

Rampion 2 Wind Farm

Category 5: Reports

Alternative Schedule 17 (on a without prejudice basis) (clean)

Date: August 2024
Revision C

Document Reference: 5.10.1
Pursuant to: APFP Regulation 5 (2) (g)
Ecodoc number: 004866021-03



Document revisions

Revision	Date	Status/reason for issue	Author	Checked by	Approved by
A	02/01/2024	Final for DCO Application Addendum	Eversheds	RED	RED
B	03/06/2024	Deadline 4	Eversheds	RED	RED
C	01/08/2024	Final for end of examination	Eversheds	RED	RED

Additional article:

Compensation measures

59. Schedule 17 (Compensation to protect the coherence of the National Site Network) has effect.

Addition to Schedule 16—				
8.64	REP5-115	Kittiwake implementation and monitoring plan	B	July 2024
8.89	REP6-[]	Guillemot and razorbill implementation and monitoring plan	B	August 2024

SCHEDULE 17

Ref

COMPENSATION TO PROTECT THE COHERENCE OF THE NATIONAL SITE NETWORK

PART 1

KITTIWAKE COMPENSATION

1. In this Part 1 of Schedule 17—

“the FFC SPA” means the site designated as the Flamborough and Filey Coast Special Protection Area;

“Final KIMP” means the final kittiwake compensation implementation and monitoring plan for the delivery of measures to compensate for the predicted loss of adult kittiwakes from the FFC SPA as a result of the authorised development which shall accord with the principles identified in the kittiwake implementation and monitoring plan;

“Kittiwake implementation and monitoring plan” means the document certified as the kittiwake implementation and monitoring plan by the Secretary of State for the purpose of this Order under article 51 (certification of plans and documents etc);

“the Marine Recovery Fund” means the fund to be established and operated by Defra pursuant to the Offshore Wind Environmental Improvement Package of the British Energy Security Strategy (April 2022) for the implementation of strategic compensation or any equivalent fund established by a Government body for that purpose;

“Marine Recovery Fund Payment” means a contribution to the Marine Recovery Fund to compensate for the predicted loss of adult kittiwakes from the FFC SPA as a result of the authorised development the sum of which shall be calculated in accordance with any guidance issued by Defra or otherwise to be agreed with the Secretary of State

“the OKEG” means an offshore kittiwake engagement group which has been or shall be established to assist, through consultation, the undertaker and the developer of any other project with whom the undertaker is to collaborate in the delivery of the onshore kittiwake compensation measures; and

“the onshore kittiwake compensation measure” means measures which improve kittiwake habitat within or outside the FFC SPA onshore, or improve breeding success through reducing avian predation.

2. No offshore works are to commence until the undertaker has confirmed in writing to the Secretary of State whether it will—

- (a) make a Marine Recovery Fund Payment, or
- (b) submit a Final KIMP to the Secretary of State for approval.

3. Where the undertaker elects to submit a Final KIMP no offshore works are to commence until a plan for the work of the OKEG has been submitted to and approved by the Secretary of State, such plan to include—

- (a) the identity of, or the arrangements for establishment of, the OKEG;
- (b) its terms of reference;
- (c) its membership will shall (as a minimum) include the local planning authority for the area in which the onshore kittiwake compensation measure is to be provided and SNCB as core members and the RSPB as advisory member;
- (d) details of the proposed schedule of meetings, reporting and review periods; and
- (e) the dispute resolution mechanism and confidentiality provisions.

4. Following consultation with OKEG, the Final KIMP must be submitted to and approved by the Secretary of State.

5. The Final KIMP (if required) must be based on the strategy for kittiwake compensation set out in the kittiwake implementation and monitoring plan and include—

- (a) the location where the compensation measures will be delivered and the suitability of that location (including why the location is appropriate ecologically and likely to support successful compensation), and confirmation that the necessary landowner agreement(s) are in place;
- (b) where the compensation measures comprise an artificial nesting structure details of the capacity of such structure(s) and its ability to accommodate at least 5 additional nesting spaces for pairs of kittiwake to compensate for the impact of the authorised development on the population of the FFC SPA;
- (c) an implementation timetable for delivery including any arrangements made with a third party for implementation of the measures provided that if the measures comprise an artificial nesting structure that has already been delivered the details submitted shall comprise confirmation as to when the structure was completed;
- (d) details of any contribution to be made to a third party to ongoing management and maintenance of the compensation measures delivered in collaboration with a third party;
- (e) details for the ongoing monitoring and reporting of the effectiveness of the compensation measures identified in the Final KIMP including—
 - (i) survey methods;
 - (ii) survey programmes;
 - (iii) success criteria; and
 - (iv) timescales for the monitoring reports to be delivered;
- (f) details of any adaptive management measures, with details of the factors used to trigger any alternative and/or adaptive management measures; and
- (g) confirmation as to how it has had regard to output of consultation with OKEG.

6. Where the Final KIMP identifies the provision of artificial nesting structures in collaboration with one or more other offshore wind farm projects the details submitted pursuant to paragraph 5(b) and (e) shall identify how the effectiveness of the compensation measures and any requirement for adaptive management measures are to be attributed to the authorised development.

7. The undertaker must implement the measures set out in the Final KIMP approved by the Secretary of State, unless otherwise agreed by the Secretary of State following consultation with the

relevant statutory nature conservation body, and the local planning authority for the area in which the onshore kittiwake compensation measure is to be provided.

8. No operation of any wind turbine generator forming part of the authorised development may begin until the Final KIMP has been implemented, and completed (where appropriate) and has been notified to the Secretary of State, and where the compensation comprises an artificial nesting structure this has been in place for at least four full kittiwake breeding seasons prior to such operation. For the purposes of this paragraph each breeding season is assumed to have commenced on 1 March in each year and ended on 31 August.

9. Where the undertaker has confirmed that it shall make a payment to the Marine Recovery Fund there shall be no operation of a wind turbine generator unless and until the Marine Recovery Fund Payment has been quantified and such payment has been made and following such payment the undertaker shall not be required to implement any further compensation measures for kittiwake pursuant to this Part 1 of Schedule 17.

10. In the event that a Final KIMP is submitted detailing delivery of an onshore compensation measure(s), and monitoring reports submitted to the Secretary of State in accordance with the approved Final KIMP include findings that the compensation measures delivered have been ineffective then proposals for any alternative and/or adaptive management measures shall be provided as agreed by the OKEG and notified to the Secretary of State as part of the monitoring reports.

11. The Final KIMP approved under this Part 1 of Schedule 17 includes any amendments that may subsequently be approved in writing by the Secretary of State. Any amendments to or variations of the approved Final KIMP must be in accordance with the principles set out in the kittiwake implementation and monitoring plan and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any new or materially different environmental effects from those considered in the kittiwake implementation and monitoring plan.

PART 2

GUILLEMOT AND RAZORBILL COMPENSATION

1. In this Part 2 of Schedule 17—

“the Farne Islands SPA” means the site designated as the Farne Islands Special Protection Area;

“the FFC SPA” means the site designated as the Flamborough and Filey Coast Special Protection Area;

“Guillemot and razorbill implementation and monitoring plan” means the document certified as the guillemot and razorbill implementation and monitoring plan by the Secretary of State for the purpose of this Order under article 51 (certification of plans and documents etc);

“Final GRIMP” means the final guillemot and razorbill implementation and monitoring plan for the delivery of measures to compensate for the predicted loss of adult guillemot and razorbill from the FFC SPA or Farne Island SPA as a result of the authorised development which shall accord with the principles identified in the guillemot and razorbill implementation and monitoring plan;

“the Marine Recovery Fund” means the fund to be established and operated by Defra pursuant to the Offshore Wind Environmental Improvement Package of the British Energy Security Strategy (April 2022) for the implementation of strategic compensation or any equivalent fund established by a Government body for that purpose;

“Marine Recovery Fund Payment” means a contribution to the Marine Recovery Fund to compensate for the predicted loss of adult guillemots and razorbills from the FFC SPA and Farne Islands SPA as a result of the authorised development the sum of which shall be calculated in accordance with any guidance issued by Defra or otherwise to be agreed with the Secretary of State;

“OGREG” means an offshore guillemot and razorbill engagement group which has been or shall be established to assist, through consultation, the undertaker and the developer of any other project with whom the undertaker is to collaborate in the delivery of the onshore compensation measures for guillemot and razorbill; and

“the onshore guillemot and razorbill compensation measure” means measures to reduce disturbance for colonies of guillemot and razorbill identified as being in decline onshore, or improve breeding success through reducing avian predation.

2. No offshore works are to commence until the undertaker has confirmed in writing to the Secretary of State whether it will—

- (a) make a Marine Recovery Fund Payment; or
- (b) submit a Final GRIMP to the Secretary of State for approval.

3. Where the undertaker elects to submit a Final GRIMP no offshore works are to commence until a plan for the work of the OGREG has been submitted to and approved by the Secretary of State, such plan to include—

- (a) the identity of, or the arrangements for establishment of, the OGREG;
- (b) its terms of reference;
- (c) its membership will shall (as a minimum) include the local planning authority for the area in which the onshore guillemot and razorbill compensation measure is to be provided, and SNCB as core members, and the RSPB as advisory member;
- (d) details of the proposed schedule of meetings, reporting and review periods; and
- (e) the dispute resolution mechanism and confidentiality provisions.

4. Following consultation with OGREG, the Final GRIMP must be submitted to and approved by the Secretary of State—

5. The Final GRIMP (if required) must be based on the strategy for guillemot and razorbill compensation set out in the guillemot and razorbill implementation and monitoring plan and include—

- (a) the location where the compensation measures will be delivered and the suitability of that location (including why the location is appropriate ecologically and likely to support successful compensation), and confirmation that the necessary landowner agreement(s) are in place;
- (b) an implementation timetable for delivery including any arrangements made with a third party for implementation of the measures;
- (c) details of any contribution to be made to a third party to ongoing maintenance of the compensation measures delivered in collaboration with a third party;
- (d) details for the ongoing monitoring and reporting of the effectiveness of the compensation measures identified in the Final GRIMP including—
 - (i) survey methods;
 - (ii) survey programmes;
 - (iii) success criteria; and
 - (iv) timescales for the monitoring reports to be delivered;
- (e) details of any adaptive management measures, with details of the factors used to trigger any alternative and/or adaptive management measures; and
- (f) confirmation as to how it has had regard to output of consultation with OGREG.

6. The undertaker must implement the measures set out in the Final GRIMP approved by the Secretary of State, unless otherwise agreed by the Secretary of State following consultation with the relevant statutory nature conservation body, and the local planning authority for the area in which the onshore guillemot and razorbill compensation measure is to be provided. No operation of any

wind turbine generator forming part of the authorised development may begin until the Final GRIMP has been implemented and this has been confirmed to the Secretary of State.

7. Where the undertaker has confirmed that it shall make a payment to the Marine Recovery Fund there shall be no operation of a wind turbine generator unless and until the Marine Recovery Fund Payment has been quantified and such payment has been made and following such payment the undertaker shall not be required to implement any further compensation measures for guillemot and razorbill pursuant to this Part 2 of Schedule 17.

8. In the event that a Final GRIMP is submitted detailing delivery of an onshore compensation measure(s), and monitoring reports submitted to the Secretary of State in accordance with the approved Final GRIMP include findings that the compensation measures delivered have been ineffective then proposals for any alternative and/or adaptive management measures shall be provided as agreed by the OGREG and notified to the Secretary of State as part of the monitoring reports.

9. The Final GRIMP approved under this Part 2 of Schedule 17 includes any amendments that may subsequently be approved in writing by the Secretary of State. Any amendments to or variations of the approved Final GRIMP must be in accordance with the principles set out in the outline guillemot and razorbill implementation and monitoring plan and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any new or materially different environmental effects from those considered in the guillemot and razorbill implementation and monitoring plan.

