

Rampion 2 Wind Farm

Category 5: Reports

Alternative Schedule 17 (on a without prejudice basis) (tracked changes)

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Revision B

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Document revisions

Revision	Date	Status/reason for issue	Author	Checked by	Approved by
A	02/01/2024	Final for DCO Application Addendum	Eversheds	RED	RED
B	03/06/2024	Deadline 4	Eversheds	RED	RED



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Additional article:

Compensation measures

58. - Schedule 17 (Compensation to protect the coherence of the National Site Network) has effect.

Addition to Schedule 16

<u>8.64</u>	<u>REP3-058</u>	<u>Kittiwake implementation and monitoring plan</u>	<u>B</u>	<u>April 2024</u>
[]	[]	[<u>Outline guillemot and razorbill implementation and monitoring plan</u>]		

SCHEDULE 17

Article 58

COMPENSATION TO PROTECT THE COHERENCE OF THE NATIONAL SITE NETWORK

Part 1 – Kittiwake Compensation

1. In this Part 1 of Schedule—

“the FFC SPA” means the site designated as the Flamborough and Filey Coast Special Protection Area;

~~“Outline Kittiwake Implementation and Monitoring Plan” means the document certified as the Outline Kittiwake Implementation and Monitoring Plan by the Secretary of State for the purpose of this Order under article 50 (certification of plans and documents etc);~~

“Final K€IMP” means the final kittiwake compensation implementation and monitoring plan for the delivery of measures to compensate for the predicted loss of adult kittiwakes from the FFC SPA as a result of the authorised development which shall accord with the principles identified in the ~~Outline K~~kittiwake ~~i~~implementation and ~~M~~monitoring Plan;

~~“Kittiwake Implementation and Mmonitoring Plan” means the document certified as the Kkittiwake iimplementation and Mmonitoring Pplan by the Secretary of State for the purpose of this Order under article 51 (certification of plans and documents etc);~~

“the Marine Recovery Fund” means the fund to be established and operated by Defra pursuant to the Offshore Wind Environmental Improvement Package of the British Energy Security Strategy (April 2022) for the implementation of strategic compensation or any equivalent fund established by a Government body for that purpose;

“Marine Recovery Fund Payment” means a contribution to the Marine Recovery Fund to compensate for the predicted loss of adult kittiwakes from the FFC SPA as a result of the authorised development the sum of which shall be calculated in accordance with any guidance issued by Defra or otherwise to be agreed with the Secretary of State

“the OKEG” means an onshore kittiwake/offshore kittiwake engagement group which has been or shall be established to assist, through consultation, the undertaker and the developer of any other project with whom the undertaker is to collaborate in the delivery of the onshore kittiwake compensation measure; and

“the onshore kittiwake compensation measure” means measures which improve kittiwake habitat within or outside the FFC SPA onshore, or improve breeding success through reducing avian predation or supplementary feeding;

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2. No offshore works are to commence until the undertaker has confirmed in writing to the Secretary of State whether it will

- (a) make a Marine Recovery Fund Payment; or
- (b) submit a Final KCIMP to the Secretary of State for approval

3. Where the undertaker elects to submit a Final KCIMP no offshore works are to commence until a plan for the work of the OKEG has been submitted to and approved by the Secretary of State, such plan to include

- (i) the identity of, or the arrangements for establishment of, the OKEG;
- (ii) its terms of reference;
- (iii) its membership will shall (as a minimum) include the local planning authority for the area in which the onshore kittiwake compensation measure is to be provided and SNCB as core members and the RSPB as advisory member;
- (iv) details of the proposed schedule of meetings, reporting and review periods; and
- (v) the dispute resolution mechanism and confidentiality provisions.

~~(0) Work Nos. 1 to 6 together with any associated development offshore may not be operated until~~
4. Following consultation with OKEG, the Final KCIMP has must been submitted to and approved by the Secretary of State in consultation with the relevant statutory nature conservation body, and with the relevant local planning authority for an onshore compensation measure (if required). The KIMP must be based on the strategy for kittiwake compensation set out in the Outline Kittiwake Implementation and Monitoring Plan and include

- ~~(1) the selected compensation measure to be delivered;~~
- (1) where the KIMP identifies payment of a contribution to the Marine Recovery Fund, the sum of the contribution

4. The Final KCIMP (if required) must be based on the strategy for kittiwake compensation set out in the kittiwake implementation and monitoring plan and include where the KIMP identifies delivery of an onshore compensation measure details of

~~the location where the compensation measures will be delivered and the suitability of that location (including why the location is appropriate ecologically and likely to support successful compensation), and (where the landowner is not the statutory nature conservation body) details of any landowner agreement(s) required~~

- (a) the location where the compensation measures will be delivered and the suitability of that location (including why the location is appropriate ecologically and likely to support successful compensation), and (where the landowner is not the statutory nature

~~conservation body) confirmation that the necessary details of any landowner agreement(s) required are in place~~

~~(b) where the compensation measures comprise an artificial nesting structure details of the capacity of such structure(s) and its ability to accommodate nesting for at least [] pairs of kittiwake to compensate for the impact of the authorised development on the population of the FFC SPA;~~

~~(c) —~~

~~(c) an implementation timetable for delivery including any arrangements made with a third party for implementation of the measures provided that if the measures comprise -an artificial nesting structure that has already been delivered the details submitted shall comprise confirmation as to when the structure was completed;~~

~~(d) details of any contribution to be made to a third party to ongoing management and maintenance of the compensation measures delivered in collaboration with a third party and;~~

~~(e) unless the KIMP proposes payment of a financial contribution to the Marine Recovery Fund, details for the ongoing monitoring and reporting of the effectiveness of the compensation measures identified in the Final KIMP including~~

~~(i) survey methods;~~

~~(ii) survey programmes;~~

~~(iii) success criteria; and~~

~~(iv) timescales for the monitoring reports to be delivered~~

~~(e) details of any adaptive management measures, with details of the factors used to trigger any alternative and/or adaptive management measures;~~

~~(f) confirmation as to how it has had regard to output of consultation with KOKEG~~

~~3.5. Where the Final KIMP identifies the provision of artificial nesting structures in collaboration with one or more other offshore wind farm projects the details submitted pursuant to paragraph 42(b)(e) and paragraph 2(f) and (e) shall identify how the effectiveness of the compensation measures and any requirement for adaptive management measures are to be attributed to the authorised development~~

~~6. The undertaker must implement the measures set out in the Final KIMP approved by the Secretary of State, unless otherwise agreed by the Secretary of State in following consultation with the relevant statutory nature conservation body, MMO and the local planning authority for the area in which the onshore kittiwake compensation measure is to be provided relevant local planning authority.~~

~~4.7. No operation of any wind turbine generator forming part of the authorised development may begin until the Final KIMP has been implemented and completed (where appropriate) has been notified to the Secretary of State and where the compensation comprises an artificial nesting structure this has been in place for at least four full kittiwake breeding seasons prior to such operation. For the purposes of this paragraph each breeding season is assumed to have commenced on 1 March in each year and ended on 31 August.~~

~~8. Where the undertaker has confirmed that it shall make a payment to the Marine Recovery Fund there shall be no operation of a wind turbine generator unless and until the Marine Recovery Fund Payment has been quantified and such payment has been made and following such payment the undertaker shall not be required to implement any further compensation measures for kittiwake pursuant to this Part 1 of Schedule 17~~

~~5.9. In the event that a Final KIMP is submitted detailing delivery of an onshore compensation measure(s), and monitoring reports submitted to the Secretary of State in accordance with the approved Final KIMP include findings that the compensation measures delivered have been ineffective then proposals for any alternative and/or adaptive management measures shall be~~

provided ~~as agreed by the OKEGO and notified to the Secretary of State as part of the monitoring reports. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the relevant statutory nature conservation body~~

~~6.10.~~The Final K~~C~~IMP approved under this Part 1 of Schedule 17 includes any amendments that may subsequently be approved in writing by the Secretary of State. Any amendments to or variations of the approved Final KIMP must be in accordance with the principles set out in the Outline K~~k~~ittiwake I~~i~~mplementation and Management-monitoring P~~p~~lan and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any ~~materially~~-new or materially different environmental effects from those considered in the Outline K~~k~~ittiwake I~~i~~mplementation and M~~m~~onitoring P~~p~~lan.

Part 2 – Guillemot and Razorbill Compensation

11. In this Part 2 of Schedule 17 —

“the Farne Islands SPA” means the site designated as the Farne Islands Special Protection Area;
“the FFC SPA” means the site designated as the Flamborough and Filey Coast Special Protection Area;

“Outline guillemot and razorbill implementation and monitoring plan” means the document certified as the outline guillemot and razorbill implementation and monitoring plan by the Secretary of State for the purpose of this Order under article 510 (certification of plans and documents etc);

“GRIMP” means the guillemot and razorbill implementation and monitoring plan for the delivery of measures to compensate for the predicted loss of adult guillemot and razorbill from the FFC SPA or Farne Island SPA as a result of the authorised development which shall accord with the principles identified in the outline guillemot and razorbill implementation and monitoring plan;

“the Marine Recovery Fund” means the fund to be established and operated by Defra pursuant to the Offshore Wind Environmental Improvement Package of the British Energy Security Strategy (April 2022) for the implementation of strategic compensation or any equivalent fund established by a Government body for that purpose;

“Marine Recovery Fund Payment” means a contribution to the Marine Recovery Fund to compensate for the predicted loss of adult ~~kittiwakes-guillemots~~ and razorbills from the FFC SPA and Farne Islands SPA as a result of the authorised development the sum of which shall be calculated in accordance with any guidance issued by Defra or otherwise to be agreed with the Secretary of State;

“OGREG” means an ~~onshore-offshore~~ guillemot and razorbill engagement group which has been or shall be established to assist, through consultation, the undertaker and the developer of any other project with whom the undertaker is to collaborate in the delivery of the onshore compensation measures for guillemot and razorbill; and

“the onshore guillemot and razorbill compensation measure” means measures to reduce disturbance for colonies of ~~which improve-guillemot and razorbill habitat in colonies~~ identified as being in decline onshore, or improve breeding success through reducing avian predation or supplementary feeding;

12. No offshore works are to commence until the undertaker has confirmed in writing to the Secretary of State whether it will

(a) make a Marine Recovery Fund Payment; or

(b) submit a GRIMP to the Secretary of State for approval

13. Where the undertaker elects to submit a GRIMP no offshore works are to commence until a plan for the work of the OGREG has been submitted to and approved by the Secretary of State, such plan to include

- (i) the identity of, or the arrangements for establishment of, the OGREG ;
- (ii) its terms of reference;
- (iii) its membership will shall (as a minimum) include the local planning authority for the area in which the onshore guillemot and razorbill compensation measure is to be provided, and SNCB as core members, and the RSPB as advisory member;
- (iv) details of the proposed schedule of meetings, reporting and review periods
- (v) the dispute resolution mechanism and confidentiality provisions; and

14. Following consultation with OGREG, the GRIMP must be submitted to and approved by the Secretary of State

15. The GRIMP (if required) must be based on the strategy for guillemot and razorbill compensation set out in the outline guillemot and razorbill implementation and monitoring plan and include

- (a) the location where the compensation measures will be delivered and the suitability of that location (including why the location is appropriate ecologically and likely to support successful compensation), and confirmation that the necessary landowner agreement(s) are in place
- (b) an implementation timetable for delivery including any arrangements made with a third party for implementation of the measures;
- (c) details of any contribution to be made to a third party to ongoing maintenance of the compensation measures delivered in collaboration with a third party and;
- (d) details for the ongoing monitoring and reporting of the effectiveness of the compensation measures identified in the GRIMP including
 - (i) survey methods;
 - (ii) survey programmes;
 - (iii) success criteria; and
 - (iv) timescales for the monitoring reports to be delivered
- (e) details of any adaptive management measures, with details of the factors used to trigger any alternative and/or adaptive management measures; and
- (f) confirmation as to how it has had regard to output of consultation with OGREG

16. The undertaker must implement the measures set out in the GRIMP approved by the Secretary of State, unless otherwise agreed by the Secretary of State following consultation with the relevant statutory nature conservation body, and the local planning authority for the area in which the onshore guillemot and razorbill compensation measure is to be provided. No operation of any wind turbine generator forming part of the authorised development may begin until the GRIMP has been implemented and this has been confirmed to the Secretary of State.

17. Where the undertaker has confirmed that it shall make a payment to the Marine Recovery Fund there shall be no operation of a wind turbine generator unless and until the Marine Recovery Fund Payment has been quantified and such payment has been made and following such payment the undertaker shall not be required to implement any further compensation measures for guillemot and razorbill pursuant to this Part 2 of Schedule 17

18. In the event that a GRIMP is submitted detailing delivery of an onshore compensation measure(s), and monitoring reports submitted to the Secretary of State in accordance with the approved GRIMP include findings that the compensation measures delivered have been ineffective

then proposals for any alternative and/or adaptive management measures shall be provided as agreed by the OGREG and notified to the Secretary of State as part of the monitoring reports.

19. The GRIMP approved under this Schedule includes any amendments that may subsequently be approved in writing by the Secretary of State. Any amendments to or variations of the approved GRIMP must be in accordance with the principles set out in the outline guillemot and razorbill implementation and monitoring plan and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any new or materially different environmental effects from those considered in the outline guillemot and razorbill implementation and monitoring plan.

