



To:
Rampion Extension Development Limited
Natural England
Marine Management Organisation
South Downs National Park Authority
The Crown Estate
Forestry Commission
Secretary of State for Transport
National Trust
National Highways
Network Rail
National Grid Electricity Transmission
Sussex Inshore Fisheries and Conservation Authority

Ref: EN010117

25 November 2024

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Rampion Extension Development Limited (“the Applicant”) for an Order granting Development Consent for the proposed Rampion 2 Offshore Wind Farm Extension Project (“the Proposed Development”)

REQUEST FOR INFORMATION

1. Following the completion of the Examination on 6 August 2024, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 6 November 2024. In accordance with section 107 of the Planning Act 2008 (“PA2008”), the Secretary of State has three months to determine the application.
2. Without prejudice to the Secretary of State’s final decision, there are issues on which the Secretary of State would be grateful if the **Applicant, Natural England (“NE”), the Marine Management Organisation (“MMO”), the South Downs National Park Authority (“SDNPA”), The Crown Estate (“TCE”), Forestry Commission (“FC”), the Secretary of State for Transport (“SoSfT”), National Trust (“NT”), National Highways (“NH”), Network Rail (“NR”), National Grid Electricity Transmission (“NGET”), Sussex Inshore Fisheries and Conservation Authority (“SIFCA”)** could provide updates or information as appropriate.

Part 1 – Responses to the below requests should be provided by no later than 23:59 on 6 December 2024:

Great black-backed gull (“GBBG”) cumulative effects assessment (“CEA”)

3. The Secretary of State notes that the Applicant provided an updated GBBG CEA at Deadline 6, which NE did not have the opportunity to comment on. **NE** are therefore invited to provide its response to the Applicant’s updated GBBG CEA¹ and explanation². NE is also invited to provide an updated position as to whether it considers any monitoring and compensation measures are required, considering the updated GBBG CEA.

Post-consent adaptive management

4. The Secretary of State notes the concerns raised by NE and the MMO throughout the Examination in relation to the efficacy of ornithological, marine mammal, fish, and benthic monitoring and mitigation. The **Applicant**, **NE**, and the **MMO** are requested to provide their views on the following possible Condition 18(5) of Schedules 11 and 12 (the Deemed Marine Licences (“the DML”)):

“(5) In the event that the reports provided to the MMO under sub-paragraph (3) identify impacts which are unanticipated and or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment an adaptive management plan to reduce effects to within what was predicted within the Environmental Statement and the Habitats Regulations Assessment, unless otherwise agreed by the MMO in writing, must be submitted alongside the monitoring reports submitted under sub-paragraph (3). This plan must be agreed by the MMO in consultation with the relevant statutory nature conservation bodies to reduce effects to an agreed suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitored in full to a timetable first agreed in writing with the MMO. In the event that this adaptive management or mitigation requires a separate consent, the undertaker shall apply for such consent. Where a separate consent is required to undertake the agreed adaptive management or mitigation, the undertaker shall only be required to undertake the adaptive management or mitigation once the consent is granted.”

Post-consent monitoring of underwater noise from piling

5. The Secretary of State notes the concerns raised by NE and the MMO during the Examination in relation to uncertainties concerning the efficacy of double big bubble curtains (DBBC) as a noise abatement system. The MMO requested an enhanced scheme of monitoring to be put in place to obtain measurements from the first eight piles (or eight of the first 12 piles), of each foundation type to be

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-001976-6.4.12.6%20Environmental%20Statement%20Appendix%2012.6%20Great%20black-backed%20gull%20cumulative%20assessment%20and%20PVA.pdf>

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-002172-8.99%20Rampion%20%20Applicant's%20Response%20to%20ExA's%20Request%20for%20Further%20Information.pdf>

installed, rather than the first four piles as proposed. The **Applicant** is requested to provide a revised In-Principle Sensitive Features Mitigation Plan and Offshore In-Principle Monitoring Plan with possible amendments which would take account of those concerns.

Harbour Porpoise CEA

6. The Secretary of State notes the concerns raised by NE in its Risk and Issues Log in relation to the assessment of impacts on harbour porpoises. The **Applicant** should provide an updated assessment evidencing how the higher number of harbour porpoises predicted to be impacted in ES Chapter 11 Marine Mammals Tables 11-37 and 11-38 will affect the overall harbour porpoise population trajectory.

Piling restrictions

7. The Secretary of State notes that concerns were raised regarding underwater noise disturbance on black seabream and seahorses. The **Applicant, NE, SIFCA,** and the **MMO** should provide views on the following possible wording for a new Condition 26 of the DML:

“(26) - There shall be no piling associated with the authorised development between the dates of 01 March to 31 July inclusive, unless otherwise agreed to by the MMO and the statutory nature conservation body.”

Outline Cable Burial Risk Assessment (“OCBRA”) and Outline Cable Specification and Installation Plan (“OCSIP”)

8. The Secretary of State notes the Applicant has not had an opportunity to respond to points raised by NE at Deadline 6 regarding the OCBRA and OCSIP³. The **Applicant** should respond to NE’s comments, providing revisions to the OCBRA and OCSIP if considered appropriate, and confirm where it considers issues are now resolved with NE.

Securing trenchless crossings underneath Irreplaceable Habitats and SSSIs

9. The **Applicant, NE,** and **SDNPA** should provide views on the following possible drafting for a new Requirement 46 ‘Crossing Schedule’, of the DCO:

“(1) No stage of the authorised development shall commence until a trenchless crossing plan showing the final locations and extent of each trenchless crossing in that stage and its compound has been submitted to and approved by the relevant planning authority.

“(2) The trenchless crossings in the relevant stages shall be undertaken in accordance with the approved details.”

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-002214-Appendix%20K6%20%E2%80%93%20Natural%20England%E2%80%99s%20Principal%20Areas%20of%20Disagreement%20Summary%20Statement.pdf>

Outstanding mandatory consent from the Crown authorities

10. The Secretary of State notes that the Applicant is seeking powers of compulsory acquisition over plots of land with interests attributed to TCE, FC, and SoSfT. The **Applicant, TCE, FC, and SoSfT** are requested to provide an update on whether the Applicant has secured the mandatory consent from each of the relevant Crown authorities under s.135 of PA2008 to have these authorities' land interests subject to powers of compulsory acquisition.
11. The **Applicant** and **SoSfT** should confirm whether SoSfT is the administering body for Plot 33/18 and, subsequently, whether consent under s.135 of PA2008 is required.
12. The **Applicant** should provide a timetable indicating when these consents will be forthcoming, should they not have been obtained by the close of this request for information.

Outstanding NT objection

13. The Secretary of State notes that the Applicant is seeking powers of compulsory acquisition over plots of land with interests attributed to NT. The **Applicant** and **NT** are requested to provide an update regarding whether NT has withdrawn its objection in accordance with s.130 of PA2008 to have its land interests subject to powers of compulsory acquisition.
14. The Secretary of State requests that the **Applicant** provides a timetable indicating when NT's objection is expected to be withdrawn, should the withdrawal not have been made by the close of this request for information.

Land rights

15. The **Applicant** should provide an update on the progression of Heads of Terms with Affected Persons in relation to the compulsory acquisition of land by voluntary means, and to submit an updated Land Rights Tracker.
16. The **Applicant, NH, NR, and NGET** are requested to provide an update on whether any agreement has been reached regarding respective Protective Provisions. The **Applicant** should provide an update if any other Protective Provisions have been agreed by way of Side Agreement.

Part 2 – Responses to the below requests should be provided by no later than 23:59 on 13 December 2024:

Sensitivity score for cetaceans to PTS

17. The Secretary of State notes that the Applicant has assessed cetaceans as having a low sensitivity to PTS in Chapter 11 of its ES. Noting the advice of NE and the MMO, the **Applicant** is requested to provide an amendment to Chapter 11 of its ES to assess cetaceans as having a high sensitivity to PTS.

Worst-case scenario for piling

18. The Secretary of State notes that NE has not had an opportunity to respond to the Applicant's response⁴ detailing the worse-case modelling which informed the Applicant's ES. **NE** is invited to comment on the Applicant's response (Question MM3.1) regarding the worst-case piling scenario.

Piling soft start and ramp up

19. The Secretary of State notes that the Applicant updated its draft Marine Mammal Mitigation Protocol ("MMMP") at Deadline 6 of the Examination to include explicit mention of a soft start and ramp up period for piling of 30 minutes⁵. **NE** is invited to provide its response to the Applicant's updated MMMP.

Herring and Sandeel Habitat Suitability Assessments ("HSA")

20. The Secretary of State notes the MMO has not had an opportunity to comment on the Applicant's revised herring and sandeel HSAs submitted at Deadline 6 of the Examination⁶. The **MMO** is invited to provide comment on the Applicant's revisions.

Monitoring of noise abatement effectiveness on Bottlenose Dolphin

21. The Secretary of State notes the concerns raised by NE in relation to the proposed noise abatement measures and marine mammals. The **Applicant, NE,** and the **MMO** are requested to provide their views on the following possible wording for Condition 11(1)(j) of the DML⁷:

"A monitoring plan which accords with the offshore in-principle monitoring plan and is to detail proposals for pre-construction monitoring surveys, construction monitoring, postconstruction monitoring and related reporting;"

22. **NE** and the **MMO** are requested to consider whether the drafting is sufficient to secure the monitoring of the effectiveness of noise abatement on bottlenose dolphin in a final Offshore Monitoring Plan. NE and the MMO are also invited to consider whether the drafting is sufficient to secure an updated pre-construction assessment should new information on the Coastal West Channel bottlenose dolphin population be published before piling commences.

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-002172-8.99%20Rampion%20%20Applicant's%20Response%20to%20ExA's%20Request%20for%20Further%20Information.pdf>

⁵ [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-002055-7.14%20Draft%20Piling%20Marine%20Mammal%20Mitigation%20Protocol%20\(clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-002055-7.14%20Draft%20Piling%20Marine%20Mammal%20Mitigation%20Protocol%20(clean).pdf)

⁶ [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-001993-8.25.1%20Applicant's%20Post%20Hearing%20Submission%20%E2%80%93%20Issue%20Specific%20Hearing%201%20Appendix%209%20-%20Further%20information%20for%20Action%20Points%2038%20and%2039%20%E2%80%93%20Underwater%20Noise%20\(tracked\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-001993-8.25.1%20Applicant's%20Post%20Hearing%20Submission%20%E2%80%93%20Issue%20Specific%20Hearing%201%20Appendix%209%20-%20Further%20information%20for%20Action%20Points%2038%20and%2039%20%E2%80%93%20Underwater%20Noise%20(tracked).pdf)

⁷ [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-002073-3.1%20Draft%20Development%20Consent%20Order%20\(clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-002073-3.1%20Draft%20Development%20Consent%20Order%20(clean).pdf)

23. Responses to those requests in Part 1 of the letter should be submitted by email only to rampion2@planninginspectorate.gov.uk by 23.59 on 6 December 2024.

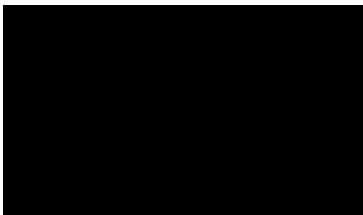
24. Responses to those requests in Part 2 of the letter should be submitted by email only to rampion2@planninginspectorate.gov.uk by 23.59 on 13 December 2024.

25. Responses will be published on the Rampion 2 Offshore Wind Farm Extension Project page of the National Infrastructure Planning website as soon as possible after 6 December 2024 and 13 December 2024.

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010117>

26. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Proposed Development or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully



John Wheadon

Head of Energy Infrastructure Planning Delivery

Department of Energy Security & Net Zero