South Downs National Park regarding this submission, Natural England has no comments at this time.
REP1-027	Deadline 1 Submission - 8.25.8 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 8 – Further Information for Action Point 34 – In Combination Assessment Update for Guillemot and Razorbill	Natural England's response to this document in is provided in Appendix B3.
REP1-033	Deadline 1 Submission - 8.31 Applicant's Post Hearing Submission – Issue Specific Hearing 1	Please see paragraph 4 above, we do not intend on commenting on any direct responses by the Applicant.
REP1-035	Deadline 1 Submission - 8.33 Ornithological and Marine Mammal Aerial Survey Results of Rampion 2 - 2021	Natural England's response to this document in is provided in Appendix B3 in relation to Ornithology.
REP1-037	Deadline 1 Submission - 8.35 SLVIA Maximum Design Scenario and Visual Design Principles Clarification Note	Natural England's response to this document in is provided in Appendix I3.
REP1-038	Deadline 1 Submission - 8.36 Great black-backed gull assessment sensitivity	Natural England's response to this document in is provided in Appendix B3.
PD-008	The Examining Authority's Written Questions arising out of Issue Specific Hearing 1 on	Natural England's response to the terrestrial ecology questions was provided on 5 th April in Appendix N2.5.

PINS Document Reference	Applicant's Document Name	Natural England's Response/Position Summary
	Environmental Matters	
REP2-016	8.39 Draft Accompanied Site Visit Itinerary Rev A	Natural England has no comments to make on this submission at this time.
REP2-018	8.42 Applicant's Response to Action Points Arising from ISH1 Rev A	Please see paragraph 4 above, we do not intend on commenting on any direct responses by the Applicant.
REP2-014	8.37 Applicant's Response to Parish Councils and Members of Parliament Rev A	Natural England has no comments to make on this at this time.
REP2-020	8.43 Applicant's Response to West Sussex County Council Deadline 1 Submissions	Natural England has no comments to make on this at this time.
REP2-021	8.44 Applicant's Response to Arun District Council Deadline 1 Submissions	Natural England has no comments to make on this at this time.
REP2-022	8.45 Applicant's Response to Horsham District Council Deadline 1 Submissions	Natural England has no comments to make on this at this time.
REP2-023	8.46 Applicant's Response to Mid Sussex District Council Deadline 1 Submissions Rev A	Natural England has no comments to make on this at this time.
REP2-024	8.47 Applicant's Response to South Downs National Park Authority Deadline 1 Submissions Rev A	Natural England has no comments to make on this at this time.
REP2-025	8.48 Applicant's Response to Brighton and Hove City Council Deadline 1 Submissions Rev A	Natural England has no comments to make on this at this time.
REP2-026	8.49 Applicant's Response to Prescribed Consultees' Written Representation Rev A	Please see paragraph 4 above, we do not intend on commenting on any direct responses by the Applicant.
REP2-028	8.51 Applicant's Response to Affected Parties' Written Representations	Natural England has no comments to make on this at this time.
REP2-029	8.52 Applicant's Responses to Members of the Public and Businesses' Written Representations Rev A	Natural England has no comments to make on this at this time.
REP2-030	8.53 Applicant's Response to Non-Prescribed Consultees' Written Representations Rev A	Natural England has no comments to make on this at this time.
REP2-007 & REP2-008	4.4 Land Rights Tracker Rev B	Natural England has no comments to make on this at this time.
REP2-009	4.5 Change Log for Book of Reference Rev A	Natural England has no comments to make on this at this time.
REP2-012	8.21 Statement of Commonality for	Please see paragraph 2 above.

PINS Document Reference	Applicant's Document Name	Natural England's Response/Position Summary
	Statements of Common Ground Rev B	
REP2-001	1.6 Rampion 2 Application Document Tracker	Natural England has no comments to make on this at this time.
REP2-013	8.22 Applicant's Mid-Examination Progress Tracker Rev B	Please see paragraph 3 above.
REP2-015	8.38 National Policy Statement Tracker Rev A	Natural England has no comments to make on this at this time.
REP2-036	Deadline 2 Covering Letter	Natural England has no comments to make on this at this time.
REP2-027	8.50 Marine Plan and Policies Statement Rev A	Natural England has no comments to make on this at this time. We defer to advice of the Marine Management Organisation on this document.
REP2-019	8.42.1 Appendix 1 Marine Mammals Clarification Note Rev A	Natural England's response to this document in is provided in Appendix B3.
REP2-011	6.4.8.3 ES Volume 4 Appendix 8.3 Underwater noise study for sea bream disturbance Rev B	Natural England's response to this document in is provided in Appendix E3.
REP2-010	6.3.9 ES Volume 3 Chapter 9 Benthic, subtidal and intertidal ecology - Figures Rev B	Natural England's response is provided as an update to our risks and issues log.
REP2-017	8.41 Review of IEMA Guidelines on Environmental Assessment of Traffic and Movement Rev A	Natural England has no comments to make on this at this time.
REP2-002	3.1 Draft Development Consent Order Rev C (clean)	Natural England's response is provided as an update to our risks and issues log.
REP2-003	3.1 Draft Development Consent Order Rev C (tracked)	Natural England's response is provided as an update to our risks and issues log.
REP2-004	3.2 Explanatory Memorandum Rev B (clean)	Natural England's response is provided as an update to our risks and issues log.
REP2-005	3.2 Explanatory Memorandum Rev B (tracked)	Natural England's response is provided as an update to our risks and issues log.
REP2-006	3.3 Schedule of Changes to the Draft Development Consent Order Rev B	Natural England's response is provided as an update to our risks and issues log.