



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed Rampion 2 Offshore Wind Farm

An Examining Authority report prepared with the support of the
Environmental Services Team

Planning Inspectorate Reference: EN010117

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1 INTRODUCTION

1.1 Background

- 1.1.1 Rampion Extension Development Limited (the Applicant) has applied for a development consent order (DCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed Rampion 2 Offshore Wind Farm ('the Proposed Development'). On behalf of the Secretary of State for the Department for Energy Security and Net Zero, an Examining Authority (ExA) has been appointed to conduct an Examination of the application. The ExA will report its findings and conclusions and make a recommendation to the relevant Secretary of State as to the decision to be made on the application.
- 1.1.2 The relevant Secretary of State is the competent authority for the purposes of the Habitats Regulations¹ and / or the Offshore Marine Regulations² for applications submitted under the PA2008 regime. The findings and conclusions on nature conservation issues reported by the ExA will assist the Secretary of State in performing their duties under the Habitats Regulations and / or the Offshore Marine Regulations.
- 1.1.3 This Report on the Implications for European sites (RIES) documents and signposts the information in relation to potential effects on European Sites³ that was provided within the DCO application and submitted during the Examination by the Applicant and Interested Parties (IPs), up to Deadline 4 of the Examination (3 June 2024). It is not a standalone document and should be read in conjunction with the Examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination library published on the National Infrastructure Planning website at the following link:
<http://infrastructure.planninginspectorate.gov.uk/document/EN010117-000139>
- 1.1.4 This RIES is issued to ensure that IPs including the Appropriate Nature Conservation Body (ANCB) - Joint Nature Conservation Committee (JNCC) and Natural England (NE)- are consulted formally on Habitats Regulations matters. This process may be relied on by the Secretary of State for the purposes of Regulation 63(3) of the Habitats Regulations and / or Regulation 28(4) of the Offshore Marine Regulations.

¹ The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

² The Conservation of Offshore Marine Habitats and Species Regulations 2017 (the Offshore Marine Regulations) apply beyond UK territorial waters (12 nautical miles). These regulations are relevant when an application is submitted for an energy project in a renewable energy zone (except any part in relation to which the Scottish Ministers have functions).

³ For the purposes of this RIES, in line with the Habitats Regulations and relevant Government policy, the term "European sites" includes Special Areas of Conservation (SAC), candidate SACs, proposed SACs, Special Protection Areas (SPA), potential SPAs, Sites of Community Importance, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites. For ease of reading, this RIES also collectively uses the term "European site" for 'European sites' defined in the Habitats Regulations 2017 and 'European Marine Sites' defined in the Conservation of Offshore Marine Habitats and Species Regulations 2017, unless otherwise stated. "UK National Site Network" refers to SACs and SPAs belonging to the United Kingdom already designated under the Directives and any further sites designated under the Habitats Regulations.

- 1.1.5 It also aims to identify and close any gaps in the ExA's understanding of IPs' positions on Habitats Regulations matters, in relation to all European sites and qualifying features as far as possible, in order to support a robust and thorough recommendation to the Secretary of State.
- 1.1.6 Following consultation, the responses will be considered by the ExA in making their recommendation to the Secretary of State and made available to the Secretary of State along with this report. The RIES will not be revised following consultation.

1.2 Documents used to inform this RIES

- 1.2.1 The Applicant's Habitats Regulations Assessment (HRA) Report (the HRA Report) comprised the following documents:
- Report to Inform Appropriate Assessment (RIAA) [APP-038]
 - Habitat Regulations Assessment (Without Prejudice) Derogation Case [APP-039] (updated at Deadline 4) [REP4-014]
- 1.2.2 The Applicant also provided the following documents in the course of the examination to address comments from the ExA and IPs:
- Appendix 7 – Further Information for Action Point 33 – Kittiwake Implementation and Monitoring Plan [REP1-026] (updated at Deadline 3) [REP3-058]
 - Appendix 8 – Further Information for Action Point 34 – In Combination Assessment Update for Guillemot and Razorbill guillemot [REP1-027] (updated at Deadline 4) [REP4-065]
- 1.2.3 The RIAA concluded that adverse effects on the integrity of all European sites could be excluded. However, the Applicant also provided a 'without prejudice' case on the derogations under the Habitats Regulations and proposals for compensatory measures. An overview of these matters is provided in Sections 4 and 5 of this report.
- 1.2.4 In addition to the RIAA, the RIES refers to representations submitted to the Examination by IPs, Issue Specific Hearing (ISH) documents, Statements of Common Ground (SoCG) and other Examination documents as relevant. All documents can be found in the Examination Library.

1.3 RIES questions

- 1.3.1 This RIES contains questions predominantly targeted at the Applicant and NE, which are drafted in [blue, underlined italic text](#).
- 1.3.2 The responses to the questions posed within the RIES and comments received on it will be of great value to the ExA in understanding IPs' positions on Habitats Regulations matters. It is stressed that responses to other matters discussed in the RIES are equally welcomed. In responding to the questions in this RIES, please refer to the RIES Question Number.

1.3.3 Comments on the RIES are timetabled for Deadline 5 (9 July 2024).

1.4 HRA Matters Considered During the Examination

1.4.1 The Examination to date has focussed on the following matters:

- The Applicant's assessment of impacts to functionally linked land (FLL) of the Arun Valley Ramsar site in relation to Northern pintail.
- The Applicant's approach to identifying if the Proposed Development could affect the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites as a result of over abstraction of groundwater from within the North Sussex Water Supply Zone.
- The collaborative option, monitoring and requirements for compensation of the Applicant's Kittiwake Implementation and Monitoring Plan.
- The adequacy of the Applicant's full in-combination assessment for impacts to guillemot and razorbill at the Flamborough and Filey Coast (FFC) SPA.
- The adequacy of the Applicant's full in-combination assessment of impacts for guillemot at the Farne Islands SPA.

2 LIKELY SIGNIFICANT EFFECTS

2.1 European sites considered

Introduction

- 2.1.1 The Proposed Development is not connected with or necessary to the management for nature conservation of any European site.
- 2.1.2 The European sites considered by the Applicant are listed in Appendix E of [APP-038]. A total of 106 European sites were screened for likely significant effects (LSE) by the Applicant in its Report to Inform Appropriate Assessment (RIAA) [APP-038]. Of these, 95 are within the UK NSN and 11 are non-UK European sites. The latter are all Natura 2000 sites in European Economic Area (EEA) States.
- 2.1.3 The potential for LSEs to result from the Proposed Development acting alone, was identified at the Stage One Screening for 37 European sites. The locations of UK European sites relative to the Proposed Development which were considered to have likely significant effects are depicted on Figure 5-1 of the RIAA [APP-038]. The location of individual European sites, including those not located in the UK, in relation to the Proposed Development are also shown on Figures F-1 to F-37 of Appendix F: European sites information [APP-038].
- 2.1.4 The Applicant concluded there would be no LSE on any European sites outside of the UK [APP-038]. Only sites within the UK are addressed in this RIES. European sites within the NSN included in the Applicant's assessment are listed in Appendix E of the Applicant's RIAA.
- 2.1.5 No additional UK European sites have been identified by IPs for inclusion within the assessment in the Examination to date.

Applicant's screening methodology

- 2.1.6 Section 3 of the RIAA explains that the maximum design scenario (worst case) has been applied to the RIAA and that topic specific maximum design scenarios used for relevant aspect chapters of the ES have been applied to the screening exercise. The RIAA specifically references:
- ES Chapter 8: Fish and shellfish ecology (Table 8.12);
 - ES Chapter 9: Benthic, subtidal and intertidal ecology (Table 9.15);
 - ES Chapter 12: Offshore and intertidal ornithology (Table 12.19); and
 - ES Chapter 22: Terrestrial ecology (Table 22.18).
- 2.1.7 Section 5 of the RIAA presents the HRA Screening Assessment which sets out the broad terms undertaken to the approach for screening for LSE. The selection process to identify relevant European sites and qualifying features is then described in further detail using the following impact pathway/receptor type:
- Terrestrial Ecology (Section 5.3);

- Migratory Fish (Section 5.4);
- Marine Mammals (Section 5.5);
- Pinnipeds (Section 5.6);
- Cetaceans (Section 5.7);
- Benthic habitats and communities (Section 5.8); and
- Offshore Ornithology (Section 5.9).

2.1.8 With regards to marine mammals, the RIAA explains that European sites for which marine mammals are a qualifying feature were screened out during the screening exercise. This was because there were no SACs identified where seal species are a qualifying feature, which share the management unit with the Proposed Development. NE set out their agreement with this approach in their relevant representation (RR) [RR-265].

2.1.9 The screening exercise was undertaken in September 2020. Screening matrices for the sites included in the screening assessment are set out in Matrices 1 – 106 of Appendix E of the RIAA.

2.2 Potential impact pathways

2.2.1 Section 5 of the RIAA details the potential impacts from the Proposed Development, along with the potential geographical extent of effects. Table 5-2 of the RIAA lists the sites and qualifying features and the impact pathways which could affect them.

2.2.2 The RIAA assesses the potential impacts during construction, operation and maintenance and decommissioning. The Applicant considers that all potential impacts during the decommissioning phase would be similar to, and potentially less than, those outlined in the construction phase, this is set out in Table 3-2 [APP-038].

2.2.3 No additional impact pathways have been identified by IPs for inclusion within the assessment in the Examination to date.

2.3 In-combination effects

2.3.1 Section 5.10 of the RIAA [APP-038] details the Applicant's approach to assessing in-combination effects with other plans and projects. The potential for Likely Significant Effects In-combination (LSEI) with other plans or projects has been identified at 14 sites, and these are presented in Appendix E and summarised in Table 5-2 of the RIAA [APP-038].

2.3.2 The RIAA states that the LSEI assessment has used information documented in ES Appendix 5.4: Cumulative effects assessment shortlisted developments [APP-128]. Projects and plans considered for the in-combination assessment are set out in Table 2.1: shortlisted other development (offshore) and Table 3-1: shortlisted other developments (onshore). The projects and plan considered are also presented on Figures 5.4.1, 5.4.2, 5.4.3a – 5.4.3c and 5.4.4a [APP-128].

- 2.3.3 No additional plans or projects have been highlighted by IPs in the Examination to date.
- 2.3.4 The RIAA explains that the consideration for Adverse Effects on Integrity (AEoI) to results acting in combination is set out in the following sections of the RIAA:
- Terrestrial ecology (including wildfowl and wader) - Section 8.2;
 - Migratory fish – Section 8.3;
 - Benthic habitats and communities – Section 8.4; and
 - Offshore ornithology – Section 8.5.
- 2.3.5 The RIAA confirms that as no LSE were identified for marine mammals, any pathways for effect would be so weak that likely significant effects in combination were also not identified and this matter was not considered further in the RIAA. This was not refuted by any IPs.

2.4 The Applicant's assessment

- 2.4.1 The Applicant's conclusions in respect of screening and effects on integrity are presented in Sections 5.16 and Section 10 of the RIAA, respectively. They are summarised in the Applicant's screening matrices in Appendix E and integrity matrices in Appendix H of the RIAA [APP-038].

Sites for which the Applicant concluded no LSE on all qualifying features

- 2.4.2 The Applicant concluded that the Proposed Development would not be likely to give rise to significant effects, either alone or in combination with other projects or plans, on all qualifying features of the European sites listed in Table 10-1 of the RIAA.
- 2.4.3 The Applicant's conclusions in respect of Likely Significant Effects were not disputed by ANCB/IPs.
- 2.4.4 The qualifying features and LSE pathways screened in by the Applicant are detailed in Table E-2 and the screening matrices presented in Appendix E of the RIAA [APP-038].
- 2.4.5 No matters have been raised in the Examination to date in relation to the Applicant's screening assessment.

RIES Q1: To Natural England - Can NE confirm that it agrees with the outcomes of the screening assessment undertaken by the Applicant as presented in [APP-038]?

3 ADVERSE EFFECTS ON INTEGRITY

3.1 Conservation Objectives

- 3.1.1 The conservation objectives for all of the European sites for which a LSE was identified by the Applicant at the point of the submission of the DCO application were included within the RIAA [APP-038].
- 3.1.2 The RIAA does not include information on whether the sites are in favourable or unfavourable condition.

RIES Q2: To the Applicant: The Applicant is requested to identify any European sites affected by the project which are in unfavourable condition (including unfavourable recovering).

3.2 The Applicant's assessment

- 3.2.1 The European sites and qualifying features for which LSE were identified were further assessed by the Applicant to determine if they could be subject to AEoI from the Proposed Development, either alone or in combination. The outcomes of the Applicant's assessment of effects on integrity are summarised in Section 5 of the RIAA. Integrity matrices are provided in Appendix H of the RIAA [APP-038].

Mitigation measures

- 3.2.2 The Applicant's RIAA identified both embedded and additional mitigation measures in Section 6 and 7 [APP-038]. Section 6 of the RIAA confirms that mitigation measures were not taken into account during the screening stage but were taken into account in the Applicant's assessment of effects on integrity.

- 3.2.3 The RIAA discusses the need for mitigation regarding water abstraction from the Sussex North Water Supply Zone and related effects on the Arun Valley designated sites. The RIAA outlines the potential need for water supply to be brought to the site via water tanker. At Deadline 3 [REP3-025] the Applicant proposed a new Commitment (C-290) in the Commitments Register [REP4-057] and Outline Code of Construction Practice (secured via Requirement 22 of the draft DCO). Further details are set out in Table 3.1.

Sites for which the Applicant concluded no AEol

- 3.2.4 The Applicant concluded in the RIAA [APP-038] that the Proposed Development would not adversely affect the integrity of any of the European sites and features assessed, either alone or in combination with other projects or plans.
- 3.2.5 Despite this conclusion, the DCO application included a ‘without prejudice’ derogation case and information on proposed compensatory measures for the kittiwake feature of FFC SPA [APP-039] and updated at Deadline 4 [REP4-014]. This RIES provides an overview of the derogations and compensatory measures proposed by the Applicant in Sections 5.
- 3.2.6 The Applicant’s conclusions in respect of the following European sites were disputed by NE and questioned by the ExA during the course of the Examination. See Section 3.3 of this RIES for further details.

3.3 Examination matters

- 3.3.1 Matters raised in the Examination to date, or for which the ExA seeks clarity, in relation to AEol are summarised in Table 3.1 below.
- 3.3.2 NE stated in its RR [RR-265] that based on the information submitted with the DCO application, it was not satisfied that it can be excluded beyond reasonable scientific doubt that the Proposed Development would have an adverse effect alone or in-combination on the integrity of the following European Sites:
- Flamborough and Filey Coast SPA;
 - Farne Islands SPA;
 - Arun Valley SPA;
 - Arun Valley SAC;
 - Arun Valley Ramsar site;
 - River Itchen SAC; and
 - Solent and Dorset Coast SPA.
- 3.3.3 NE provided a Risk and Issues Log to the Examination at Deadline 1 [REP1-059a] to track progress made on issues which were outstanding through the Examination. The Risk and Issues Log was updated at Deadline 2 [REP2-041], Deadline 3 [REP3-087] and Deadline 4 [REP4-096].

- 3.3.4 The RIAA [APP-038] concludes no adverse effects on the herring gull feature of FFC SPA.

RIES Q3: - Can Natural England confirm they agree with the conclusions of the Applicant regarding herring gull feature of FFC SPA?

Table 3.1: Issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's assessment of effects on integrity (alone and in-combination)

ID	Potential impact pathway	Details of issue	ExA observation/ question
River Itchen SAC			
3.1.1	Impacts on migrating Atlantic salmon during construction and decommissioning from underwater noise and in-combination effects.	<p>The Applicant concluded that the only potential for in-combination effects on the Atlantic salmon feature of the River Itchen is considered to be limited to the potential impact of underwater noise during construction for salmon migrating to or from the River Itchen SAC</p> <p>In its RR, NE [RR-265] England commented that it would be likely to agree with the conclusions of the Applicant but requested the updates to the assessment detailed in the RIAA. Regarding Table 7-1 of the RIAA, NE disagreed that fish was considered as a fleeing receptor. NE also advised that it would be more accurate to show the noise modelling location closest to the SAC and requested that clarity was provided on which of the worst-case scenario the figure is showing. Furthermore, NE advised that Figure 7-1 should show the full range of stationary noise effects.</p>	<p>Matter not yet resolved.</p> <p><i>RIES Q4: To the Applicant – please provide an update with regards to the requests from Natural England that Table 7-1 and Figure 7-1 are updated with the information set out in the Risk and Issues Log submitted by NE [REP4-096].</i></p>
Solent and Dorset Coast SPA			
3.1.2	Impacts on common tern and little tern during construction and decommissioning due to direct disturbance and	<p>The Applicant assessed AEol on the common tern, sandwich tern and little tern qualifying features of the Solent and Dorset Coast SPA, through disturbance and displacement and in-combination effects.</p> <p>NE did not disagree with this assessment; however, comments were provided in its RR [RR-265] stating that tern species also prey on herring and therefore both</p>	<p>Matter not yet resolved.</p> <p><i>RIES Q5: To Natural England – Can Natural England please confirm if it considers that the Applicant should update the RIAA to reflect their comments regarding prey</i></p>

	<p>displacement and in-combination effects.</p> <p>Impact on sandwich tern during construction, operation and decommissioning due to direct disturbance and displacement and in-combination effects.</p>	<p>sandeel and herring should be considered as prey species for terns throughout the assessment.</p>	<p><i>items used by common tern, sandwich tern and little tern?</i></p>
<p>Arun Valley SAC, SPA and Ramsar site</p>			
<p>3.1.3</p>	<p>Effects from water neutrality</p>	<p>In the RIAA [APP-038], the Applicant considered that AEoI of the Arun Valley designated sites could be ruled out as mitigation measures would be provided which would result in no additional water abstraction.</p> <p>In their RR [RR-265] and their Principal Areas of Disagreement Statement [AS-011], NE requested that an assessment of water neutrality should be undertaken to demonstrate that water neutrality could be achieved.</p> <p>At Deadline 3, the Applicant [REP3-051] confirmed that no mains water would be required from the Sussex North Water Resource Zone for the Proposed Development and instead, water would be imported to site via tanker or dispensers. The Applicant included a new commitment (C-290) within the Outline Code of Construction Practice</p>	<p>Matter not yet resolved.</p> <p><i>RIES Q6: - To Natural England – Does Natural England consider that its concerns about water neutrality in relation to the Arun Valley European sites are likely to be resolved before the end of the Examination?</i></p>

		<p>(secured via Requirement 22 of the dDCO) which would ensure that water from the Sussex North Water Resource Zone would not be used for the Proposed Development. Water required will be imported from outside of the Sussex North Water Resource Zone via tankers for activities such as welfare facilities, use in horizontal directional drilling wheel washing etc.</p> <p>During ISH2, the Applicant informed the Examination that it had met with Horsham District Council on 1 May 2024 who advised that due to numbers of proposed new housing being reduced from 1000 to 400 dwellings, there is a headroom of water capacity which Horsham DC consider can be used by Rampion 2. Therefore, there would not be a requirement for water to be brought to construction compounds via tanker.</p> <p>The Examination Progress Tracker (Revision D) submitted at Deadline 4 [REP4-060] states that it was agreed on 22 May at an expert meeting between Horsham District Council and Natural England that a bilateral meeting was held in order to reach position on water neutrality.</p> <p>At Deadline 4, the Applicant submitted their comments on Deadline 3 submissions [REP4-070]. This states that the matter of water neutrality will be included within the Statement of Common Ground with NE and submitted at Deadline 5 of the Examination.</p>	
Arun Valley Ramsar site			
3.1.4	Northern pintail – potential effects	The Applicant, in its RIAA [APP-038] concluded there would be no AEoI to the Northern pintail feature of the Arun Valley Ramsar site from loss of FLL land resulting from in-	Matter not yet resolved. <i>RIES Q7: To the Applicant – please provide the mapping</i>

	<p>on functionally linked land (FLL)</p>	<p>combination effects during construction with other plans and projects. The justification provided was that any loss of FLL as a result of effects in combination with construction works, specifically with the A27 Arundel Bypass would be temporary in nature and represent a very small proportion of the FLL available.</p> <p>In their RR [RR-265] and their Principal Areas of Disagreement Statement [AS-011], NE requested further clarity on how impacts upon FLL had been assessed, as it considered that it is not clear if embedded mitigation measures have underestimated the length of time that it will take to reinstate the FLL back to previous condition and agricultural use.</p> <p>NE also sought further clarity on how the foraging range of the Northern pintail has been estimated.</p> <p>This matter was discussed during the ISH2 where the Applicant confirmed the location of land which is potentially FLL and explained that it does not consider this area of land would be used by Northern pintail as it does not consist of suitable habitat.</p> <p>The Examination Progress Tracker Revision D, submitted at Deadline 4 [REP4-060] states that a discussion was held between the Applicant and Natural England on 22 May 2024. The Applicant provided mapping to illustrate the land effects and Natural England are considering this information.</p>	<p><i>information presented to NE on 22 May 2024 regarding FLL of the Arun Valley Ramsar site to the Examination.</i></p> <p><i>RIES Q8: To the Applicant – please provide an update regarding the issue of FLL and explain if an agreement has been reached on this point.</i></p> <p><i>RIES Q9: To Natural England – please clarify the status of the Northern pintail in the Ramsar site, noting that it is listed as a feature for possible future inclusion in the Ramsar citation rather than being a confirmed feature. Please also confirm if Northern pintail is part of the waterbird assemblage that is one of the features of the Arun Valley SPA.</i></p>
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Flamborough and Filey Coast SPA			
<p>3.1.5</p>	<p>Razorbill and guillemot – in-combination effects.</p>	<p>In the RIAA, the Applicant concluded no AEol for the razorbill and guillemot features of FFC SPA from in-combination effects. The RIAA states that the estimated displacement mortality rates for razorbill and guillemot are so low that they are considered to make no material contribution to the natural baseline mortality rates at each colony. It also explains that consideration has been given to a range of displacement and mortality rates, which includes consideration of the upper end of this range (which is considered to be overly precautionary), the increase in baseline mortality is still under 0.5% for FFC SPA. This is considered by the Applicant to be a level of mortality which will not affect the achievements of the conservation objectives of the FFC SPA.</p> <p>In their RR [RR-265] NE stated that it did not agree with this conclusion and considered that the Proposed Development could have effects in-combination with other plans and projects on the razorbill and guillemot features of the FFC SPA. NE requested a full in-combination assessment of impacts for razorbill at FFC SPA.</p> <p>In response to this at Deadline 1, the Applicant [REP1-027] provided further information for the in-combination assessment for guillemot and razorbill features of FFC SPA. Totals were provided for razorbill (Table 3.7) for the following scenarios:</p> <ul style="list-style-type: none"> • Rampion 2 plus all consented projects • Rampion 2 plus Dudgeon and Sheringham Shoal Extension Projects and 	<p>Matter not yet resolved. See Section 4 of this RIES.</p>

		<ul style="list-style-type: none"> • All projects <p>Totals were provided for guillemot (Table 3.8) for the following scenarios:</p> <ul style="list-style-type: none"> • Rampion 2 plus all consented projects • Rampion 2, Dudgeon and Sheringham Shoal Extension Projects and all consented projects • All projects • Rampion 2 plus all consented projects (excluding Hornsea Four) • Rampion 2 plus Dudgeon and Sheringham Shoal Extension Projects and all consented projects (excluding Hornsea Four) • All projects (excluding Hornsea Four) <p>The Applicant explained in their Post Hearing Submission for ISH1 [REP1-027] that the assessment concluded no AEol from the Proposed Development alone to razorbill and guillemot at FFC SPA. The Applicant considered that the level of effect would not materially contribute to an in-combination effect and therefore would result in no AEol of FFC SPA. However, in response to the RR from NE, the Applicant undertook a full in-combination assessment for razorbill and guillemot at FFC SPA. These assessments included a Population Viability Analysis where any level of predicated impact exceeded a 1% increase in baseline mortality [REP1-027].</p> <p>At Deadline 3, NE [REP3-080] advised that the standard foraging ranges should be used for the in-combination assessment and suggested that compensatory measures</p>	
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		<p>should be proposed in-principle for these two species. NE stated that a collaborative approach to compensatory measures, as proposed in-principle by the Applicant for kittiwake, has potential to deliver a proportionate level of benefit for guillemot and razorbill.</p> <p>In response to this, the Applicant, at Deadline 3, submitted a Guillemot and Razorbill Evidence and Roadmap [REP3-060].</p> <p>The Applicant submitted an update to Appendix 8 – Further Information for Action Point 34 – In Combination Assessment Update for Guillemot and Razorbill at Deadline 4 [REP4-065].</p> <p>This issue is discussed further in Chapter 4 of this RIES.</p>	
<p>3.1.6</p>	<p>Kittiwake – in-combination effects</p>	<p>In their RIAA, the Applicant stated that collision risk to kittiwake during the migratory bio-seasons predicted that under one (0.72) adult bird apportioned to FFC SPA in the non-breeding bio-seasons would be subject to collision consequent mortality. The Applicant considered this level of effect would not be considered to be significant and also not be detectable to the overall annual baseline natural mortality rate for this species.</p> <p>NE did not agree [REP1-059] that the contribution of Rampion 2 to the in-combination assessment of collision risk to kittiwake, as a feature of FFC SPA is so small that it is of no consequence. NE considered that in-combination effects with other offshore wind farms could result in AEol of this feature of the FFC SPA.</p>	<p>Matter not yet resolved.</p> <p>See Section 4 of this RIES.</p>

		<p>In their Deadline 3 response, NE [REP3-080] maintained its position that it considered that Rampion 2 would result in AEol to FFC SPA.</p> <p>Subsequent to ISH2 the ExA issued a Rule 17 letter to NE [PD-011], requesting whether NE would consider changing its position regarding compensation numbers for kittiwake.</p> <p>This issue is discussed further in Chapter 4 of this RIES.</p>	
Farne Islands SPA			
3.1.7	Guillemot in-combination effects	<p>In the RIAA, the Applicant concluded no AEol for the guillemot feature of the Farne Islands SPA from in-combination effects.</p> <p>In their RR [RR-265] NE stated that it did not agree with this conclusion and considered that the Proposed Development could have effects in-combination with other plans and projects on the guillemot feature of the Farne Islands SPA. NE requested a full in-combination assessment of impacts of guillemot at the Farne Islands SPA. NE consider there is potential for in-combination effects with Berwick Bank offshore wind farm and other projects in the North Sea.</p> <p>In response to this at Deadline 1, the Applicant [REP1-027] provided further information for the in-combination assessment for the guillemot feature of the Farne Islands SPA. Totals were provided (Table 3.13) for the following scenarios:</p> <ul style="list-style-type: none"> • Rampion 2 plus consented projects 	<p>Matter not yet resolved.</p> <p>See Section 4 of this RIES.</p>

		<ul style="list-style-type: none"> • Rampion 2 plus Dudgeon and Sheringham Shoal Extension Projects (due to similar timeline) and all consented projects; and • all projects. <p>The Applicant stated that regardless of the foraging distance used (95.2km or 153.7km) for guillemot to identify theoretical breeding season connectivity, the overall in-combination abundance total apportioned the Farne Islands SPA remains the same.</p> <p>At Deadline 3 the Applicant submitted a Guillemot and Razorbill Evidence and Roadmap [REP3-060].</p> <p>In their Deadline 3 response, NE [REP3-080] maintained its position that AEol could not be excluded. NE considered that a collaborative approach to compensatory measures, as proposed in-principle by the Applicant for kittiwake, has the potential to deliver a proportionate level of benefit for guillemot.</p> <p>This issue is discussed further in Chapter 4 of this RIES.</p>	
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3.4 Summary of Examination outcomes in relation to adverse effects on integrity

- 3.4.1 As noted in Table 3.1 of this RIES, the Applicant's conclusions of no AEol for the following sites are disputed by NE:
- Arun Valley Ramsar – FLL for Northern Pintail;
 - Arun Valley SPA, SAC and Ramsar site – water neutrality;
 - FFC SPA – guillemot – in-combination effects;
 - FFC SPA – razorbill – in-combination effects;
 - FFC SPA – kittiwake – in-combination effects; and
 - Farne Islands SPA – guillemot - in-combination effects.
- 3.4.2 These sites and features were therefore the subject of a derogation case for kittiwake [APP-039] (Updated at Deadline 4 [REP4-014]) and an evidence and roadmap for guillemot and razorbill [REP3-060] submitted by the Applicant during the Examination. Further details are provided in Sections 4 and 5 of this RIES.
- 3.4.3 To date in the Examination, the matters identified in Table 3.1 of this RIES in respect of disputed AEol remain unresolved. The ExA seeks responses from the Applicant and NE, where indicated, to provide clarity on the outstanding matters.
- 3.4.4 The ExA's understanding of the Applicant's and NE's current positions in relation to AEol is set out in Table A1 of Annex 1 of this RIES.

4 DEROGATIONS FROM THE REGULATIONS

4.1 Overview

- 4.1.1 The Applicant submitted a derogation case with its application [APP-039] (updated at Deadline 4 [REP4-014]) which related to the kittiwake feature of the FFC SPA. At Deadline 1 the Applicant provided [REP1-026] further information regarding the Kittiwake Implementation and Monitoring Plan. At Deadline 3, the Applicant provided an updated Kittiwake Implementation and Monitoring Plan [REP3-058].
- 4.1.2 The Applicant considers that AEol can be excluded for kittiwake features of the FFC SPA site but has also provided a ‘without prejudice’ derogations case for kittiwake [APP-039]. The derogations case details a five-step process to developing compensation measures. The five steps are detailed in Section 6.2 [APP-039]. Step 5 of the process is for the preparation of an implementation and monitoring plan. Appendix A of the derogations case provides an Outline Kittiwake Implementation and Monitoring Plan. During the examination, the Applicant provided a post hearing submission regarding further information for Action Point 33 of the Kittiwake Implementation and Monitoring Plan [REP1-026].
- 4.1.3 NE maintains the position that AEol cannot be excluded in relation to the auk features of FFC SPA. NE also maintains the same position in relation to the guillemot feature of the Farne Islands SPA. At Deadline 3 the Applicant submitted a ‘Guillemot and Razorbill Evidence and Roadmap’ [REP3-060] which proposes compensation measures for these species. At Deadline 4, the Applicant provided further information for the assessment for guillemot and razorbill - Appendix 8 – Further Information for Action Point 34 – In Combination Assessment Update for Guillemot and Razorbill [REP4-065].

4.2 Alternative solutions

- 4.2.1 The Applicant provided its ‘no alternative solutions’ case in Chapter 4 of [APP-039]. Section 4.3 summarises the need for the Proposed Development and the core objectives are set out in section 4.2 and include the generation of low carbon energy, maximise renewable energy generation and maximise the use of existing infrastructure.
- 4.2.2 Section 4.4 presents a consideration of alternatives which includes a ‘do nothing’ scenario, alternative types of wind farm projects and repowering existing windfarms. The consideration of an alternative area within the Rampion Zone, and design alternatives for Rampion 2 is also presented.
- 4.2.3 The summary of the alternative solutions is reviewed in Section 4.6 of [APP-039]. The Applicant concludes that there are no feasible alternative solutions which would deliver the same objectives as the Rampion 2 proposals. As of

Deadline 4, no comments have been received from any IP in respect to HRA matters.

RIES Q10: To the Applicant – please confirm if the Applicant is relying upon the same ‘without prejudice’ ‘no alternative solutions’ case for FFC SPA and the Farne Islands SPA.

4.3 IROPI case

4.3.1 The Applicant provided its IROPI case in Chapter 5 [APP-039]. Section 5.3 reiterates the need for the Proposed Development and provides information regarding public interest identified by the Applicant.

RIES Q11: To the Applicant – please confirm if the Applicant is relying upon the same ‘without prejudice’ ‘IROPI’ case for FFC SPA and the Farne Islands SPA.

4.3.2 As of Deadline 4, no comments have been received from any IP on this matter.

4.4 Compensatory measures

4.4.1 Compensatory measures are proposed for the following sites and features:

- Kittiwake feature of the FFC SPA;
- Guillemot and razorbill features of the FFC SPA; and
- Guillemot feature of the Farne Islands SPA.

Kittiwake

4.4.2 The details of the compensatory measures proposed by the Applicant for kittiwake are provided in the following:

- Habitats Regulations Assessment (Without Prejudice) Derogation Case [APP-039] updated at Deadline 4 [REP4-014];
- Appendix 7 – Further information for Action Point 33 – Kittiwake Implementation and Monitoring Plan [REP1-026] (superseded by [REP3-058]); and
- Kittiwake Implementation and Monitoring Plan [REP3-058].

4.4.3 The proposed compensatory measures identified by the Applicant for kittiwake of the FFC SPA are:

- providing a monetary contribution to strategic compensation through the MRF;
- collaborating with another Offshore Wind Farm project (e.g. Dogger Bank South OWF) to provide additional nesting spaces for kittiwake through either purpose-built artificial nesting structure, artificial ledges or other means;
- improving key kittiwake habitat within FFC SPA;

- improving key kittiwake habitat outside the FFC SPA;
 - improving kittiwake breeding success through reducing avian predation (diversionary feeding and predator removal); and
 - improving kittiwake breeding success through supplementary feeding.
- 4.4.4 The proposed compensatory measures are set out in the Kittiwake Management Plan (dated April 2024 – most up to date at point of publication of this RIES) [REP3-058] and these measures would be secured through Schedule 17 of the DCO.
- 4.4.5 NE [REP2-027] commented on the Kittiwake Implementation and Monitoring Plan [REP1-026] stating it considered the additional nesting at the artificial nesting structure at Gateshead to be an appropriate and proportionate compensation measure. However, NE commented that rather than use the 95% upper confidence interval (UCI), the Applicant had used the central estimate of their kittiwake impacts as the basis for calculating how many nesting spaces will be required to compensate for their impact.
- 4.4.6 At Deadline 3, the Applicant responded in Table 4.5 of [REP3-052] stating it considered that the central estimate was the most appropriate means of calculating requirements for compensation based on evidence. However, in response to the comments from NE, the Applicant also provided a calculation using the 95% UCI in the updated Kittiwake Implementation and Monitoring Plan [REP3-058]. This increased the collision risk impact from 0.72 to 1.69 breeding adult kittiwake per annum.
- 4.4.7 In its response at Deadline 4, NE [REP4-091] stated that it continued to advise the use of the 95% UCI and ratios of 2:1 and 3:1 which the Applicant used for calculating the compensatory requirements. NE considers that a proportionate contribution is for sufficient nesting spaces to be secured for the number of pairs required to address the 95% UCI value at a ratio of 3:1.
- 4.4.8 At Deadline 4, the Applicant submitted the document 'Alternative Schedule 17 (on a without prejudice basis)' Revision B [REP4-016]. Part 1 of this Schedule relates specifically to kittiwake. It states that no offshore works shall commence until a payment has been made to a Marine Recovery Fund, or a Final Kittiwake Implementation and Management Plan has been submitted to the Secretary of State for approval.

Guillemot and razorbill

- 4.4.9 In response to NE's concerns on AEoI on FFC SPA and the Farne Islands SPA the Applicant submitted a Guillemot and Razorbill Evidence and Roadmap at Deadline 3 [REP3-060]. This document presents the process undertaken to identify sites for compensation measures for guillemot and razorbill.

4.4.10 The proposed compensatory measures identified by the Applicant for guillemot and razorbill include the reduction of disturbance from recreational activities through the following:

- signage;
- visitor access statements;
- restriction of dogs;
- restriction of visitor time;
- restriction of visitor approach;
- restriction of boat approach distances;
- seasonal closures;
- birdwatching codes;
- wardens;
- coordination with equipment hire businesses; and
- coordination with recreational organisations

4.4.11 During ISH2, the ExA questioned whether NE agreed with the compensation quanta for guillemot and razorbill which is presented in Table 8.1 of [REP3-060]. The Applicant responded saying that it has not been discussed with NE, but that the initial site selection and locations of what might be looked into have been discussed with NE [EV5-008].

4.4.12 In its response at Deadline 4 submission NE [REP4-091] stated that the calculations cannot be checked for accuracy as the Applicant has used the Hornsea Four compensation calculation method. NE requested that an updated document is presented which includes a clear explanation of the method and parameters used to calculate the compensation quanta. NE recommend that 2:1 and 3:1 ratios are also considered as currently Table 8.1 [REP3-060] only includes a 1:1 compensation ratio.

RIES Q12: To the Applicant – can the Applicant confirm whether it has produced a document which presents the 2:1 and 3:1 ratios for guillemot and razorbill as requested by NE? If so, the ExA requests that this document is submitted into the Examination.

4.4.13 In their Deadline 4 submission, NE [REP4-091] stated that to follow on from the potential compensatory methods which have been suggested by the Applicant, more work should be undertaken to establish the current levels and sources of disturbance each colony experiences. This assessment should be combined with together with discussions with local experts who inform specific compensation measures which would be most effective at each site.

RIES Q13: To the Applicant – please provide a response on the points raised by NE regarding further work and discussions regarding compensatory

measures for guillemot and razorbill. Will these actions be completed by the close of the Examination?

- 4.4.14 At Deadline 4, the Applicant submitted an Alternative Schedule 17 (on a without prejudice basis) Revision B document [REP4-016]. Part 2 of this schedule relates specifically to guillemot and razorbill.

RIES Q14: To Natural England – Can Natural England confirm if it is satisfied with the content of Alternative Schedule 17 (on a without prejudice basis) [REP4-016] in relation to kittiwake, guillemot and razorbill?

RIES Q15: To the Applicant – the Alternative Schedule 17 document refers to the production of a Guillemot and Razorbill Implementation and Monitoring Plan (GRIMP), can the Applicant provide a draft of this to the Examination?

5 CONCLUDING REMARKS

- 5.0.1 This RIES is based on information submitted throughout the Examination by the Applicants and IPs, up to Deadline 4 (3 June 2024), in relation to potential effects on European sites. It should be read in conjunction with the Examination documents referred to throughout.
- 5.0.2 The RIES has identified gaps in the ExA's understanding of IPs' positions on Habitats Regulations and comments on the RIES will be of great value to the ExA in order to support a robust and thorough recommendation to the Secretary of State. In particular, the ExA seeks:
- Responses to the questions identified in Sections 1 to 5 of this RIES (in particular Table 3.1).
 - Confirmation whether the ExA's understanding of screening and adverse effects conclusions at point of RIES publication (Table (A.1) in Annex 1) is correct.
- 5.0.3 Comments on the RIES must be submitted for D5 (9 July 2024).

ANNEX 1 EXA'S UNDERSTANDING OF POSITION AT POINT OF RIES PUBLICATION

5.0.4 Table A1 in this Annex summarise the ExA's understanding of the Applicant's screening exercise and assessment of effects on integrity, and agreement with the relevant ANCB at time of publication of this RIES.

Key to tables:

C = Construction

O = Operation

D = Decommissioning

✓ = LSE or AEoI cannot be excluded

X = LSE or AEoI can be excluded

Y = Yes

N = No

? = Unclear

n/a = not applicable

Table A1

Feature	Potential impact	Likely Significant Effect?		Adverse Effect on Integrity?	
		Applicant's conclusion (alone or in combination)	Agreement with ANCB ⁴	Applicant's conclusion (alone or in combination)	Agreement with ANCB?
River Itchen SAC					
Atlantic salmon	Underwater noise and in-combination effects (C and D)	✓	?	X	N [RR-265]
Solent and Dorset Coast SPA					
Common tern little tern	Disturbance and displacement and in-combination effects (C and D)	✓	?	X	N [RR-265]
Sandwich tern	Disturbance and displacement and in-combination effects (C,O,D)	✓	?	X	N [RR-265]

⁴ Applies to impacts from the Proposed Development alone and in combination, unless otherwise stated.

Feature	Potential impact	Likely Significant Effect?		Adverse Effect on Integrity?	
		Applicant's conclusion (alone or in combination)	Agreement with ANCB ⁴	Applicant's conclusion (alone or in combination)	Agreement with ANCB?
Arun Valley Ramsar site					
<u>Ramsar criterion 6</u> - Northern pintail <u>Ramsar criterion 5</u> - Assemblage of wintering waterfowl of international importance	Pollution events (C and D) Invasive non native species (C,O,D) Land take, land cover change (C and D) Fragmentation or severance of habitats (C and D) Noise and vibration (C and D) Water neutrality (O) In-combination (C,O,D)	✓	Y	X	N

Feature	Potential impact	Likely Significant Effect?		Adverse Effect on Integrity?	
		Applicant's conclusion (alone or in combination)	Agreement with ANCB ⁴	Applicant's conclusion (alone or in combination)	Agreement with ANCB?
<p><u>Ramsar Criterion 2</u> Seven wetland invertebrate species listed in British Red Data Book.</p> <p><u>Ramsar criterion 2</u> Four nationally rare and four nationally scarce plant species.</p> <p><u>Ramsar criterion 3</u> Particularly diverse and rich ditch flora.</p>	Water neutrality (O)	✓	?	X	N
Arun Valley SPA					
Bewick's swan. Non-breeding waterfowl assemblage: shoveler, teal,	Pollution events (C and D) Invasive non-native species (C and D)	✓	?	X	N

Feature	Potential impact	Likely Significant Effect?		Adverse Effect on Integrity?	
		Applicant's conclusion (alone or in combination)	Agreement with ANCB ⁴	Applicant's conclusion (alone or in combination)	Agreement with ANCB?
wigeon, Bewick's swan.	Land take / land cover change (C and D) Fragmentation or severance of habitats (C and D) Noise and Vibration (C and D) Water neutrality (O) In-combination (C and D).				
Arun Valley SAC					
Ramshorn snail	Water neutrality (O)	✓	?	X	N
Flamborough and Filey Coast SPA					
Kittiwake Guillemot Gannet	<u>screening stage</u> - In-combination (O)	✓	?	n/a	n/a

Feature	Potential impact	Likely Significant Effect?		Adverse Effect on Integrity?	
		Applicant's conclusion (alone or in combination)	Agreement with ANCB ⁴	Applicant's conclusion (alone or in combination)	Agreement with ANCB?
Razorbill Herring gull					
Guillemot Razorbill	<u>Integrity stage</u> Direct disturbance displacement (non-breeding season (C,O,D) In-combination (C,O,D)	n/a	n/a	X	N
Gannet	<u>Integrity stage</u> Collision risk (migration) (O). Direct disturbance displacement (non-breeding season (O) In-combination (O)	n/a	n/a	X	Y
Kittiwake	<u>Integrity stage</u> Collision risk (migration) (O). In-combination (O)	n/a	n/a	X	N

Feature	Potential impact	Likely Significant Effect?		Adverse Effect on Integrity?	
		Applicant's conclusion (alone or in combination)	Agreement with ANCB ⁴	Applicant's conclusion (alone or in combination)	Agreement with ANCB?
Herring gull (part of assemblage feature)	<u>Integrity stage</u> Collision risk (migration) (O). In-combination (O)	n/a	n/a	X	?
Farne Islands SPA					
Sandwich tern Kittiwake Common tern Arctic tern	<u>Screening stage</u> Collision risk in migration (O) In-combination (O)	✓	?	X	?
Guillemot	<u>Screening stage</u> In-combination (C,O,D)	✓	N	X	N
Sandwich tern Kittiwake Common tern Arctic tern	<u>Integrity stage</u> Collision risk in migration (O) In-combination (O)	n/a	n/a	X	?
Guillemot	<u>Integrity stage</u> Direct disturbance displacement	n/a	n/a	X	N

Feature	Potential impact	Likely Significant Effect?		Adverse Effect on Integrity?	
		Applicant's conclusion (alone or in combination)	Agreement with ANCB ⁴	Applicant's conclusion (alone or in combination)	Agreement with ANCB?
	(Migration) (C,O,D) In-combination (C,O,D)				
Internationally important seabird assemblage of over 20,000 individuals Common tern Arctic tern, Roseate tern, Sandwich tern, Common guillemot,. Also, Atlantic puffin, great cormorant, European shag and black-legged kittiwake as main components of the assemblage	<u>Integrity stage</u> In-combination (C,O,D)	n/a	n/a	X	?