



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Rampion Two Offshore Wind Farm

Natural England Deadline 4 Submission

**Natural England's Response to The Examining Authority's request for
further information from Natural England arising out of Issue Specific
Hearing 2**

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

3 June 2024

Q. No	Question Topic	Question	Natural England's Response
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.	Please refer to Appendix J4 of our Deadline 4 submission.
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.	Please refer to Appendix J4 of our Deadline 4 submission.
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>	Natural England will respond on this point at Deadline 5, when we have had the opportunity to review the Applicant's post hearing written submission of their oral case.

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>	<p>Natural England understands that the Applicant intends to submit revised wording of C-112 at Deadline 4. Natural England will review this wording and the Applicant's post hearing written submission of their oral case, and provide an answer to this question as part of our Deadline 5 submission.</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>	<p>Natural England understands that the Applicant intends to submit revised wording of C-217 at Deadline 4. Natural England will review this wording and the Applicant's post hearing written submission of their oral case, and provide an answer to this question as part of our Deadline 5 submission.</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>	<p>Natural England's position remains unchanged at Deadline 4. But Natural England understands that an updated Commitments Register will be provided at Deadline 4. We will review any updates to C-247 and provide a response as part of our Deadline 5 submission.</p>

Q2c-4	<p><i>Wording of Commitment C-292</i></p> <p>Natural England</p>	<p>Provide a comment, if required, regarding the newly added commitment C-292 in the CR.</p>	<p>Natural England advises that the wording is amended to ensure it is clear that, where at all possible, in the first instance the approach will be to avoid impacts. We advise that it should be made clear in the wording that this commitment does not apply to irreplaceable habitats, such as Ancient Woodland. We advise loss or damage to Ancient Woodland must be avoided.</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>	<p>Natural England met with the Applicant on the 22nd May to discuss terrestrial ecology matters, including protected species.</p> <p>As stated in Appendix J4a of our Deadline 4 submission Natural England advises that the best course of action for the resolution of protected species matters would be to for the Applicant to submit draft protected species licence applications to Natural England for review via the Pre-Submission Screening Service (PSS). If Natural England agrees with the Applicant and proposed mitigation commitments, Natural England may provide Letters of No Impediments to the progression of the Application, to ensure the ExA has the necessary certainty in this regard. Further engagement on this issue will therefore only be undertaken as part of direct communication between the external NSIP project team and Natural England's Wildlife Licensing Service (NEWLS). Natural England advises that all efforts should be made by the Applicant to obtain Letters of No Impediments from Natural England before the end of the Examination, and that these should be agreed before the Secretary of State makes the final consenting decision on the project.</p>
-------	---	---	---

			Natural England will not be providing any further detailed advice within the Examination on licensable species unless they are a notified feature of protected site for which Natural England is the statutory consultee.
Q2d-2	<i>Protected Species Licences</i> Natural England	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.	Please see answer to Q2d-1 above.
Q2d-3	<i>Commitment C-214 - Great Crested newts</i> Natural England	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.	Please see answer to Q2d-1 above.
Q2d-4	<i>Commitments Relating to Protected Species</i> Natural England	Comment, if required, on the wording of the following Commitments in the CR relating to protected species: <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) 	Please see answer to Q2d-1 above.

Agenda Item 3a Offshore ecology - Underwater noise – general matters

<p>Q3a-1</p>	<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>	<p>Natural England will respond on this point at Deadline 5, when we have had the opportunity to review the Applicant’s post hearing written submission of their oral case.</p>
--------------	--	---	---

Agenda Item 3b Offshore ecology – Fish and Shellfish

<p>Q3b-1</p>	<p><i>Level of Black Seabream Nesting in July</i></p> <p>Natural England</p>	<p>Comment on whether it is possible that the level of black seabream active nests in July could be comparable or greater than the preceding individual months.</p>	<p>Natural England advises that the conservation objectives of Kingmere Marine Conservation Zone (MCZ) apply for the full season (March-July inclusive) as stated within the conservation advice. This means that the objective that <i>‘the population (whether temporary or otherwise) of that species occurring in the zone be free of the disturbance of a kind likely to significantly affect the survival of its members or their ability to aggregate, nest, or lay, fertilise or guard eggs’</i> applies equally to all months from March to July. We also highlight that this objective has a wider scope than just nesting. The aggregates survey data to date does show lower numbers of active nests in July, however black seabream are afforded the same protection under the conservation objectives regardless of the number of individuals/active nests. As detailed in Appendix N2 of Natural England’s Deadline 2 submission, we advise that there is some inter-annual variability and it cannot be ruled out that the numbers of active nests in July may be higher in some years than others. Furthermore, a theory suggested by Dorset divers is that July spawning activity may also</p>
--------------	---	---	---

			<p>provide additional resilience to the population. Spawning has been previously observed at Dorset black seabream nesting sites in July after nests earlier in the year were washed out.</p> <p>We do not agree that there is sufficient evidence available to suggest that the impact of piling to black seabream during July would not result in significant effects. Natural England's advice is that the conservation objectives would equally be hindered by underwater noise impacts from piling in July, as March-June.</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 (ExQ1) - Appendix H - FS: Noise Thresholds for Black Seabream [REP3-051], Figures H-1 and H-2.</i></p>	<p>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 behavioral impacts on black seabream that could hinder the conservation objectives will not occur. Natural England, as the statutory nature conservation body, whose remit specifically relates to designated sites, do not support the use of the 135dB threshold in relation to black seabream that are '<i>aggregating, nesting, or laying, fertilizing or guarding eggs</i>' within Kingmere MCZ. Our advice is that there is not a suitable threshold that can be drawn from the literature that relates specifically to disturbance of the spawning and nesting behaviors of black seabream which Kingmere MCZ is specifically designated for. Therefore, Natural England continue to advise that a full piling restriction from March to July is the only measure that would prevent the conservation objectives of Kingmere MCZ being hindered (see Appendix E4 of this submission for Natural England comments on ExQ1 Appendix H and I).</p>
Q3b-3	<p><i>Use of Monitoring to Ensure Noise Mitigation Efficacy</i></p> <p>Natural England</p>	<p>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.</p>	<p>We advise that because there is not a suitable threshold that can be agreed in relation to behavioral disturbance (Q3b-2) this approach does not provide a solution in relation to this impact. Our advice is that this proposal based on the thresholds of either 135dB or 141dB would not ensure that the conservation objectives of Kingmere MCZ will not be hindered due to behavioral impacts on black seabream.</p>

Q3b-4	<i>Measures of Equivalent Environmental Benefit</i> Natural England	<p>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.</p>	<p>Natural England highlight that there is still a mitigation measure available (no piling from March to July inclusive) that would prevent the conservation objectives of Kingmere MCZ being hindered.</p> <p>Natural England awaits the submission of the Applicant's without prejudice, Measure of Equivalent Environmental Benefit (MEEB) case and will provide a response on this point at Deadline 5.</p>
Q3b-5	<i>Seahorse Behavioural Effects</i> Natural England	<p>At the ISH2, the Applicant confirmed that they regard a behavioral 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 behavioral level.</p>	<p>Natural England notes that a behavioral threshold for seahorses has yet to be agreed. We will respond to this question Deadline 5, when we have had the opportunity to review the Applicant's post hearing written submission of their oral case, and the Applicant has provided further modelling.</p>
Q3b-6	<i>Use of Bubble Curtain</i> Natural England	<p>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.</p>	<p>Natural England have raised concerns since the pre-application phase regarding the lack of evidence provided to date of the efficacy of noise abatement measures in the specific environmental conditions (such as water depth, geology, speed of local currents, wave height and wind speed) at the Rampion 2 site (see Appendix E4 of this submission).</p> <p>Natural England advises it is unclear if the 16 dB noise reduction stated would be achievable in this location and we would need to review updated evidence and modelling from the Applicant to be able to provide a robust response. We understand the Applicant hopes to submit further information on this at Deadline 4. We will therefore respond at Deadline 5, when we have had the opportunity to review this.</p>

Q3b-7	<p><i>Adaptive Management</i></p> <p>Natural England</p>	<p>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.</p>	<p>Natural England advise that should the post-construction surveys indicate effects greater than anticipated, then further measures, such as additional monitoring or mitigation may be required. It is not possible to fully anticipate what measures may be required at this stage. However, we advise that the Deemed Marine Licence (dML) should not preclude them being required, should this situation arise.</p> <p>Natural England advise that no updates have been made to the In Principle Monitoring Plan in relation to fish to address our Appendix L1 deadline 1 response.</p>
<p>Agenda Item 3d Offshore ecology – Marine Mammals</p>			
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>	<p>Natural England do not agree with the rationale in the Applicant's response to Ref MM 1.6 presented in [REP3-050].</p> <p>In the response [REP3-050], the Applicant has stated that the number of harbour porpoise impacted from Tier 1-3 projects is below the number from Booth <i>et al.</i> (2017) that would lead to low probability of population impact. However, we do not agree that only Tier 1-3 projects should be used in the assessment. Indeed, the Applicant's original assessment was based on all Tiers (1 to 6). Tier 4-6 Projects include projects such as Dudgeon and Sheringham Extension Projects, and other Round 4 Projects. We consider these projects foreseeable with a high likelihood of development, and so we advise that they should be included in the cumulative effects assessment (CEA).</p> <p>We note that the study by Booth <i>et al.</i> (2017) undertook modelling over a 12-year period, whereas the CEA undertaken by the Applicant is over a 10-year period. We advise that this is simply a difference in the assessment timeframes. Offshore wind</p>

			<p>development will continue beyond the 10-year timeframe of the CEA; impacts to harbour porpoise will not stop after 10 years. We therefore advise that it is not reasonable to use this shorter timeframe as a reason why impacts will be lower.</p> <p>We note that the maximum number of animals predicted to be disturbed in the Applicant's CEA (45,897, for Tiers 1-6), is much higher than the numbers presented in Brown <i>et al.</i> (2023). We therefore advise that we cannot agree that Brown <i>et al.</i> (2023)'s results regarding population-level effects are applicable here. We advise that the higher number of animals disturbed in the CEA may lead to greater population impacts than predicted by Brown <i>et al.</i> (2023).</p> <p>In summary, we advise that the Applicant needs to provide further evidence as to why the number of animals predicted in the worst-case scenario of their CEA will not lead to population-level effects.</p> <p>We advise that the results from Nabe-Nielsen <i>et al.</i> (2018), whilst useful context, should not be relied upon in place of a robust project-specific assessment.</p>
--	--	--	--

Agenda Item 3e Offshore ecology – Offshore ornithology

<p>Q3e-1</p>	<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>	<p>It is important to account for sources of uncertainty in the design and scaling of compensatory measures, particularly where the measure is relatively novel, such as providing Artificial Nest Sites (ANS) for kittiwake. There are two entwined uncertainties – the level of impact and the likely effectiveness of the measure.</p> <p>Using the 95% upper confidence interval (95% UCI) impact value compared to the mean or central impact value (CIV) captures the uncertainty around the likely impact. These have been presented by several developers in ‘in-principle’ compensation submissions e.g. Norfolk Boreas/Vanguard, East Anglia One North and Two, Sheringham and Dudgeon Extensions Project (SADEP). Whilst this may not always be reflected by SoS consent requirements, these submissions demonstrated that it would be possible for the proposals to deliver against a higher impact value than the CIV. This is relevant because ANS design is modular and therefore scalable – so that if further nest space provision turns out to be required, that is achievable. We also highlight that in the SADEP decision, the Secretary of State ‘agreed and welcomed’ the use of the 95% CI, and the Crown Estate Kittiwake Strategic Compensation Plan (KSCP) for Round 4 uses the 95% CI value to establish the potential requirements.</p> <p>Developers have also attempted to address the uncertainty regarding the effectiveness of the compensatory measures, which relates to whether the ANS will be colonised, at what rate, and the proportion of the nest spaces that will be used, given that no ANS to date has been fully occupied. As well as the use of numeric ratios (2:1, 3:1 etc.) to ensure that the required number of nest spaces are still provided should the ANS under-perform, developers have also looked at the number and location of structures as a way of increasing certainty around success. The SADEP calculations also account for the fact that only a proportion of the kittiwakes produced by their ANS would recruit into the National Site Network, as opposed to other, non-</p>
--------------	--	--	---

			<p>designated colonies.</p> <p>Natural England therefore advises on a project's overall approach to uncertainty and how this relates to the scale of impact. By way of example, whilst Hornsea 3 requirements were scaled with respect to the CIV, they also proposed at least 4 structures in at least 2 English regions, each of which would provide the calculated number of nest spaces. This meant that a 4:1 ratio was provided for the CIV (and a ratio above 2:1 for the 95% UCI), and further resilience was provided by multiple structures/locations, which was entirely appropriate for an impactful project.</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>	<p>Natural England welcomes the Applicant calculating the compensatory requirements based on the 95% UCI and based on ratios of 2:1 and 3:1. Natural England considers that should the Applicant secure sufficient nesting space for the number of pairs required to address the 95% UCI value at a ratio of 3:1 that would be a proportionate contribution, given the modest level of impact, and we would consider this matter resolved. Please also see our Deadline 4 response on the updated Kittiwake Implementation and Monitoring Plan submitted at Deadline 3.</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>	<p>Please see our response in Appendix B4 of our Deadline 4 submission. We consider that, as with kittiwake, ratios of 2:1 and 3:1 should also be provided within the Compensation Plan, and request that the 'Hornsea 4' method and the associated calculations are presented in full.</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>Please see our response in Appendix B4 of our Deadline 4 submission. Natural England considers the approach proportionate to the predicted level of impacts on these species, but highlights the need to carry out site-specific monitoring in order to properly understand the sites in question and identify relevant and practicable measures to address the pressures identified.</p>
-------	--	---	--

Agenda Item 6c Landscape Seascape and Visual Effects – Application of R1 Design Principles.

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>	<p>The design principles for Rampion 1 sought to limit the impact on highly sensitive receptors of the Sussex Heritage Coast (SHC) and parts of the South Downs National Park (SDNP), from Beachy Head to Birling Gap and down on to Cuckmere Haven Beach. The Environmental Statement for the proposed array has demonstrated further adverse impacts on these locations with the Rampion 2 turbines appearing to be nearly twice the height of those of Rampion 1. The lateral spread of the two arrays combined with the marked contrast in height of the turbines will dramatically degrade and harm the views out to sea particularly from Beachy Head to Cuckmere Haven Beach.</p> <p>It is Natural England's position that the design principles applied to the Development Consent Order (DCO) for Rampion 1 are entirely applicable to the design of Rampion 2. The reasons for including the design principles in the Rampion 1 DCO are equally as valid for Rampion 2. We continue to advise that no turbines should be constructed in the Rampion Zone 6 western array area because the impacts of the perception of a hybrid array (Rampion 1 and Rampion 2 viewed together in the seascape) will result in greater 'major significant' effects on the SHC part of the SDNP. We advise that the</p>
-------	---	---	--

			project will significantly harm the purposes of designation of the SDNP i.e. it will harm the natural beauty for which the area was designated as well as the special character of SHC. Please refer to Natural England's Relevant Representations and Deadline 3 advice for further explanation [REP3-083].
Q6c-2	<i>Rampion 1 Design Principle (iii)</i> Natural England	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. Explain why Rampion 1 Design Principle (iii) is relevant and explain why the Proposed Development should be considered as a hybrid scheme.	Natural England will respond on this point at Deadline 5, when we have had the opportunity to review the Applicant's and SDNP's post hearing written submission of their oral case.
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].	The wording of EN-1 (2023) at 5.10.34 states 'The aim should be to avoid harming the purposes of designation...'. It should be noted that the word 'compromises' (as used in the previous version of EN-1) has now been superseded by 'harming'. The Applicant has concluded that significant adverse effects on landscape and visual receptors will occur from the proposed Rampion 2 offshore windfarm. The entirety of the affected area is defined as a Heritage Coast and located wholly within the SDNP. The Applicant has also concluded that these significant adverse effects will harm some of the special qualities of the SDNP. These special qualities articulate why the area was designated as a National Park and so they underpin the statutory purposes of the National Park. For the assessment of the

			<p>special qualities and thus the assessment of effects on the statutory purpose of a designated landscape, the extent of geographical harm is irrelevant (Therefore, the portion of the SDNP affected is immaterial as the statutory purpose of the National Park applies to the entirety of the designated area. If an assessment concludes harm is predicted to occur to a single special quality, then it follows that harm will be caused to the natural beauty of the designation, and the purposes of designation. In any event, the extent of geographical harm in this case is clearly substantial, with widespread visual impacts, including across the entirety of the SHC. Furthermore, it should be noted that the coastal portion of the SDNP is a critical element of the natural beauty of the SDNP and the reason why it is defined as a Heritage Coast. This definition reinforces the value of this stretch of the SDNP coastline.</p> <p>It is worth noting that although the mitigation measures contained within the Rampion 1 (R1) DML successfully reduced the visual influence of the turbines in views from the coastal portions of the national park, as defined by the SHC, they did little to lessen the visual effect from inland locations with the SDNP immediately to the north of the array. As a result, the visual influence of the R1 array is greater at Beacon Hill, Cissbury Ring and Highdown Hill than it is at Beachy Head and the beach at Cuckmere Haven. The additional westward lateral spread of R2 represents a substantial increase on the geographical spread of the R1 array. This will significantly increase the proportion of the seaward horizon occupied by turbines when viewed from inland locations within the SDNP. For example, locations to the west of viewpoint 19 at Highdown Hill from where uninterrupted views to the far seaward horizon are possible, would be completely lost should the R2 array be built. The larger turbines of R2 will have a far more pronounced impact to the wider SDNP by introducing structures across the majority of Sussex Bay and opportunities to experience a sense of relative tranquility will be lost over a substantial area. Not only will the presence bring significant adverse effects to a larger proportion of the SDNP, the prime statutory purposes 'to conserve and enhance natural beauty' of CHAONB and IoWAONB</p>
--	--	--	---

			<p>will also be significantly affected by the scheme.</p> <p>It is therefore Natural England's statutory advice that it is both incorrect and inappropriate to conclude the designation 'overall' is not adversely affected on the basis that only a portion of the designation is adversely affected by the turbines of Rampion 2. We advise that such a conclusion fails to uphold the purpose of designation.</p>
Q6d-2	<p><i>Special Qualities</i> Natural England</p>	<p>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.</p>	<p>We note that the Applicant has put forward the merits in reviewing examples of permitted NSIPs affecting special qualities and states: <i>'The Applicant considers that these are a useful benchmark for informing the correct approach to concluding the effect upon special qualities and whether the statutory purposes of the designation are compromised. Whilst not a defined term applied in England in relation to National Parks, the Applicant suggests that considering the effect on 'overall integrity' is nonetheless a very clear way of expressing how the special qualities of a designated landscape come together to represent the whole or overall value. It is a useful approach to adopt when considering the degree of harm overall and how this might compromise the statutory purposes and duty for National Parks especially where there is a defined set of identifying Special Qualities.'</i></p> <p>Natural England disagrees with this conclusion for the reasons we set out in our response to Q6d-1. In addition, we advise that reliance on the concept of 'overall integrity' is flawed and endangers the purposes of designation. It is highly unlikely that a single application could ever harm the overall integrity of a protected landscape; harm arising from a development is only ever likely to impact a proportion or parts of a landscape. But it does not follow that such harm is not significant to the purposes of designation and suggesting otherwise merely seeks to downplay the purposes of designation for those locations adversely affected.</p>

			<p>We note that the examples provided by the Applicant pre-date the enactment of the enhanced duty on Relevant Authorities in respect of Protected Landscapes as introduced by Levelling Up and Regeneration Act 2023 Section 245. This duty falls on the Examining Authority and the Department for Energy Security and Net Zero Secretary of State and affects their decisions in determining the project and final content of the DCO. It states that Relevant Authorities must seek to further the purposes of protected landscapes.</p> <p>Natural England advises that Relevant Authorities should actively consider how the design of schemes has sought to further the purposes of a designation and how the design of the scheme sought to conserve and enhance the natural beauty of the designation. Whereas a simplistic reliance on good design and mitigation measures can deliver some benefits in terms of conservation (to 'look after') we advise they do not contribute to enhance (to 'make better') the natural beauty of a designation. The Examining Authority should be satisfied that the Applicant has included sufficient information in the design of the scheme and that the conditions of the Rampion 2 DCO have sought to include measures which actively enhance the natural beauty of the SDNP.</p>
--	--	--	--

Agenda Item 6 Seascape Landscape and Visual Effects – Assessment of Cumulative Effects

Q6e-1	<p><i>Seascape Effects</i> Natural England</p>	<p>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.</p>	<p>Natural England's remit within the PINs process as a Statutory Nature Conservation Body as defined under the NERC Act 2006 (c 16) is as an adviser to the Examining Authority and the Secretary of State on all associated potential impacts of such a development, including those on nationally designated landscapes. Throughout the duration of this process, we neither object nor support an application but provide impartial, evidence-based advice on the levels of impacts to such sites, assessing whether all impacts have been appropriately addressed within the Environmental Statements.</p> <p>Natural England has consistently advised that the seascape effects will result in serious harm to the SDNP and SHC, we also consider there will</p>
-------	---	---	--

			<p>be significant harm to the Chichester Harbour and Isle of Wight AONBs. We continue to consider that the only measure to meaningfully decrease the impacts on the SHC and SDNP is to not construct any turbines behind i.e. to the south of, the existing Rampion 1 array. Whilst excluding turbines from this location would represent an appreciable reduction in impact on the SDNP it does not negate impacts on the SDNP completely. To date, the Applicant has not demonstrated that removal of turbines from the Zone 6 western array will result in an unviable project. Whilst excluding turbines from this location would represent an appreciable reduction in impact on the SDNP it does not negate impacts on the SDNP completely. To date, the Applicant has not demonstrated that removal of turbines from the Zone 6 western array will result in an unviable project.</p>
--	--	--	--