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Natural England

Your Ref:

Our Ref: EN010117

Date: 20 May 2024

Dear Sir/Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

Application by Rampion Extension Development Limited for an Order Granting Development Consent for the Rampion 2 Offshore Wind Farm Project

Request for further information

Following Issue Specific Hearing 2 (ISH2), the Examining Authority (ExA) has a number of requests for further information from Natural England. The ExA therefore makes a written request under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 for a response to the questions set out in Annex A. Although these questions are directed at Natural England, this does not preclude others also responding, where they have an interest in the subject matter of the requests.

Responses should be submitted by **Deadline 4 (Monday 3 June 2024)**.

Yours sincerely



Richard Allen
Lead Member of the Panel of Examining Inspectors

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EN010117: Application by Rampion Extension Limited for the Rampion 2 Offshore Wind Farm**The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2
Issued on Monday 20 May 2024**

The following table sets out the Examining Authority's (ExA's) request for further information from Natural England following the Issue Specific Hearing 2 (ISH2) held on Wednesday 15 May and Thursday 16 May 2024. The questions arise out of Natural England's decision not to attend the Hearings.

Responses and Information Requested are due by Deadline 4: Monday 3 June 2024

Q. No	Question Topic	Question
Agenda Item 2a Onshore ecology - Biodiversity Net Gain (BNG) including the adequacy of the Applicant's revised BNG Appendix 22.15 [REP3-019] and the wording of Requirement 14.		
Q2a-1	<i>BNG Appendix 22.15</i> Natural England	Provide a concise update the latest position on the updated BNG Appendix 22.15 [REP3-019] submitted by the Applicant at D3.
Q2a-2		Explain whether the updated BNG Appendix 22.15 [REP3-019] provides a clearer distinction between the mitigation hierarchy and BNG and whether there are any remaining concerns regarding whether the mitigation hierarchy has been adequately demonstrated and followed in respect to biodiversity.
Agenda Item 2b Onshore ecology - Horizontal Directional Drilling including the adequacy and wording of commitments C-5 and Requirements 22 and 23.		
Q2b-1	<i>Commitment C-5 and the Worst Case Tested in the Environmental Statement</i> Natural England	<p>It is stated at Deadline 3 [REP3-086], that there is no agreement with the Applicant that the 'worst-case scenario' has been expressed in the Environmental Statement (ES) [APP-063] as currently no on-site Ground Investigations have been carried out.</p> <p>The Applicant confirmed during ISH2 that the draft DCO [REP3-003] only seeks to consent open cut in the locations specified in the crossing schedule.</p> <p>State the latest position on this issue in light of the fact the Commitments Register (CR) [REP3-049] would be a secured document in the draft DCO and in light of discussions held at ISH2 on this topic.</p>
Agenda Item 2c Onshore ecology - Climping Beach SSSI including the adequacy and wording of commitments C-292, C-112, C-217, C-247 and Requirement 6(4).		

Q2c-1	<p><i>Wording of Commitment C-112</i> <i>Climping Beach</i> Natural England</p>	<p>Concerns were raised that Commitment C-112 of the CR does not include avoiding impacts to Climping Beach SSSI via unplanned activity and advised that the terms '<i>unless remedial action is required,</i>' and '<i>predicted</i>' are removed.</p> <p>Respond to the Applicant's explanation in ISH2 of the inclusion of these words within Commitment C-112.</p>
Q2c-2	<p><i>Wording of Commitment C-217</i> <i>Climping Beach</i> Natural England</p>	<p>It is advised that the wintering period should include October to March inclusive.</p> <p>During ISH2 the Applicant confirmed it is seeking to update Commitment C-217 for Deadline 4. Respond to the Applicant's explanation on this issue at ISH2.</p>
Q2c-3	<p><i>Wording of Commitment C-247</i> <i>Climping Beach</i> Natural England</p>	<p>It is stated at Deadline 3 [REP3-088 App J2.5a published at D3], that to ensure that significant impacts to Climping Beach do not occur a commitment/consent condition should be included within a named plan to prevent the option of open trenching should HDD not be feasible or detailed ground investigation/models indicate the need for alternative options. It is stated that Commitment C-247 of the CR as it stands does not prevent damage to the SSSI in these scenarios.</p> <p>Does the fact the CR is now an approved document allay these concerns. If not, explain why not and what concerns are outstanding.</p>
Q2c-4	<p><i>Wording of Commitment C-292</i> Natural England</p>	<p>Provide a comment, if required, regarding the newly added commitment C-292 in the CR.</p>

Agenda Item 2d Onshore ecology - Protected species including the adequacy of surveys for DCO application, adequacy of proposed mitigation and commitments in the draft DCO, post consent mitigation licences for protected species.		
Q2d-1	<p><i>Protected Species Surveys</i></p> <p>Natural England</p>	<p>Detailed advice was provided regarding surveys undertaken by the Applicant regarding the following potentially licensable species: • Great crested newt • Otters • Water Vole • Bats • Dormouse • Badger, into the examination at D3, Appendix J3 [REP3-084].</p> <p>Given that applications for protected species licences would be a potential post-consent stage process, inform the ExA whether there are any outstanding concerns at this stage of the process.</p>
Q2d-2	<p><i>Protected Species Licences</i></p> <p>Natural England</p>	<p>Comment on whether there is any concern that a protected species licence for any of the protected species under discussion would not be possible for the Applicant to obtain post consent if required, drawing particular attention to bats, water vole, great crested newts, badgers, hazel dormouse and otters.</p>
Q2d-3	<p><i>Commitment C-214 - Great Crested newts</i></p> <p>Natural England</p>	<p>The response to written question TE1.18 [REP3-086] states that further information would be required to understand the full nature of the works covered by Commitment C-214 of the CR to determine its effectiveness. Explain what further information is required and what changes to C-214 are sought, if any.</p>
Q2d-4	<p><i>Commitments Relating to Protected Species</i></p> <p>Natural England</p>	<p>Comment, if required, on the wording of the following Commitments in the CR relating to protected species:</p> <ul style="list-style-type: none"> • C-214 (great crested newts, see question Q2d-4) • C-209 (badgers) • C-210 (water voles and otters) and • C-232 (hazel dormouse) • C-211, C-291, C-105, C-200, C-115 (bats)

Agenda Item 3a Offshore ecology - Underwater noise – general matters		
Q3a-1	<p><i>Outstanding Concerns Regarding the Worst-case Scenario for Piling and Securing the Maximum Design Scenario for Piling in the draft DCO / draft DML.</i></p> <p>Natural England</p>	<p>Comment, if required, on whether the replies given by the Applicant gave to questioning on these matters at the ISH2 allays concerns on these matters.</p>
Agenda Item 3b Offshore ecology – Fish and Shellfish		
Q3b-1	<p><i>Level of Black Seabream Nesting in July</i></p> <p>Natural England</p>	<p>Comment on whether it possible that the level of black seabream active nests in July could be comparable or greater than the preceding individual months.</p>
Q3b-2	<p><i>Use of 135db as a Behavioural Threshold for Black Seabream</i></p> <p>Natural England</p>	<p>In respect to behavioural threshold for black seabream, which the MMO has suggested use of a 135db contour [REP3-076]. To clarify, if a 135db was used with amended restrictions and mitigation to reflect this (to ensure this noise threshold limit is not exceeded at the Marine Conservation Zone (MCZ) boundary, would Natural England be satisfied? Please see the document: <i>Applicant's Responses to Examining Authority's First Written Questions</i></p>

		<i>(ExQ1) - Appendix H - FS: Noise Thresholds for Black Seabream [REP3-051], Figures H-1 and H-2.</i>
Q3b-3	<i>Use of Monitoring to Ensure Noise Mitigation Efficacy</i> Natural England	As a backup to other mitigation and the use of zoning, comment on the possibility for there to be monitoring at the MCZ boundary of Kingmere MCZ to demonstrate that there would be no noise level exceeding any agreed threshold from piling. For example, if the agreed noise threshold was exceeded, then further adaptive management/mitigation may be necessary before further piling.
Q3b-4	<i>Measures of Equivalent Environmental Benefit</i> Natural England	It is understood that the Applicant is working towards submitting a potential, without prejudice, Measure of Equivalent Environmental Benefit (MEEB). Comment on any parameters or minimum requirements for a MEEB relating to the effects on Kingmere MCZ relating to any potential impact to the Black Seabream nesting at this MCZ.
Q3b-5	<i>Seahorse Behavioural Effects</i> Natural England	At the ISH2, the Applicant confirmed that they regard a behavioural noise threshold of 141db would be appropriate to be used for Seahorses. Provide a response. Furthermore, comment on whether seahorses would be likely to return to their habitat in the MCZs following any noise disturbance at the behavioural level.
Q3b-6	<i>Use of Bubble Curtain</i> Natural England	At the ISH2, the Applicant stated its intent to use a bubble curtain for noise mitigation throughout the year during the construction phase. The Applicant also stated that this would provide a minimum 16db noise reduction. If this is evidenced sufficiently, comment on whether seahorses, as features of the nearby MCZ areas, would not be affected by piling noise.
Q3b-7	<i>Adaptive Management</i> Natural England	Based on the post-construction monitoring Conditions (No 18) within the Deadline 3 iteration of the draft Deemed Marine Licences [REP3-003], comment on what would be necessary if the results of post-construction monitoring indicated adverse effects greater than anticipated. Explain whether there is a need for incorporation of more adaptive management provisions into the Conditions.
Agenda Item 3d Offshore ecology – Marine Mammals		

Q3d-1	<p><i>Potential Impacts on the Harbour Porpoise Population Trajectory</i></p> <p>Natural England</p>	<p>It is advised in its risk and issues log at Deadline 2 [REP2-041] that the Applicant should provide further evidence on whether the latest number of harbour porpoise likely to be impacted by the Proposed Development would or would not affect the overall harbour porpoise population trajectory.</p> <p>The Applicant provided a detailed response to this at D3 in the Applicant's response to the ExA's first written questions [REP3-050] but Natural England's response to this point remains unchanged in Natural England's latest risk log issued at D3 REP3-087].</p> <p>Respond to the Applicant's response to Written Question MM 1.6 and set out the latest position on this point.</p>
Agenda Item 3e Offshore ecology – Offshore ornithology		
Q3e-1	<p><i>Hornsea Three and Four Decisions by the Secretary of State</i></p> <p>Natural England</p>	<p>The ExA is aware of the recent kittiwake derogation cases in England (Hornsea Four (DESNZ, 2023) and Hornsea Three (BEIS, 2020)), where the Secretary of State has concluded the level of compensation required based on the mean rather than the upper 95% confidence interval.</p> <p>Comment, if required, whether there are any comments on the Hornsea Three and Four decisions where the Secretary of State took a different position to that advocated by Natural England.</p>
Q3e-2	<p><i>Kittiwake Compensation Quanta</i></p> <p>Natural England</p>	<p>The ExA would like to understand whether Natural England would consider changing its position regarding compensation numbers for kittiwakes. Provide a response.</p>

Q3e-3	<p><i>Compensation quanta for Guillemot and Razorbill</i></p> <p>Natural England</p>	<p>The compensation quanta for guillemot and razorbill is presented in Table 8.1, section 8.2 of the Guillemot and Razorbill Evidence and Roadmap Compensation Plan [REP3-059].</p> <p>Comment on whether Natural England is in agreement with the Applicant regarding the compensation quanta for Guillemot and Razorbill at FFC and Farne Islands presented in Table 8.1.</p>
Q3e-4	<p><i>Guillemot and Razorbill Evidence and Roadmap Compensation Plan [REP3-059].</i></p> <p>Natural England</p>	<p>Concisely summarise any outstanding concerns from Natural England regarding the proposed compensation measures, reporting and adaptive management measures in the Applicant's proposed Guillemot and Razorbill Evidence and Roadmap Compensation Plan.</p>
<p>Agenda Item 6c Landscape Seascape and Visual Effects – Application of R1 Design Principles.</p>		
Q6c-1	<p><i>Rampion 1 Design Principles</i></p> <p>Natural England</p>	<p>The Commitment C-61 of the CR states that the Applicant will have regard to the Design Principles of Rampion 1 whereas Natural England at Table 1 [REP3-083] suggest Design Principles should apply regardless. Explain why this should be the case.</p>
Q6c-2	<p><i>Rampion 1 Design Principle (iii)</i></p> <p>Natural England</p>	<p>At the ISH2, the South Downs National Park Authority accepted the Applicant's response that Rampion 1 Design Principle (iii) is not relevant to the Proposed Development in response to Natural England's Deadline 2 submission at table 4.3 point 2.1.35 [REP3-052], and that Requirement 2 of draft DCO [REP3-004] adequately restricts the Wind Turbine Generators to a uniform height and rotor diameter.</p> <p>Explain why Rampion 1 Design Principle (iii) is relevant and explain why the Proposed Development should be considered as a hybrid scheme.</p>

Agenda Item 6d Seascape Landscape and Visual Effects – Assessment of Special Qualities and Statutory Purposes of the South Downs National Park.		
Q6d-1	<i>Special Qualities</i> Natural England	Provide an explanation on why any harm to special qualities inevitably compromises the Statutory Purpose of the South Downs National Park in response to ExA WQ1 SLV1.5 [REP3-085].
Q6d-2	<i>Special Qualities</i> Natural England	Does the above (Q6.d.1) remain Natural England's view when taking account of the Applicant's answer to ExA WQ1 SLV 1.5 [REP3-051] Appendix F SLV: Examples of Permitted NSIPs affecting special qualities and statutory purpose of national landscapes.
Agenda Item 6 Seascape Landscape and Visual Effects – Assessment of Cumulative Effects		
Q6e-1	<i>Seascape Effects</i> Natural England	If the Secretary of State were to accept the Applicants need case, alternatives case and that the seascape, landscape and visual effects of the Proposed Development had be reduced as far as possible, set out Natural England's contention that the Seascape effects alone should result in a recommendation to withhold the DCO for the Proposed Development.