THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

Rampion Two Offshore Wind Farm

Appendix E4 to the Natural England Deadline 4 Submission

Natural England's Advice on Fish and Shellfish

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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3 June 2024

Natural England's Advice on Fish and Shellfish

In formulating these comments, the following documents have been considered:

- [REP3-051] - 8.5.4 Applicant's Response to Examining Authority's Written Questions – including Appendix H FS: Noise Thresholds for Black Seabream and Appendix I MM: Noise Abatement Systems.
- [REP3-052] - 8.55 Applicant's Response to Deadline 2 Submissions Rev A
- [REP3-046] - 7.17 In Principle Sensitive Features Mitigation Plan (tracked changes)

1. Summary

Natural England have provided initial comments and clarifications based on the information submitted at Deadline 3 within the above documents. We advise that overall, the information provided at Deadline 3 has not resulted in any significant changes to our advice. We understand that the Applicant intends to submit further updated documents and additional information into the Examination at Deadline 4, particularly regarding additional underwater noise modelling and noise abatement systems. Therefore, Natural England will provide updated comments on this topic at Deadline 5 when we have had the opportunity to review further updates.

We also understand that the Applicant will be submitting a without prejudice Measures of Equivalent Environmental Benefit (MEEB) case at Deadline 4.

2. Main Comments

2.1 - [REP3-046] - Document 7.17 In Principle Sensitive Features Mitigation Plan (IPSFMP) (tracked changes)

We note that an updated IPSFMP has been submitted at Deadline 3 and that the amendments to this do not represent significant changes in relation to fish and shellfish.

We note that point 5.5.3 does now consider that these mitigation measures are relevant to temporary threshold shift and behavioural disturbance impacts from underwater noise on black seabream within Kingmere Marine Conservation Zone (MCZ). We advise that there remains uncertainty over whether the noise contour for recoverable injury impacts will overlap with the MCZ (see our Deadline 3 Appendix E3 response [REP3-082]).

We note that point 5.3.25 has not been amended to include the updated information presented in [PEPD-023] 6.4.8.4 - Environmental Statement - Volume 4- Appendix 8.4: Black Seabream Underwater Noise Technical Note and Survey Results - Revision A. Natural England provided a response to this report in Appendix E1 to our Deadline 1 Submission.

We note that this plan has not been amended to include the updated information presented in Appendix H and I of document 8.5.4, which has introduced a number of inaccuracies within the information presented. We advise that a key inaccuracy is that the IPSFMP still suggests noise abatement measures can achieve more than a 20dB reduction, whereas appendix H suggests *'it has become apparent during this process is that noise reductions delivered through currently available noise mitigation or abatement systems may not reliably deliver reductions greater than 20dB'.* We therefore advise that an updated IPSFMP is submitted into the Examination, which reflects the current evidence and position. We note that the fact the Applicant has already had to reduce the levels of noise abatement they previously thought were achievable, does highlight our ongoing concerns around the achievability of specific figures using noise abatement, and therefore the uncertainties around what the final noise levels would be within the MCZ's. We understand that the Applicant is due to submit further

site-specific information on Noise Abatement Systems at Deadline 4, we welcome this additional information being submitted into the Examination.

2.2 - Document 8.54 Applicant's Response to Examining Authority's Written Questions – including Appendix H FS: Noise Thresholds for Black Seabream and Appendix I MM: Noise Abatement Systems

Kingmere MCZ - Black seabream

Assessment and Modelling

Natural England has previously advised that habitation is not taken into account within the assessment. Please see Appendix E of our relevant representations (Point 32) for detailed advice.

Natural England note the comment: *"the range of potential effect between the fleeing and stationary models are presented and used to inform the assessment as the true impact range is expected to be within this range, rather than at either extreme*" (Document 8.55 - Answer to Q1.13.2). We highlight our previous advice that black seabream should not be considered fleeing receptors and that the modelling, figures and assessment of underwater noise should all be based on them being a static receptor. As stated in Appendix E of Natural England's relevant representations (Point 20 and 22), we do not consider fleeing receptor models appropriate for black seabream because the MCZ protects all of the breeding behaviours of this species, in this specific location, which includes their ability to aggregate, nest, or lay, fertilise or guard eggs within the site free from significant disturbance during the breeding season (March-July inclusive). Therefore, any fleeing of the nests has the potential to hinder the conservation objectives of the MCZ.

Thresholds for Behavioural Impacts

We highlight that Natural England has consistently advised throughout the evidence plan process, our relevant representations, and our Examination responses that we do not agree that there is sufficient evidence to support a threshold being established below which behavioural impacts on black seabream that could hinder the conservation objectives will not occur. We therefore highlight that the comment *"Sprat are suggested as a suitable proxy by Natural England and the Marine Management Organisation (MMO), based on a study by Hawkins et al. (2014), which recorded initial responses of the species at 135 dB SELss"* does not accurately represent Natural England's position (Document 8.54 - Answer to FS 1.4). We also refer you to our comments in our Appendix E1 regarding baseline noise levels and the increase 135dB represents from these.

Mitigation

Natural England continue to advise that no piling taking place between March to July inclusive is the only measure which will avoid hindering the conservation objectives of Kingmere MCZ.

Natural England are supportive of the use of noise abatement technology as part of offshore wind developments. However, based on our advice that there is not a suitable threshold to mitigate down to in relation to behavioural impacts on black seabream, in this case, noise mitigation does not currently present a mechanism that could lead to us advising that the conservation objectives will not be hindered in relation to Kingmere MCZ.

Natural England also continue to advise against a zoned approach to piling being implemented (see Appendix E of our relevant representations).

Short-snouted seahorses

Natural England requested modelling of behavioural noise impacts on short-snouted seahorse at Deadline 3 (Appendix E3) and in our relevant representations (Point 46), the provision of which is still outstanding. We understand that further modelling and information on noise abatement measures is to be provided at Deadline 4, therefore we will provide updated comments on seahorses at Deadline 5.

Noise Abatement Systems

We understand that the Applicant will submit additional information to the Examination regarding Noise Abatement Systems at Deadline 4 and note that this is likely to be relevant to fish and shellfish, as well as our Deadline 3 submission on marine mammals (Appendix C3). We highlight that our key concern remains the lack of evidence provided to date of the efficacy of these measures in the specific environmental conditions (such as water depth, soil geology, speed of local currents, wave height and wind speed) at the Rampion 2 site. We await the additional information to provide full comments, however, we highlight the following key points from the information in Appendix I:

- There appears to be uncertainties regarding the implementation and demonstrable efficacy of many of the measure at depths of more than 40m. Given it is stated that the "*water depth in the array area ranges from 13 m to 65 m below Lowest Astronomical Tide (LAT)"* we advise that this appears to be a clear limitation. We seek clarity on the areas of the array that are below 40m. We also seek clarity on the maximum depth as both 65m and 53.4m are stated.
- It is suggested that some of the measures (such as the Hydro Sound Damper) have not been tested on jacket foundations and cannot be used on monopiles more than 13m. We advise this appears to be a limitation given jacket foundation are within the design envelope and the maximum monopile diameter is 13.5m.
- The information on the Blue Hammer relates to 22m depths and 6.5m diameter piles, both of which are significantly lower than the figures of up to 65m depth and 13.5 diameter piles quoted in the maximum design scenario for Rampion 2.
- We note that Verfuss *et al*. 2019, which is quoted by the Applicant clearly suggests that when measures are combined *'the resulting reduction in SELss would be lower than the sum of each single reduction'.* We advise this needs to be taken into account with regards to the achievability of the maximum 20dB reduction stated.

We also note that there appears to be some inconsistency between what is presented here and in the In Principle Sensitive Features Mitigation Plan. We advise that the plan is thoroughly updated to represent the most up to date information across all areas.