



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Rampion Two Offshore Wind Farm

Appendix J5 to the Natural England Deadline 5 Submission

Natural England's Advice on Terrestrial Ecology

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

09 July 2024

Natural England's Advice on Terrestrial Ecology

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

- [REP4-023] 6.2.22 Environmental Statement Terrestrial ecology and nature conservation
- [REP4-003] 2.6 Tree Preservation Order and Hedgerow Plan Rev C
- [REP4-038] 6.4.22.16 Environmental Statement Volume 4 Appendix 22.16 Arboricultural Impact Assessment Rev B (tracked)
- [REP4-048] 7.10 Outline Landscape and Ecology Management Plan Rev C (tracked)
- [REP4-050] 7.11 Outline Project Environmental Management Plan Rev B (tracked)
- [REP4-044] 7.2 Outline Code of Construction Practice Rev D (tracked)
- [REP4-058] 7.22 Commitments Register (Tracked) Revision D

Natural England have not provided comments on the following documents, as the information within them falls outside of our core remit:

- [REP4-039 & REP4-040] 6.4.26.2 Environmental Statement Volume 4 Appendix 26.2 Flood Risk Assessment Rev B
- [REP4-041 & REP4-042] 7.1 Outline Operational Drainage Plan Rev C
- [REP1-010 & REP1-011] 7.6 Outline Construction Traffic Management Plan Rev E

1. Summary

Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 5. Our outstanding concerns are set out below with more detailed advice regarding these documents provided in Table 1. It should be noted that these comments relate to terrestrial ecology only and any comments pertaining to the landscape aspects are provided in a separate Appendix.

2. Main Comments

2.1. Natural England's position on Water Neutrality

As set out within our Relevant Representations [RR-265], we advised that due to the scale of the Rampion 2 proposals, an assessment should be undertaken to determine whether the project would have an adverse effect on the integrity of the Arun Valley designated sites, by way of increased water demand. Where it has been identified that a project will result in a net increase in water demand, Natural England's advice is that demonstrating 'water neutrality' is one way of ensuring that any adverse effects can be suitably mitigated.

In response to our advice, it is understood that the Applicant has proposed that during the construction phase, *'construction water usage will not be taken from the mains, and it will instead be imported from outside of the Sussex North Water Resource Zone (via tankers)'* [REP3-051]. Whilst Natural England supports the Applicant's exploration of potential mitigation options and their assessment of impacts upon the Arun Valley designated sites, Natural England has concerns around how this approach would be robustly enforced, and therefore, whether it can be considered an appropriate means of mitigation.

As recognised within the Report on the Implications for European Sites [PD-014] and previous submissions by Horsham District Council (HDC) [REP3-069], we understand that HDC believes that it is possible to rule out any adverse effects from increased water demand during construction works, in a consistent manner with how water use for construction work has been considered elsewhere within the HDC area.

Having reviewed the evidence base referred to by HDC, Natural England acknowledges that the quantum of housing being delivered during the periods of 2021-2022 and 2022-2023 is significantly lower than the number of homes that were previously targeted to be delivered within the district, prior to the rollout of Natural England's advice on achieving water neutrality. Policy 37 of Horsham's emerging Local Plan only seeks to deliver 480 homes per annum in the period of 2023/2024 – 2027/2028 (later rising to 901 per annum in 2028/2029 – 2039/2040). As such, Natural England is satisfied that – as a result of the reduction in housing delivery within the district – there is sufficient headroom within the water usage baseline to accommodate the construction phase of the Rampion 2 project.

Having reviewed the evidence base provided by HDC [REP3-069], it is Natural England's advice that an adverse effect on the integrity of the Arun Valley designated sites as a result of increased water demand can be ruled out during the construction phase. We would therefore reiterate that we do not believe that tankering water from outside of the Sussex North Supply Zone is necessary in order to demonstrate water neutrality.

With regard to the operational phase and any water usage that may be required during this phase of the project, it is recognised that the Applicant has considered offsetting any water usage via the Sussex North Offsetting Water Scheme (SNOWS) that is being developed by the affected authorities [REP3-051]. It is Natural England's understanding that Horsham District Council is supportive of this approach in principle [REP3-069]. Whilst it is recognised that SNOWS is not operational yet, Natural England continues to work closely with the affected authorities to ensure that it will be functioning as intended by the time the operational phase of the project commences. As such, Natural England advises that, providing mitigation via SNOWS is an appropriate means of ensuring that water neutrality can be achieved during the operational phase.

2.2 7.22 Commitments Register (Tracked) Revision D

Natural England welcome the deletion of ambiguous terms from commitments C-1, C-7 and C-17.

However, as previously advised, Natural England notes that numerous commitments still include flexible wording such as '*where practical, as far as reasonably practical, as far as reasonably possible, practicable minimum, as practical, or are not practical, wherever possible, minimal time possible, shortest practical timeframe*'. Such wording reduces the confidence of the delivery of the proposed commitments, which also make up embedded mitigation measures. We observe that such wording used in the following commitments C-6, C-12, C-19, C-27, C-67, C-75, C-78, C-115, C-117 and C-128. Natural England advise that such terms should be further defined by the Applicant, to understand the likely parameters and improve confidence in the delivery of these measures.

Natural England recommends the Applicant ensures any changes to the commitments register are accurately reflected in the documents: [REP4-023] and [REP4-044] for C-5.

'C-5 - Main rivers, watercourses, railways and roads that form part of the Strategic Highways Network will be crossed by Horizontal Directional Drill (HDD) or other trenchless technology in accordance with Appendix A Crossing Schedule of the Outline of Construction Practice' which is included within [REP4-023].

or,

'C-5 - Trenchless crossings will be provided for features where identified in Appendix A - Crossing Schedule of the Outline Code of Construction Practice.' which is included within [REP4-058].

As previously advised, greater detail should be provided on the efficacy of embedded mitigation measure C-103 to prevent long sections of lost habitat awaiting reinstatement for long periods of time.

2.3 Letters of No Impediment

Natural England can confirm that the Applicant is engaging with our Natural England Wildlife Licensing Service (NEWLS) to pursue letters of no impediment (LONI's) for licenses pertaining to Hazel Dormice and Water Voles.

The Applicant has set out their reasoning for not pursuing LONI's for badgers and bats directly to Natural England. Natural England notes the Applicants decision not to pursue LONI's for these species, but caveats that any residual risks associated with this approach will be borne by the Applicant. If at any stage, the Applicant considers a protected species license is necessary for the aforementioned species, we would encourage them to engage with NEWLS as soon as possible.

The Applicant has informed us that they are using an accredited District Level Licensing scheme from NatureSpace to address any impacts to Great Crested Newts. Natural England is content with this approach and has no further comments.

Consequently, Natural England has no further comments to make on the Applicants approach to protected species licensing beyond the engagement that will be made directly with the Applicant on their draft licenses as they seek to obtain letters of no impediment.

2.4 Functionally Linked Land - Arun Valley Special Protection Area and Ramsar

The Applicant has provided further clarification on several points raised within Natural England's Response to the Examining Authority's Written Questions (ExQ1)) [REP3-086] on impacts to Functionally Linked Land (FLL), since the Applicant's summary at Deadline 3 [REP4-070].

The Applicant provided a map directly to Natural England (23 May 2024 via. email) showing the closest FLL to the onshore cable route. Consequently, Natural England can now advise that we are satisfied that there will be no impacts to any FLL from the onshore cable route. Natural England have no further comments to make on this issue.

3. Detailed Comments

Table 1 Summary of Key Issues Document Reviewed - [REP4-023] 6.2.22 Environmental Statement Terrestrial ecology and nature conservation (tracked)

Point number	Location within Submitted Document			Natural England Response	
	Section	Page	Paragraph, Table or Figure Number	Key Concern	Natural England's Advice to resolve the issue
1	22.7	114	Table 22-20	<p>Commitment C-5 states that '<i>Trenchless crossings will be provided for features where identified in Appendix A - Crossing Schedule of the Outline Code of Construction Practice.</i>' [REP4-058].</p> <p>Commitment C-17 states that '<i>Trenchless crossing of watercourses will be provided in accordance with Appendix A Crossing schedule of the Outline Code of Construction Practice. Where watercourses are shown in the Crossing Schedule to be crossed by open cut techniques (with flows over-pumped around the working area). Appropriate environmental permits or land drainage consents will be applied for works from the Environment Agency (for example, for Main Rivers, works on or near sea defences/flood defence structures or in a flood plain) or from the Lead Local Flood Authority (LLFA) (for Ordinary Watercourse crossings) (see C-5).</i>'</p>	<p>Natural England notes the Applicant's proposed amendments and has no comments to make on main rivers and railways. However, our previous comments on Horizontal Directional Drill (HDD) under habitats of importance (i.e. Ancient Woodland) remain unchanged.</p> <p>Natural England's advice on the latest update to C-5 is provided in Appendix N5. Deadline 5.</p>

Point number	Location within Submitted Document			Natural England Response	
	Section	Page	Paragraph, Table or Figure Number	Key Concern	Natural England's Advice to resolve the issue
2	22.7	120	Table 22-20	<p>Commitment C-112 states that <i>'No ground-breaking activity or use of wheeled or tracked vehicles will take place south of the seawall (above mean high water springs) within Climping Beach Site of Special Scientific Interest (SSSI). Within or Littlehampton Golf Course and Atherington Beach Local Wildlife Site (LWS) vehicular access will be restricted to a low pressure rig for ground investigation purposes only during the site preparation works. Should remedial action be required in the unlikely event of a drilling fluid breakout access would be taken immediately to ensure drilling fluid can be contained and removed. Reinstatement and compensation measures would then be discussed and agreed with Natural England. This approach will be detailed in the Pollution Incident Response Plan secured through Requirement 22(5)(k) that will be agreed with the relevant planning authority in consultation with the Environment Agency and the statutory nature conservation body.'</i></p>	<p>Natural England's refers the ExA to our response on the latest update to C-112 by the Applicant provided in Appendix N5 of this submission.</p>

Point number	Location within Submitted Document			Natural England Response	
	Section	Page	Paragraph, Table or Figure Number	Key Concern	Natural England's Advice to resolve the issue
3	22.7	122	Table 22-20	<p>Commitment C-115 states that <i>'Hedgerows/tree lines crossed by the cable route will be 'notched' to reduce habitat loss and landscape and heritage impacts wherever possible. This is defined as removing one or more short sections (notches) within the same hedgerow/tree line. The removed sections will by default be replanted except where permanently lost on the Vegetation Retention Plan (see Appendix B – Vegetation Retention Plans in the Outline Code of Construction Practice). Where appropriate, hedgerows will be temporarily translocated to maintain diversity and structure and result in more rapid reinstatement. Hedgerow/tree line losses will be kept to approximately 14m total width at each hedgerow crossing point where notching can take place. For Hedgerows deemed "important" under the Hedgerows Regulations 1997 (or where there are other considerations), losses will be reduced to a 6m notch for the temporary construction haul roads only, by trenchless installation of the cable ducts under them wherever possible (see Appendix B - Vegetation Retention Plans in the Outline Code of Construction Practice for the extent of hedgerow losses at each location).</i></p>	<p>Natural England welcomes the amendments in relation to terrestrial ecology and have no further comments. Please note that comments pertaining to landscape and visual impacts will be provided in our Deadline 6 response.</p>

Point number	Location within Submitted Document			Natural England Response	
	Section	Page	Paragraph, Table or Figure Number	Key Concern	Natural England's Advice to resolve the issue
				<p><i>Hedgerows subject to temporarily translocation will be lifted using a tree spade to maintain diversity and structure and result in more rapid reinstatement. Where chances of success are questionable, notches will be made by removal and reinstatement through planting. The ECoW will justify the approach being taken in line with the responsibilities of implementing the vegetation retention plan (see C-220).</i></p> <p><i>Reinstated hedgerows and tree lines will be monitored over a period of 10 years, and remedial action taken rapidly where signs of failure are identified.</i></p> <p><i>Further details are provided in the outline Code of Construction Practice and outline Landscape and Ecology Management Plan.'</i></p>	

Point number	Location within Submitted Document			Natural England Response	
	Section	Page	Paragraph, Table or Figure Number	Key Concern	Natural England's Advice to resolve the issue
4	22.7	126	Table 22-20	Commitment C-200 states that ' <i>Where required, construction lighting will be limited to directional task lighting positioned to minimise impacts to residents and walkers within the South Downs National Park and informed by BS EN 12464-2:2014 Lighting of outdoor workplaces, and guidance provided by the CIBSE Society of Light and Lighting, The Bat Conservation Trust and the Institution of Lighting Professionals and the Dark Skies Technical Advice Note (South Downs National Park Authority, 2021) and complied with as far as reasonably practicable and applicable to construction works.</i> '	<p>Natural England notes C-200 as a new commitment and welcomes the adherence to best practice.</p> <p>The Applicant has informed Natural England that they will not be pursuing LONI's for bats. Natural England acknowledges the Applicant's decision on this matter, noting that the residual risk to programme scheduling should licenses be required at a later date lies with the Applicant.</p>
5	22.7	129	Table 22-20	Commitment C-214 states that ' <i>Pre-construction surveys for great crested newts will be undertaken prior to construction to determine current distribution. Where necessary appropriate mitigation will be implemented to ensure legal compliance. This will include avoidance of ponds through C-23, and removal of vegetation under licence from Natural England where necessary. Along the cable route the Ecological Clerk of Works will implement destructive search techniques to avoid the death or injury of individual animals in localised patches of suitable habitat.</i> '	<p>Natural England notes the amendments. The Applicant has informed Natural England that they will not be pursuing LONI's for great crested newts. Natural England acknowledges the Applicants decision on this matter, noting that that the residual risk to programme scheduling should licenses be required at a later date lies with the Applicant.</p>

Point number	Location within Submitted Document			Natural England Response	
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6	22.7	131	Table 22-20	Commitment C-217 states that ' <i>All site preparation and construction works within 150m of the boundary of Climping Beach Site of Special Scientific Interest and Littlehampton Golf Course and Atherington Beach Local Wildlife Site will be programmed to avoid the winter period between October and February inclusive, to avoid disturbance to wintering waterbirds during the coldest period.</i> '	Natural England's response on the latest update to C-112 by the Applicant is provided in Appendix N5 of this submission.
7	22.7	134	Table 22-20	Commitment C-291 states that ' <i>Where hedgerow, tree lines or belts of scrub are temporarily lost to facilitate the installation of cable ducts, suitable material (such as straw bales, dead hedging, willow hurdles etc.) will be placed in the gaps to facilitate bat movement along linear corridors following backfill of cable trenches until such time as reinstatement begins.</i> '	Natural England notes the amendments. The Applicant has informed Natural England that they will not be pursuing LONI's for bats. Natural England acknowledges the Applicants decision on this matter, noting that the residual risk to programme scheduling should licenses be required at a later date lies with the Applicant.

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8	22.7	134	Table 22-20	<p>Commitment C-292 states that <i>'During detailed design the mitigation hierarchy will be applied to avoid losses of key habitats (e.g. woodland, hedgerows, scrub, watercourses and semi-improved grassland) where possible, and where not to minimise losses and mitigate for them. At each crossing of sensitive habitats the Ecological Clerk of Works will provide advice to the design engineers with justification of approach provided. The approach at individual crossings will be detailed in the relevant stage specific Code of Construction Practice.</i></p> <p><i>This measure is to ensure that the detailed design process continues to implement the mitigation hierarchy to ensure effects on flora and fauna are minimised as far as possible.'</i></p>	<p>Whilst we welcome the commitment to further refine and minimise impacts at the Detailed Design Stage, there should be a clear narrative as to how the mitigation hierarchy has been followed up to until now.</p>
9	22.7	135	Table 22-20	<p>Commitment C-299 states that <i>'Where dormouse are shown to be present through pre-construction surveys, vegetation will be removed at an appropriate time of year following either a single (vegetation removed in May) or two phased approach (vegetation mostly removed between November and March with tree/hedgerow bases removed in May). Suitable methods will also be used to ensure vegetation supporting other'</i>.</p>	<p>Natural England note the amendments and will provide advice as part of our response to the Applicant's consultation on LONI's for this species.</p>