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Your Ref: Planning Inspectorate reference
EN010117

Date: 13/11/2024

Our Ref: 005458206-01

Subject: **Rampion 2 Offshore Windfarm – Application for Development Consent Order
Planning Inspectorate reference EN010117
Update following close of Examination**

Dear Sir,

The Examination in respect of the above Application for a development consent order closed on 6 August 2024. In accordance with the timetable for determination of the application set out in section 98 of the Planning Act 2008 the Examining Authority submitted their report on their examination of the application on 6 November 2024 within 3 months of the closure.

In its closing submissions the Applicant confirmed (at paragraph 5 of the Executive Summary and 1.5 of the main report) that where it had not been possible to formally resolve matters before the close of the Examination, the Applicant would continue to seek agreement with the relevant parties and, where appropriate, update the Secretary of State. In particular, the closing submissions noted various matters where matters remained to be agreed between the Applicant, the MMO and Natural England in relation to offshore matters, including effects from underwater noise, which matters that were anticipated would be resolved once the parties had considered the Applicant's Deadline 6 submissions. The Applicant also indicated that it anticipated further discussions with NATS in respect of aviation matters following the conclusion of the examination period.

Since the closure of the Examination, the Applicant, has continued to progress discussions with Interested Parties and other stakeholders with the intention of further resolving matters in dispute. We set out below updates in respect of a number of those matters and would ask that the Secretary of State take account of the following in addition to his review of the Examining Authority's report, in determination of the Application.

1. Aviation

An agreement has been entered into between NATS and Rampion Extension Development Limited dated 04.11.2024 for the implementation of an identified and defined mitigation solution. An updated Statement of Common Ground with NATS is enclosed confirming that NATS' objection had been addressed and may be treated by the Secretary of State as being withdrawn.

2. Underwater noise

At the close of the Examination, the Applicant and the MMO were in advanced discussions to agree suitable underwater noise mitigation for spawning Downs stock herring. However, as set out in the MMO's Deadline 6 Submission [REP-302, paragraph 5.7.15], the MMO had outstanding concerns that affected their confidence in the underwater noise modelling for herring including the use of different heatmap methodologies, and the efficacy of noise abatement that could be achieved given the environmental parameters.

The Applicant has maintained discussions with the MMO and has prepared both a supporting note detailing the outcomes of the discussions held (Post Examination Herring Issues), and a statement of common ground between the Applicant and the MMO (Statement of Common Ground – Post Examination Herring Issues, Marine Management Organisation), both of which are enclosed. An agreement has been reached on the MMOs concerns and this has been captured in the submitted documents.

In summary the outcome of these discussions and the means by which these can be achieved, on a without prejudice basis, is set out in the enclosed document 'Without Prejudice Amendments – Herring Piling Amends to the DCO'.

3. Habitats Regulations Assessment

At the close of the Examination, the Applicant was developing without prejudice compensatory measures for guillemot associated with the Flamborough and Filey Coast (FFC) Special Protection Area (SPA) and Farne islands SPA and razorbill associated with the FFC SPA. The Applicant's Report to Inform Appropriate Assessment (RIAA) [APP-038] did not conclude an adverse effect on integrity and therefore led to the development of measures on a without prejudice basis, with the Applicant only made aware of the requirement for compensatory measures during discussions with Natural England after the application was submitted. Natural England agreed with the suitability of the compensatory measures proposed by the Applicant during examination. Since the close of examination, the Applicant has continued to develop appropriate compensatory measures for its potential impacts on these two species, and has undertaken additional consultation with local stakeholders. Potential partners have been identified, and further discussions are currently underway to establish a partnership for the delivery of compensatory measures. As discussions are currently ongoing, the Applicant cannot yet confirm the selected partner(s) or further details on the measures, however, additional information will be provided to the Secretary of State as soon as possible.

4. IPCOD modelling for marine mammals

At Deadline 6 of the Examination the Applicant submitted a bottlenose dolphin population modelling appendix [REP6-192] which included interim population consequences of disturbance (iPCoD) modelling.

This modelling was run with a piling duration of 92 days, which upon further investigation by the Applicant does not align with the submitted Environmental Statement (ES), which was assessed based on a piling schedule of 93 days. For completeness therefore, the Applicant is now submitting an updated modelling report (Appendix 11.4: Bottlenose Dolphin Population Modelling) based on the correct 93 piling days. In doing so it emphasises that the conclusions of the updated report are the same as the report submitted at Deadline 6 [REP6-192], with the simulations using the latest version of iPCoD and the best evidenced parameters not predicting impacts to the bottlenose dolphin Coastal West Channel Management Unit at a population level, either from Rampion 2 alone, or cumulatively with TwinHub (as described in that document).

5. Interface with Aquind Limited's application for an interconnector

The Applicant continues to engage with Aquind regarding the interface of the construction and operation phases of Rampion 2 Windfarm and the Aquind Interconnector. The latter application is currently under redetermination pending resolution of concerns submitted by the Ministry of Defence.

Both the Applicant and Aquind agree that the optimal means to progress both projects is through a Cooperation Agreement. The Applicant notes that the form of 'Protective Provisions' submitted to the Examining Authority on 19 June 2024 replicated the draft of that Cooperation Agreement that was under discussion at that time. Since that date, negotiations around the terms of the Cooperation Agreement have progressed significantly and the document of June 2024 does not reflect the current state of discussions. Further, the Applicant submits that, to the extent that a set of protective provisions is included in a schedule to a development consent order, it should be relevant only to the powers in that specific DCO; it should not purport to impact on or control the implementation of powers granted by a separate DCO. To that end, the document submitted by Aquind in June 2024 is not in an appropriate form to comprise provisions for the protection of Aquind to be included in the Rampion 2 DCO. The Applicant is of the view that the continuing meaningful negotiations of the terms of the Agreement will result in an outcome that will allow both projects to progress, with suitable interface arrangements in place.

Meetings and negotiations between the Applicant and Aquind continue, and the Applicant is confident that the terms of the Cooperation Agreement will be settled, such that it can update the Secretary of State further in advance of this decision on the Rampion 2 DCO.

Additional matters

We would also confirm that a separate update will be provided to the Secretary of State in respect of the progress made by the Applicant in relation to negotiations with persons with an interest in land in respect of acquisition of land interests, and statutory undertakers in respect of protective provisions.

Yours faithfully

Rampion Extension Development Ltd

Encs: Updated Statement of Common Ground with NATS
Note: Post Examination Herring Issues
Statement of Common Ground with MMO – Post Examination Herring Issues
Environmental Statement Appendix 11.4: Bottlenose Dolphin Population Modelling
Note: Without Prejudice Amendments – Herring Piling Amends to the DCO