

Date: 09 July 2024
Our ref: Case: 15576 Consultation: 467699
Your ref: EN010117



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BY EMAIL ONLY

Dear Richard Allen,

Rampion 2 Offshore Wind Farm

The following constitutes Natural England's formal statutory response for Examination Deadline 5.

1. Natural England's Deadline 5 Submissions

Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 4. Please find an update of Natural England's position regarding these documents in Table 1 below, including anticipated timing of responses. In addition, Natural England is also submitting the following detailed responses, signposted from Table 1, within the following thematic appendices:

- EN010117 467699 - Appendix B5 - Natural England's Advice on the further Information for Action Point 34 - Guillemot and Razorbill and the Habitats Regulations Assessment (Without Prejudice)
- EN010117 467699 - Appendix C5 - Natural England's Advice on Marine Mammals
- EN010117 467699 - Appendix E5 - Natural England's Advice on Fish and Shellfish
- EN010117 467699 - Appendix J5 - Natural England's Advice on Terrestrial Ecology
- EN010117 467699 - 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]

1. Deadline 6

Due to the volume of material submitted at Deadline 4 pertaining to some of our key concerns Natural England has deferred our responses on some topic areas until Deadline 6. Natural England has discussed this matter with the Planning Inspectorate case officer.

Natural England's advice on the following aspects will be submitted at Deadline 6:

- The Report on the implications for the European Sites (RIES)
- All aspects relating to the DCO – including responses to written questions, the Applicant's updated to the draft DCO, the Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4 (D4) [REP4-004], Alternative Schedule 17, Schedule 18 and the commitments register.
- Benthic Ecology – including Chapter 9 Benthic and subtidal ecology, In-Principle Sensitive Features Mitigation Plan, Offshore in Principle Monitoring Plan and the commitments register.
- Landscape Visual Impact Assessment - including: Chapter 18 Landscape and Visual Impact Assessment; Appendix 18.2 viewpoint analysis; Appendix 18.6 viewpoint directory; tree preservation order and hedgerow plan; Appendix 22.16 Arboricultural Impact Assessment: Outline Landscape and Ecology Management Plan Rev C; Code of Construction Practice and the commitments register.
- A final risks and issues log – we have not submitted a Deadline 5 risk and issues log due to our work on the Statement of common Ground.

2. Statement of Common Ground (SoCG)

Natural England received the draft SoCG from the Applicant on the 21 June 2024. We have endeavoured to progress this with the Applicant in the short time period between receiving this and Deadline 5, including providing advice verbally at a meeting on 02 July 2024 and providing written advice on 05 July 2024. We welcome the amendments made to the SoCG submitted by the Applicant at Deadline 5 and confirm that it is an accurate reflection of our current positions. Given that there are a number of key responses yet to be reviewed by Natural England we are aiming to sign off an updated and final SoCG in time for the Applicant to submit at Deadline 6.

3. Statement of Commonality of Statement of Common Ground (SoCoSoCG)

Natural England welcomes the updates made to the SoCoSoCG. We recommend that the rating applied to Natural England's status on the 'Principle of the Development' is removed as this matter lies outside of our remit as a Statutory Nature Conservation Body (SNCB).

In section 1.4 List of Statements of Common Ground, please note that in Table 1-1, 8.8 Natural England's first page turn of SoCG was conducted on 02 July not 15/02/2024 as stated.

4. Applicant's Mid Examination Progress Tracker Rev D

We advise that the Applicant's Mid Examination Progress Tracker Rev D, is updated to reflect our most recent discussions of the SoCG and our Risk and Issues Log and advice submitted at Deadline 5. We advise that our concerns regarding Seascape impacts to protected landscapes are currently not included in the Progress Tracker, which is unfortunate given this is one of our highest-risk matters in the Examination.

We note that the tracker states that all discussions regarding the status of Marine Mammals have been agreed. We advise that this is not the case, and the Applicant should refer to our

Risk and Issues Log for an up-to-date status of concerns in particular relating to the CEA, bottle-nosed dolphins and harbour porpoise.

5. Commitments Register

In addition to points made in specific chapters, we have the following more general points to raise in relation to commitments within the commitments register:

Commitment Number	Comment
C-38/C40	We advise that the selection of the foundation type will additionally impact on fish and shellfish, marine mammals and benthic ecology receptors. We advise this measure is relevant to construction as well as operation.
C-39	We note that any method of scour protection used would have to have been assessed in the ES, so the other methods of scour protection that may be used should fit within the assessed parameters. We advise that scour protection would impact upon benthic and fish and shellfish receptors. We continue to advise that further consideration of the impacts from scour is required within an outline cable burial risk assessment and a decommissioning plan (see detailed comments in our Deadline 4 risks and issues log).
C-42 / C-96	We advise that this commitment should include ensuring consideration is given to selecting the methodology with the lowest environmental impact. We advise that these commitments are also relevant to fish and shellfish and benthic ecology.
C-279	We advise this commitment is also relevant to fish and shellfish
C-283	We advise that the gravel bags do need to be removed and therefore this should not be 'where practicable'. We advise that the design of the gravel bed should consider ensuring they are removable and that the bags should be monitored to ensure they remain significantly robust to be removed. We advise this commitment also relates to fish and shellfish.
C-289/C-300	We advise that this should be thoroughly considered within the Decommissioning Plan 9 (referenced in C111), and as previously advised this should be considered within an outline decommissioning plan, which should be submitted into the examination. We advise this is also relevant to coastal process and fish and shellfish receptors.
C-297	We advise this should reference gravel bags, rather than beds.
C-298	We advise that the default option should be that monitoring data is made publicly available to benefit the industry as a whole, unless the Applicant can provide robust reasoning why it should not be made available.

Natural England may have further comments to make when we have completed our review for deadline 6, in relation to landscape, benthic ecology and DCO matters.

6. Sheringham and Dudgeon Extension Project Decision

Natural England is mindful of the recent decision for the Sheringham and Dudgeon Extension Project (SADEP). While some of the key decisions are reflected in our advice to the Development Consent Order (DCO), once our full review of the decision is complete, further advice reflecting the DCO may be provided at the earliest opportunity.

7. A note in relation to furthering the purposes of the South Downs National Park

Natural England welcomes in principle the Applicant's proposal for a fund secured via s106 with the SDNP to include landscape and nature recovery projects that intend to further the purposes of the SDNP, and we understand that significant work has gone into this proposal. We may submit further comments on this proposal as appropriate following consultation with the SDNPA at Deadline 6. We note the provision of evidence within the s106 agreement to suggest enhancement opportunities for direct onshore effects (landscape). However, in relation to paragraph 1.2.2c, schedule 2 of the draft s106 agreement (document 8.73) we do not recognise the term "offsetting", and seek clarity from the Applicant on how the opportunities within the "Compensation Fund" provide the enhancement measures required for offshore effects (seascape). In addition, and with reference to the significant offshore effects that remain in relation to the effects of the offshore array on the SDNP, Natural England seek clarity on the application of the mitigation hierarchy, and therefore details of any necessary compensation.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

Emma Preston
Marine Senior Advisor – Sussex and Kent Area Team
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Table 1 Natural England's Response/Summary Position to the Applicant's Documents Submitted at Deadline 4 that are relevant to our remit.

PINS Document Reference	Applicant's Document Name	Natural England's Response/Position Summary
REP4-001	Deadline 4 Covering Letter	Natural England has no comments on this submission at this time.
REP4-002	1.6 Application Document Tracker Rev F	Natural England has no comments on this submission at this time.
REP4-009 & REP4-010	4.2 Funding Statement Rev B (clean & tracked)	Natural England has no comments on this submission at this time.
REP4-075	8.71 Draft S106 Agreement with West Sussex County Council.pdf	Natural England has no comments on this submission at this time.
REP4-076	8.72 Draft S106 Agreement with Horsham District Council.pdf	Natural England has no comments on this submission at this time.
REP4-068 & REP4-069	8.50 Marine Plan and Policies Statement Rev B (tracked & clean)	Natural England has no comments on this submission at this time.
REP4-060	8.22 Mid-Examination Progress Tracker Rev D	We advise that our Risk and Issues log from Deadline 4 is referred to when updating the tracker.
REP4-059	8.22 Statement of Commonality for Statements of Common Ground Rev C	Please see above.
REP4-070	8.66 Applicant's Comments on Deadline 3 Submissions Rev A.pdf	As previously advised, we do not intend on commenting on any direct responses by the Applicant.
REP4-072	8.68 Applicant's Post Hearing Submission - Issue Specific Hearing 2 Rev A.pdf	Natural England has no comments on this submission at this time. We have included comments in our thematic appendices where relevant updates have been made.
REP4-074	8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 Rev A.pdf	Natural England has no comments on this submission at this time. We have included comments in our thematic appendices where relevant updates have been made.
REP4-076	8.72 Draft S106 Agreement with Horsham District Council.pdf	Natural England has no comments on this submission at this time.
REP4-079	8.77 Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions Rev A.pdf	As previously advised, we do not intend on commenting on any direct responses by the Applicant.
REP04-057 & REP04-058	7.22 Commitments Register Rev D (clean & tracked)	Natural England have reviewed this and provided comments where relevant in the thematic Appendices. We have also included some overarching points in this letter above. We will provide any further comments relevant to the DCO, landscape and benthic ecology at Deadline 6.
REP4-049 & REP4-050	7.11 Outline Project Environmental Management Plan Rev B (clean & tracked)	Natural England notes that the only updates to this document are addition of Natural England's contact details, which we support. The other comments within our risk and issues log remain unaddressed. We acknowledge the other change made is that the document will be reviewed at least 6 months prior to construction and 6

		months after a significant change (rather than 3). We advise justification is provided for this amendment, as we advise if a significant change occurs, then the document should be updated as soon as possible to remain valid and relevant.
REP4-018 & REP4-019	6.2.9 Environmental Statement Volume 2 Chapter 9 Benthic, subtidal and intertidal ecology Rev B (clean & tracked)	Natural England will provide our advice on this at deadline 6.
REP4-053 & REP4-054	7.17 In Principle Sensitive Features Mitigation Plan Rev D (clean & tracked)	Natural England has provided our advice on this in relation to fish and shellfish ecology in Appendix E5. We will provide our advice on this in relation to benthic ecology at deadline 6.
REP4-055 & REP04-056	7.18 Offshore In Principle Monitoring Plan Rev B (clean & tracked)	Natural England have reviewed this where it has been updated in relation to fish and shellfish ecology and marine mammals. Unless stated otherwise, we advise that all our previous comments remain unaddressed. We advise that offshore ornithology is updated to reflect the need for monitoring of great black backed gulls.
REP4-004 & REP4-005	3.1 Draft Development Consent Order Rev E (clean & tracked)	Natural England will provide our advice on this at deadline 6.
REP4-006 & REP4-007	3.2 Explanatory Memorandum Rev D (clean & tracked)	Natural England will provide our advice on this at deadline 6.
REP4-008	3.3 Schedule of Changes to the Draft Development Consent Order Rev D.pdf	Natural England will provide our advice on this at deadline 6.
REP4-016 & REP4-017	5.10.1 Alternative Schedule 17 (on a without prejudice basis) (clean & tracked)	Natural England will provide our advice on this at deadline 6.
REP4-051 & REP4-052	7.14 Draft Piling Marine Mammal Mitigation Protocol Rev B (clean & tracked)	Natural England's response to this document is provided in Appendix C5.
REP4-061 & REP4-062	8.25.1 Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (clean & tracked).pdf	Natural England's response to this document is provided in Appendix E5.
REP4-067	8.40 8.40 ITAP - Information to support efficacy of noise mitigation abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm	Natural England's response to this document is provided in Appendix E5.
REP4-071	8.67 Without Prejudice Stage 2 Marine Conservation Zone (MCZ) Assessment Rev A	Natural England's response to this document is provided in Appendix E5.
REP4-078	8.74 Without Prejudice Measures of Equivalent Environmental Benefit Review Rev A	Natural England's response to this document is provided in Appendix E5.
REP4-026	6.3.18 Environmental Statement Volume 3 Chapter 18 Landscape and visual impact assessment - Figures Rev B (Parts 1 to 6)	Natural England will provide our advice on this at deadline 6.
REP4-028	6.3.18 Environmental Statement Volume 3 Chapter 18 Landscape and visual impact assessment - Figures Rev B (Part 3 of 6)	Natural England will provide our advice on this at deadline 6.
REP4-029	6.3.18 Environmental Statement Volume 3 Chapter 18 Landscape and visual impact assessment - Figures Rev B (Part 4 of 6)	Natural England will provide our advice on this at deadline 6.
REP4-030	6.3.18 Environmental Statement Volume 3	Natural England will provide our advice on this at

	Chapter 18 Landscape and visual impact assessment - Figures Rev B (Part 6 of 6)	deadline 6.
REP4-027	6.3.18 Rampion 2 ES Volume 3 Chapter 18 Landscape and visual impact assessment - Figures Rev B (Part 2 of 6)	Natural England will provide our advice on this at deadline 6.
REP4-033 & REP4-034	6.4.18.2 Environmental Statement Volume 4 Appendix 18.2 Viewpoint analysis Rev B (clean & tracked)	Natural England will provide our advice on this at deadline 6.
REP4-035 & REP4-036	6.4.18.6 Environmental Statement Volume 4 Appendix 18.6 Viewpoint directory Rev B (clean & tracked)	Natural England will provide our advice on this at deadline 6.
REP4-047 & REP4-048	7.10 Outline Landscape and Ecology Management Plan Rev C (clean & tracked)	Natural England's response to this document in relation to terrestrial ecology is provided in Appendix J5. Natural England advice in relation to landscape will be provided at deadline 6.
REP4-043 & REP4-044	7.2 Outline Code of Construction Practice Rev D (clean & tracked)	Natural England's response to this document in relation to terrestrial ecology is provided in Appendix J5. Natural England advice in relation to landscape will be provided at deadline 6.
REP4-063 & REP4-064	8.25.5 Applicant's Post Hear Submission - Further information on South Downs National Park Rev B (tracked & clean)	Natural England has no comments on this submission at this time.
REP4-020 & REP4-021	6.2.11 Environmental Statement Volume 2 - Chapter 11 Marine mammals Rev C (clean & tracked)	Natural England's response to this document is provided in Appendix C5.
REP4-051 & REP4-052	7.14 Draft Piling Marine Mammal Mitigation Protocol Rev B (clean & tracked)	Natural England's response to this document is provided in Appendix C5.
REP4-014 & REP4-015	5.10 Habitats Regulations Assessment (Without Prejudice) Derogation Case Rev B (clean & tracked)	Natural England's response to this document is provided in Appendix B5.
REP4-065 & REP4-066	8.25.8 - Further Information for Action Point 34 - Guillemot and Razorbill Rev B (clean & tracked)	Natural England's response to this document is provided in Appendix B5.
REP4-003	2.6 Tree Preservation Order and Hedgerow Plan Rev C	Natural England's response to this document in relation to terrestrial ecology is provided in Appendix J5. Natural England advice in relation to landscape will be provided at deadline 6.
REP4-022 & REP4-023	6.2.22 Environment Statement Volume 2 Chapter 22 Terrestrial ecology and nature conservation Rev B (clean & tracked)	Natural England's response to this document is provided in Appendix J5.
REP4-037 & REP4-038	6.4.22.16 Environmental Statement Volume 4 Appendix 22.16 Arboricultural Impact Assessment Rev B (clean & tracked)	Natural England's response to this document in relation to terrestrial ecology is provided in Appendix J5. Natural England advice in relation to landscape will be provided at deadline 6.
REP4-039 & REP4-040	6.4.26.2 Environmental Statement Volume 4 Appendix 26.2 Flood Risk Assessment Rev B (clean & tracked)	Natural England has no comments on this submission at this time.
REP4-041 & REP4-042	7.1 Outline Operational Drainage Plan Rev C (clean & tracked)	Natural England has no comments on this submission at this time.
REP4-045	7.6 Outline Construction Traffic Management Plan Rev E (clean)	Natural England has no comments on this submission at this time.
REP4-013	4.5 Change Log for Book of Reference Rev C	Natural England has no comments on this submission at this time.
REP4-024 &	6.2.25 Environmental Statement Volume 2	Natural England has no comments on this

REP4-025	- Chapter 25 Historic environment Rev C (clean & tracked)	submission at this time.
REP4-031 & REP4-032	6.3.25 Environmental Statement Volume 3 - Chapter 25 Historic Environment - Figures (Part 3 of 5) & (Part 4 of 5) Rev B	Natural England has no comments on this submission at this time.
REP4-073	8.69 Applicant's Post Hearing Submission - Compulsory Acquisition Hearing 1	Natural England has no comments on this submission at this time.
REP4-011 & REP4-012	4.4 Land Rights Tracker Rev D (clean & tracked).pdf	Natural England has no comments on this submission at this time.
PD-011	The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2	Natural England's additional responses to this document are provided in Appendix N5.
PD-014	Report on the Implications for European Sites	Natural England will provide our advice on this at deadline 6.
PD-012	The Examining Authority's Further Written Questions and requests for information	Natural England's response to this document is provided in Appendix N5.
PD-013	Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4 (D4) [REP4-004]	Natural England will provide our advice on this at deadline 6.