



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Rampion Two Offshore Wind Farm

Appendix N5 to the Natural England Deadline 5 Submission

Natural England's Response to the outstanding questions from The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2 [PD-011] and The Examining Authority's Further Written Questions and requests for information [PD-012]

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

9 July 2024

Table 1 - Outstanding questions from The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2 [PD-011]

Question		Natural England's Response
Agenda Item 2b Onshore ecology - Horizontal Directional Drilling including the adequacy and wording of commitments C-5 and Requirements 22 and 23.		
Q2b-1	<p><i>Commitment C-5 and the Worst Case Tested in the Environmental Statement</i></p> <p>Natural England</p>	<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> <p>Natural England notes that the updated Draft Development Consent Order (DCO) will only license 'trenchless' crossing through ecologically sensitive areas (such as Ancient Woodland crossings), and thus the Environmental Statement (ES) [APP-063] has assessed the 'worst-case scenario' for these crossings within the current draft DCO.</p> <p>However, Natural England's advice remains that there is a residual risk that trenchless crossings may not be feasible at these ecologically sensitive sites. Until such a time where detailed ground investigations (which feed into detailed feasibility assessments) have been undertaken at these trenchless crossing locations, we cannot have confidence in HDD being feasible as a mitigation measure. Natural England recognises that the Applicant is not minded to provide this information within the examination period and therefore disagreement will remain on this matter until such a time where information is provided.</p> <p>Natural England draws the ExA's attention to our Deadline 2 response where we have highlighted that should it be demonstrated that trenchless techniques are not feasible then an alternative route will be required due to the irreplaceable nature of the habitats and the need to</p>

			avoid impacts. We believe this is likely to require a material change to the DCO/dML as written.
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></p> <p><i>Climping Beach</i></p> <p>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>The Climping Beach SSSI interest features are intertidal flats for sanderling in winter, and annual and perennial vegetated shingle communities and sand dunes.</p> <p>Natural England is concerned that the terms used in Commitment C-112 ('<i>unless remedial action is required,</i>' and '<i>predicted</i>') could result in avoidable damage to the SSSI interest features (which are sensitive to disturbance) occurring. This includes the undertaking of proposed remediation actions for bentonite frac-out.</p> <p>We advise that the Applicant submits an outline bentonite break out/frac out management plan into the examination (with a final plan being provided post DCO consent), so that should an incident occur, actions within the SSSI can be broadly agreed beforehand. We advise this would allow for avoidance and mitigation measures to be considered.</p> <p>Natural England advises that further details could be added to Commitment C-112, to ensure that measures are in place to further avoid impacts to SSSI, if rapid action and access to the SSSI is required. Further specifics are detailed below:</p> <p><u>Emergency Access within the SSSI</u></p> <p>Should access to the SSSI be required, Natural England advises that access to the SSSI using vehicles should be below Mean High-Water</p>

			<p>Spring (MHWS) (so that any tracking is reworked by the sea) or made paths to the north of the site. No vehicles of any type should be driven across the shingle above MHWS. Access above MHWS should be limited to the working corridor - all habitat should be avoided in that corridor and specifically designed vehicles used to ensure no compaction or track marks in the shingle.</p> <p><u>Defining Emergency Action within the SSSI</u></p> <p>Natural England advises that it is not clear what emergency actions may be required within the SSSI, should emergency remedial action be required. It is therefore difficult to assess and understand the likely impacts to the SSSI, and consider any easily applied avoidance and mitigation measure that could be utilized in an unlikely emergency scenario.</p> <p><u>Other Comments with regard to Commitment C-112</u></p> <p>Natural England highlights that if “C -112: No ground-breaking activity or use of wheeled or tracked vehicles will take place south of the seawall” is referring to the seawall at Atherington, this wall has mainly collapsed and there is no seawall behind the SSSI. We advise clarity is provided on which seawall is being referred to and at what location, as currently this measure does not appear to be applicable to the SSSI location.</p>
Q2c-2	<p><i>Wording of Commitment C-217</i></p> <p><i>Climping Beach</i></p> <p>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’s review of the Wetland Bird Survey (WeBS) count data for sanderling data at Climping highlights that the latter half of winter is the most important time for sanderlings at Climping. Over a 10-year period, 2004 – 2024, the peak count occurred in February four times and in March once. We note that the Applicant has only looked at the 2 years of data from their own surveys. We advise that a more robust approach would be to combine their survey data with the other</p>

			<p>local data available. Based on the data from the past 10 years, Natural England continues to advise that in order to avoid disturbance impacts during the most sensitive period (when bird abundance is highest), the construction window should exclude October – March inclusive.</p> <p>Natural England disagrees with the Applicant’s statement that March is a time when energetic stress on birds will be lower. Temperatures in March can remain cold, meaning that birds remain vulnerable to energetic stress from disturbance during this period.</p>
Q2c-3	<p><i>Wording of Commitment C-247</i></p> <p><i>Climping Beach</i></p> <p>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 5. Natural England welcomes the Commitment Register as a certified document within the DCO. However, commitment C-247 as it stands does not prevent damage to Climping Beach SSSI, in the scenario where open cut trenching is required within the SSSI.</p> <p>As a section of the cable corridor covers coastline which does not intersect with the SSSI, we advise that the Applicant should consider micro-siting the cable route so that it avoids crossing the SSSI in the first instance in line with the mitigation hierarchy.</p> <p>We advise that the Applicant submits an outline bentonite break out/frac out management plan into the examination (with a final plan being provided post DCO consent), so that should an incident occur, actions within the SSSI can be broadly agreed beforehand. We advise this would allow for avoidance and mitigation measures to be considered.</p> <p>Natural England would welcome additional wording to commitment C-247 (or a separate additional commitment) which specifies that the cable landings are actively micro-sighted to avoid passing through the</p>

			<p>SSSI, in the event that open cut trenching is required (should HDD not be feasible).</p> <p>Please also see our response to BP 2.2 relation to the proposed 'coastal erosion and future beach profile estimation assessment'.</p>
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Agenda Item 3a Offshore ecology - Underwater noise – general matters

Q3a-1	<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 advises that it is unclear which offshore species this question relates to. We have provided our comments in relation to marine mammals in Appendix C5 of this submission.</p> <p>In relation to fish and shellfish, Natural England has outstanding concerns regarding whether the worst-case scenario within each of the relevant Marine Conservation Zones (MCZ) has been demonstrated by the piling locations selected. We have particular concerns regarding the piling locations selected to demonstrate the worst-case scenario within Selsey Bill and the Hounds MCZ and Kingmere MCZ.</p> <p>Whilst we note that the worst-case scenario has been updated in relation to marine mammals in an updated chapter 11, such an update has not been provided for fish and shellfish receptors. We question whether the maximum spatial scenario presented in relation to marine mammals represents the same worst-case as the maximum spatial impacts within the MCZ's designated for fish species. We advise that further justification is provided by the Applicant in relation to fish.</p> <p>Natural England has included more detailed advice on this topic in relation to fish receptors within Appendix E5 of this submission.</p> <p>In relation to securing this within the DCO, we will provide a response on this alongside our other comments on the DCO at deadline 6.</p>
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Agenda Item 3b Offshore ecology – Fish and Shellfish			
Q3b-4	<p><i>Measures of Equivalent Environmental Benefit</i></p> <p>Natural England</p>	<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 to any potential impact to the Black Seabream nesting at this MCZ.</p>	<p>Natural England highlights 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 welcomes the submission of the Applicant's without prejudice, Measure of Equivalent Environmental Benefit (MEEB) case. We have provided detailed comments on the measures proposed within Appendix E5 of this submission.</p>
Q3b-5	<p><i>Seahorse Behavioural Effects</i></p> <p>Natural England</p>	<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 advises that sufficient scientific evidence is not available to agree a behavioral threshold for seahorses. However, based on their sensitivity to noise we do not consider that 141dB (using seabass as a proxy species) is an appropriately precautionary threshold. Whilst the evidence is not available to confirm if a threshold of 135dB is appropriate for seahorses, we advise it represents a more precautionary approach in the absence of evidence. We advise that there is uncertainty around the seasonal distribution and site fidelity of seahorse, therefore we advise that there is insufficient evidence to determine whether seahorse would be likely to return to the MCZs following noise disturbance at the behavioral level. We have provided detailed comments regarding seahorses within Appendix E5 of this submission.</p>
Q3b-6	<p><i>Use of Bubble Curtain</i></p> <p>Natural England</p>	<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 highlights that the Applicant's deadline 4 submissions suggest that double big bubble curtains (DBBC) will now provide a 15dB noise reduction, as opposed to 16dB.</p> <p>Natural England welcomes the provision of further information on the efficacy of noise abatement measures, particularly in the ITAP report [REP4-067] and the updated In Principle Sensitive Features Mitigation Plan (IPSFMP) [REP4-054]. Based on the information provided, Natural England remains concerned regarding the lack of</p>

			<p>evidence of the efficacy of noise abatement measures in the specific and variable environmental conditions across the Rampion 2 site. We have provided detailed comments on this within Appendix E5 of this submission.</p> <p>Natural England's advice is that testing of the DBBC is required to evidence that it can achieve a noise reduction in the region of the figures proposed within the worst-case environmental conditions at the site. If this is demonstrated and our outstanding concerns regarding the worst-case noise modeling are resolved, then we anticipate being able to advise that the conservation objectives of the relevant MCZs will not be hindered in relation to short-snouted seahorse. As such, we advise that the Applicant puts forward proposals for testing DBBC prior to the main construction work taking place. We advise this testing would need to take place outside of the sensitive seasons of other species (namely black seabream and herring).</p>
Agenda Item 6c Landscape Seascape and Visual Effects – Application of R1 Design Principles.			
Q6c-2	<p><i>Rampion 1 Design Principle (iii)</i></p> <p>Natural England</p>	<p>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.</p> <p>Explain why Rampion 1 Design Principle (iii) is relevant and explain why the Proposed Development should be considered as a hybrid scheme.</p>	<p>Natural England continues to advise that the Rampion 1 Design Principle (iii) is relevant to the Rampion 2 consent. This is because it is important that the Rampion 2 consent does not undo important location and design decisions that were made and secured in the Rampion 1 Development Consent Order (DCO) to reduce the visual effects of Rampion 1.</p> <p>The Rampion 2 extension is directly adjacent to the Rampion 1 array, and the proposed Wind Turbine Generators (WTGs) are nearly twice the height. The contrast in infrastructure size between the Rampion 1 and Rampion 2 WTGs, constructed in zone 6 behind the existing array will be perceived as an expanded, hybrid, and mixed-height scheme in key views from the South Downs National Park (SDNP) and Sussex Heritage Coast (SHC), which the original Rampion 1 dML sought to avoid. Natural</p>

			<p>England's concern is that the apparent differences in size between the Rampion 1 and Rampion 2 WTGs will exacerbate the adverse seascape and visual issues for the SDNP and SHC. We understand that the Rampion 2 WTGs will be of a uniform height and rotor diameter, and this aspect of the Rampion 2 design in and of itself is not relevant to our concern. Our concern relates to how the two arrays will act in combination to affect the designated landscapes.</p> <p>The Rampion 1 Design Principle (iii) specifically acted to reduce impacts on the SDNP and SHC from arrays with more than one size of WTG. Therefore, by placing the much larger WTGs of the Rampion 2 project within Zone 6 behind the existing smaller WTGs of Rampion 1, a hybrid scheme will be perceived in key views from the SDNP and SHC, and the fundamental principle of the Rampion 1 design principle (iii) will be disregarded.</p>
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Table 2 - The Examining Authority's Further Written Questions and requests for information [PD-012]

Question			Natural England's Response
Onshore and Offshore Questions			
HRA	Habitats Regulations Assessment (HRA)		
HRA 2.2	<i>Updated Schedule 17</i> Natural England	Comment on the Applicant's updated Schedule 17 submitted at Deadline 4 [REP4-016], stating any areas of disagreement.	Natural England have deferred our response on the DCO aspects until Deadline 6. Therefore, we will also provide a response to this question at Deadline 6.
HRA 2.3	<i>Water Neutrality - Potential AEOI on Arun Valley SPA</i> Natural England	Update the ExA on Natural England's position on the latest proposals by the Applicant to meet the water neutrality requirements in light of recent meetings and discussions held between Horsham DC, Natural England and the Applicant.	Natural England's position on the latest proposals by the Applicant to meet the water neutrality requirements is provided in Appendix J5 of our deadline 5 submission.
CR	Commitments Register		
CR 2.3	<i>Commitment C-5</i> All Relevant Planning Authorities Natural England Wildlife Trusts	Comment on the revised wording of Commitment C-5 at Deadline 4 in the Commitments Register [REP4-057]. Is the wording adequate? If not, provide alternative suggested wording. [N.B The wording of Commitment C-5 on page 75 of the updated OCoCP at Deadline 4 [REP4-043] has not been updated. Provide an update to the OCoCP at D5 to ensure consistency with the Commitments Register.]	Natural England's response to this question is provided in our response to Q2b-1 in table 1 above.

DCO	Draft Development Consent Order (Draft DCO) and Draft Deemed Marine Licence (Draft DML)		
DCO 2.4	<p>Remaining Comments</p> <p>All Relevant Planning Authorities</p> <p>Natural England</p> <p>Marine Management Organisation</p>	<p>Aside from the matters discussed above, the changes set out in the ExA's Schedule of Changes to the Draft DCO and matters concerning Articles 11(7), 12(3), 15(5), 17(9) and 19(7) in respect to the 28-day provision and deemed consent, provide, if necessary, a summary of any remaining concerns with the draft DCO and draft DML and any suggested drafting changes.</p> <p><i>[N.B – although primarily addressed to the Applicant, all relevant parties may respond to the ExA's Scheduled of Changes to the draft DCO should they feel it necessary to do so.]</i></p>	<p>Natural England have deferred our response on the DCO aspects until Deadline 6. Therefore, we will also provide a response to this question at Deadline 6.</p>
TE	Terrestrial Ecology		
TE 2.12	<p><i>Licensable Protected Species</i></p> <p>The Applicant Natural England</p>	<p>The Applicant</p> <p>a) Confirm that the Applicant will submit draft protected species licence applications to Natural England for review via the Pre-Submission Screening Service (PSS) as per advice from Natural England in Appendix J4a to the Natural England Deadline 4 Submission Natural England's advice licensing on Terrestrial Ecology [REP4-093].</p> <p>b) Confirm that every effort will be made by the Applicant to obtain agreements</p>	<p>Natural England has no further comments to make on the Applicant's approach to protected species, beyond the engagement that will be made directly with the Applicant on their draft licenses to obtain Letters of No Impediment (LONI).</p>

		<p>on Letters of No Impediments from Natural England before the end of the Examination following Natural England's advice in Appendix J4a to the Natural England Deadline 4 Submission Natural England's advice on Terrestrial Ecology [REP4-093].</p> <p>Natural England</p> <p>Are there any reasons preventing Natural England being able to issue Letters of No Impediments at present. If so, explain in as much detail as possible what these reasons are.</p>	
TE 2.23	<p><i>Commitments C-112 and C-217</i></p> <p>All Relevant Planning Authorities</p> <p>Natural England</p> <p>Sussex Wildlife Trust</p>	<p>Comment on the revised wording to Commitment C-112 and Commitment C-117 in the Applicant's Commitment Register at Deadline 4 [REP4-057]. Is the wording adequate? If not, provide alternative wording.</p>	<p>Natural England's response to this question is provided in our response to Q2c-1 in Table 1 above.</p>
TE 2.24	<p><i>Commitment C-217</i> The Applicant</p> <p>Natural England</p>	<p>The Applicant</p> <p>Natural England continues to advise wording of Commitment C-217 is changed so the winter period extends to include March. Explain whether this would have any bearing on the delivery of the Proposed Development in respect to project feasibility and cost.</p> <p>Natural England</p> <p>Commitment C-217 has been updated to restricts site preparation works within 150m of the boundary of Climping Beach Site of Special Scientific Interest and Littlehampton Golf Course</p>	<p>Natural England's response to this question is provided in the our response to Q2c-2 in Table 1 above .</p>

		<p>and Atherington Beach Local Wildlife Site between October and February.</p> <p>Does this update allay Natural England's concerns? If not, clarify what aspects of site preparation works Natural England are concerned with occurring during March, specifying whether it is noise levels, vibration levels, physical presence of machinery or presence of people etc. Are there any activities that Natural England would consider acceptable to carry out during the month of March and suggest revised wording for the Commitment.</p>	
TE 2.28	<p><i>New Requirement 40 Regarding the Vegetation Retention and Removal Plan</i></p> <p>All Relevant Planning Authorities</p> <p>Statutory Nature Conservation Bodies</p>	<p>a) Comment on the adequacy of the newly added Requirement 40 from the Applicant at Deadline 4 (Schedule 1, Requirements 40) in Revision E of the Draft Development Consent Order [REP4-004] which secures Vegetation Retention and Removal Plan must be inline with the Outline Vegetation Retention and Removal Plan (to be submitted at D5).</p> <p>The ExA requests that all relevant Planning Authorities and SNCBs provide comments at Deadline 6 on the Outline Vegetation Retention and Removal Plans to be submitted by the Applicant at Deadline 5.</p>	Natural England has no comment to make regarding Requirement 40.

Offshore Questions			
FS	Fish and Shellfish		
FS 2.1	<p><i>Measure of Equivalent Environmental Benefit</i></p> <p>The Applicant</p> <p>Natural England</p>	<p>At Deadline 4 the document “Kingmere Marine Conservation Zone (MCZ): Without Prejudice Stage 2 MCZ Assessment” [REP4-071] was submitted by the Applicant, to consider a potential Measure of Equivalent Environmental Benefit (MEEB), to compensate for potential adverse effects of black seabream of Kingmere MCZ.</p> <p>This document in Section 2 (Legislation and Guidance) sets out that with regard to a potential MEEB, Section 126(7) of the Marine and Coastal Access Act (MCAA) 2009 states the following:</p> <p><i>TMP“although the person seeking the authorisation is not able to satisfy the authority that there is no significant risk of the act hindering the achievement of the conservation objectives stated for the MCZ, that person satisfies the authority that:</i></p> <ul style="list-style-type: none"> <i>(a) there is no other means of proceeding with the act which would create a substantially lower risk of hindering the achievement of those objectives,</i> <i>(b) the benefit to the public of proceeding with the act clearly outweighs the risk of damage to</i> 	<p>Natural England’s advice is that the full seasonal restriction (March to July inclusive) would, in our view, represent an alternative means of proceeding that would prevent the conservation objectives of Kingmere MCZ in relation to black seabream being hindered.</p>

		<p><i>the environment that will be created by proceeding with it, and</i></p> <p><i>(c) the person seeking the authorisation will undertake, or make arrangements for the undertaking of, measures of equivalent environmental benefit to the damage which the act will or is likely to have in or on the MCZ.”</i></p> <p>With regard to (a), explain whether a restriction of when piling should be undertaken, to avoid adverse effects on black seabream in Kingmere MCZ, would be a potential alternative means of proceeding the act (constructing the Proposed Development) with a lower risk of impact.</p> <p>Such a piling restriction could be a full March to July inclusive restriction as requested by Natural England, for example.</p> <p>If so, explain whether this would mean there are “other means of proceeding” which would avoid such impacts. If so, would this mean that the test under (a) as set out above would not be satisfied.</p>	
FS 2.2	<p><i>Measure of Equivalent Environmental Benefit:</i></p> <p><i>As Proposed by the Applicant, Without Prejudice.</i></p> <p>Natural England</p>	<p>Within the Applicant’s submitted document “Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ)” [REP4-078] the types of possible MEEB have been considered with the following put forward, without prejudice, as potential</p>	<p>Natural England have provided detailed comments on each of the measures proposed within Appendix E5 of this submission.</p>

		<p>compensation measures for the impacts to black seabream:</p> <ul style="list-style-type: none"> - Reduction in disturbance from watercraft; - Removal of marine litter, including awareness and engagement; and - Research on black seabream. <p>Provide a response to these potential types of MEEB and whether there would be any that would be suitable to compensate for the potential impacts to Kingmere MCZ black seabream.</p>	
FS 2.3	<p><i>Noise Effects on Seahorses</i> Natural England</p>	<p>The Applicant noted that with the implementation of Double Big Bubble Curtains (DBBC), which is now committed to within the Commitment Register [REP4-057, C-265] means that the 135dB behavioural noise threshold would not be breached in the MCZs where seahorse are a qualifying feature [REP4-072, Ref 3b]. See Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan (Revision D) [REP4-053].</p> <p>On this matter, consider whether the noise reduction of 15dB from the use of a DBBC is reasonable, and if so, respond on whether there would be no likely adverse effects to seahorses within MCZs (where they are a feature of the MCZ) if this form of mitigation was used as now proposed.</p>	<p>We refer you to our response to question Q3b-6 above and our detailed advice within Appendix E5 of this submission.</p>

FS 2.8	<i>Noise Modelling Locations</i> Natural England Marine Management Organisation	<p>The Applicant has provided an explanation as to their chosen noise modelling locations for their Eastern point and North West point [REP4-074, PINS Ref: 9].</p> <p>Respond, if required, on the choice of the modelling locations given the Applicant's explanations.</p>	<p>Natural England advises that the worst-case scenario for each MCZ needs to be demonstrated within the modelling in the absence of any mitigation measures. We are content with the Applicant's explanation in relation to the eastern location, however we have outstanding concerns regarding the north west and south west locations in relation to Kingmere MCZ and Selsey Bill and the Hounds MCZ respectively. Natural England have provided detailed advice on this matter within Appendix E5 of this submission.</p>
FS 2.9	<i>Noise Abatement Systems</i> The Applicant Natural England Marine Management Organisation	<p>In the submitted document "Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm" [REP4-067, Page 7] states that in water depths of over 40m it is known that achievable noise reduction decreases slightly with increasing water depth, for big bubble curtains.</p> <p>The Applicant</p> <p>Explain what percentage of the array areas where wind turbines could be erected in water depths of over 40m.</p> <p>All Parties</p> <p>Explain whether this undermines the 15dB reduction used in the modelling for Double Big Bubble Curtains?</p>	<p>Natural England understands that the water depths within the Rampion 2 red line boundary are up to 65m. Therefore, we advise that the lack of empirical data available for water depths over 40m does create uncertainty regarding the possibility of achieving a 15dB reduction in deeper waters. We understand from the Applicant's submission that increasing depth is likely to reduce the level of reduction achieved. In order to address this uncertainty, we advise that testing of the measures is carried out to evidence that figures in the region of the 15dB reduction can be achieved in the worst-case environmental conditions at the site. Natural England have provided detailed advice on this matter within Appendix E5 of this submission.</p>
FS 2.10	<i>Maximum Hammer Energy</i> Natural England	<p>Natural England's Risk and Issues Log at Deadline 4 [REP4-096] continues to state that the maximum hammer energy is not stated in the draft DCO [REP4-006].</p>	<p>Natural England have deferred our response on the DCO aspects until deadline 6. Therefore, we will also provide a response to this question at deadline 6.</p>

		<p>The Applicant stated in [REP4-074] that it has updated the Draft Development Consent Order [REP3-003] at Deadline 4 to confirm that the maximum hammer energy for piling will be required to be specified as part of the construction method statement to be submitted for approval pursuant to condition 11(1)(c) of Schedules 11 and 12. The construction method statement must be in accordance with the construction methods assessed in the environmental statement and therefore the hammer energies must not exceed that assessed. A construction programme must also be submitted for approval pursuant to condition 11(1)(b).</p> <p>Comment on whether this allays concerns on this matter.</p>	
BP	Benthic, Coastal and Offshore Processes		
BP 2.1	<p><i>Removable Cable Protection</i></p> <p>Natural England</p> <p>Marine Management Organisation</p>	<p>In relation to suggestions about the use of rock bags for cable protection, the Applicant stated [REP4-072, Ref 3c] that this could create issues with plastics, especially if they were left in situ for circa 30 years.</p> <p>Explain whether this is a concern that is shared due to the possible release of plastics if rock bags are to be used for any necessary cable protection.</p>	<p>Natural England has concerns about the use of materials for cable protection that introduce plastics to the marine environment.</p> <p>We note that there are many factors that need to be taken into consideration when determining the type of cable protection that is likely to have the least environmental impacts. As we have advised previously this should be considered as part of an outline decommissioning plan.</p>
BP 2.2	<p><i>Coastal Works</i></p> <p>Natural England</p>	<p>Requirement 26 of the Draft DCO [REP4-004] requires that no works comprising Work Nos. 6 or 7 are to commence until a <i>coastal erosion and future beach profile estimation</i></p>	<p>Natural England noted in our Deadline 4 risks and issues log that the Applicant had stated in relation to the landfall location, that post consent '<i>The ground investigation will inform a coastal erosion and future</i></p>

	<p>Environment Agency</p> <p>All Relevant Planning Authorities</p>	<p>assessment has been carried out and a scheme identifying and mitigation or adaptive management measures required to help minimise the vulnerability of this part of the Order land from future coastal erosion and tidal flooding (if required) has been submitted to and approved in writing by the Environment Agency.</p> <p>Furthermore, within the Commitment Register [REP4-057], commitment C-278 states that “Trenchless crossings of Climping Beach SSSI, Sullington Hill LWS, Atherington Beach and Littlehampton Golf Course LWS would be designed to ensure a minimum depth of 5m is maintained when passing beneath them to reduce the risk of drilling fluid breaking out to the surface...”</p> <p>With regard to the above, comment on whether there is a satisfactory level of mitigation secured to ensure against adverse effects due to future coastal erosion or changes that may have impacted the Horizontal Direct Drilling under coastal area and Climping Beach.</p>	<p><i>beach profile estimation assessment which will advise regarding the need for and design of any further mitigation and adaptive measures to help minimise the vulnerability of these assets from future coastal erosion and tidal flooding.</i> Whilst we support this study being undertaken, Natural England’s advice remains that the consequence of these investigations being left to the post-consent phase is that the full significance of the issue and the likely effectiveness of the mitigation/adaptive measures are not adequately understood at the assessment stage due to the absence of this information.</p>
BP 2.3	<p><i>Chalk Impacts from Gravel Bags</i></p> <p>Natural England</p>	<p>With regard to the use of gravel bags, the Applicant has stated: “...while it agreed this suggests a change or loss of some surface material, the degree of abrasion seemed very unlikely to result in a measurable loss of chalk volume. The surface texture might become slightly compacted or deformed, but measurable losses of material are not</p>	<p>Natural England advises that marine chalk is an irreplaceable habitat and any damage to its physical structure is therefore permanent. Consequently, we advise that it cannot recover as the Applicant has stated. Given the soft and friable nature of chalk, it is particularly vulnerable to impacts from abrasion. As stated in our previous advice the Applicant needs to</p>

		<p><i>expected, nor any fundamental impact on the nature of the chalk material, and benthic habitats are likely to recover.” [REP4-072, Section 3c].</i></p> <p>Confirm whether there is agreement with the conclusions made by the Applicant with regard to the level of impact to chalk from gravel bags.</p>	<p>fully assess the impact of the down wearing of the chalk and show how they are seeking to minimise this occurring with the methodology selected. We continue to advise that the Applicant should provide a ‘lessons learnt’ from Rampion 1 and a full appraisal of all possible options for nearshore cable installation, with a commitment to using the methodology that minimises the environmental impacts, including the loss of irreplaceable marine. Chalk.</p>
MM	Marine Mammals		
MM 2.5	<p><i>Draft European Protected Species Licence Application</i></p> <p>The Applicant Natural England</p>	<p>The Applicant</p> <p>Confirm whether Natural England will be provided with a draft European Protected Species licence application in relation to marine mammals within the Examination, as Natural England would prefer.</p> <p>Natural England</p> <p>Respond on whether any evidence exists at present that could indicate an application for European Protected Species licence application in relation to marine mammals in relation to Rampion 2 may not be successful.</p>	<p>Natural England expects to be consulted by the MMO on the draft European Protected Species (EPS) licence application post-consent. We will only be able to advise on the application once it is received. Our advice on this will be provided to the MMO, who is the authority responsible for determining EPS licences.</p>
MM 2.7	<p><i>Conclusions of the Bottlenose Dolphin Assessment</i></p> <p>The Applicant Natural England</p>	<p>Natural England</p> <p>Respond to the Applicant’s update to Chapter 11 of the Environmental Statement Marine Mammals provided at Deadline 4 [REP4-020].</p> <p>The Applicant</p>	<p>The bottlenose dolphin assessment in Chapter 11 of the Environmental Statement Marine Mammals provided at Deadline 4 [REP4-020] has not been updated to reflect the updated assessment in the Marine Mammals Clarification Note [REP2-019] submitted at Deadline 2. Natural England responded</p>

		Respond to Natural England's continued advice that they do not agree with the assessment conclusions that the impacts on bottle-nosed dolphin would not be significant and advise further assessment and mitigation is needed, as per line C14 in their Risk and Issues Log [REP4-096] and Appendix C at Deadline 3 [REP3-081].	to the updated assessment in the Marine Mammals Clarification Note [REP3-081] at Deadline 3 Natural England has provided an update of our latest position on marine mammal issues in Appendix C5, based on our review of the updated Chapter 11 of the Environmental Statement for Marine Mammals [REP4-021] provided at Deadline 4.
MM 2.8	<i>Clarification of Number of Pin Piles and Locations</i> Natural England	The Applicant submitted an update to Table 11-13 in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement at Deadline 4 [REP4-020] to provide clarity on the worst- case number of monopiles and pin piles and provided a response to questioning on this topic at ISH2 in the Applicant's Response to Action Points Arising from Issue Specific Hearing 2 [REP4-074]. Respond, if required, to this submission.	Natural England has provided a response to this submission in Appendix C5.
MM 2.9	<i>Marine Mammal Mitigation Protocol (MMMP)</i> Natural England	The ExA notes that there is an outstanding concern from Natural England in the Risk and Issues Log at Deadline 4 [REP4-096] regarding the MMMP and acoustic deterrent devices. The Applicant provided an update to the Draft Piling Marine Mammal Mitigation Protocol at Deadline 4 [REP4-051] with various updates including an update to the wording of Commitment C-265. Confirm whether this is sufficient to allay outstanding concerns with the MMMP.	Natural England has provided a response to this submission in Appendix C5.

MM 2.10	<p><i>Offshore in Principle Monitoring Plan</i></p> <p>The Applicant Natural England</p>	<p>The ExA notes that there is an outstanding concern from Natural England in the Risk and Issues Log at Deadline 4 [REP4-096] that proposed post-consent monitoring does not include monitoring the effectiveness of the mitigation measures in reducing the impacts on marine mammals to acceptable levels.</p> <p>The Applicant</p> <p>Respond to this outstanding concern from Natural England.</p> <p>Natural England</p> <p>Provide an example of a DCO/DML in which this level of monitoring is specified and justify why it should be implemented in this case.</p>	<p>It is typical for the DCO/DML to outline the requirement for monitoring in the post-consent stage, and that it must be developed in accordance with the In-Principle Monitoring Plan (IPMP). We therefore advise that the IPMP sets out areas of the assessment where monitoring would validate the assessment conclusions. The Applicant is relying on mitigation in their conclusion of no significant residual effects (e.g. in the MMMP, VMP), therefore we advise that validating the effectiveness of the mitigation is a reasonable target for post-consent monitoring. We are content that an outline of such monitoring of the mitigation measures in relation to marine mammals can be included in the IPMP, rather than being an additional point within the DCO/DML itself.</p>
OR Offshore and Intertidal Ornithology (excluding questions involving HRA which are in the HRA section of this document)			
OR 2.1	<p><i>Cumulative Impact on Great Black Backed Gull</i></p> <p>The Applicant Natural England</p>	<p>The Applicant</p> <p>Natural England continues to advise at Deadline 4 that the cumulative impact of Rampion 2 on great black backed gull is likely to be significant at the EIA scale.</p> <p>Provide a response and whether any further mitigation or compensation will be offered. Explain how the Applicant plans to resolve this issue with Natural England.</p> <p>Natural England</p> <p>Provide an update on this issue.</p>	<p>There has been no further discussion of this topic with the Applicant since we provided our comments on submission 8.36 Great black-backed gull assessment sensitivity (see Appendix B3 to the Natural England Deadline 3 Submission).</p>