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Your ref: EN010117



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BY EMAIL ONLY

Dear Sir/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”)

The following constitutes Natural England’s formal statutory response to the Secretary of State’s Request for Information (RFI) dated 25 November 2024.

Natural England has considered the requests for information, included within the Secretary of State’s Consultation, and our responses to Part 1 of the request are provided in Appendix 1 and 2. Natural England will provide a further response on Part 2 of the request by 13 December.

Natural England wishes to highlight that given the number of Offshore Wind Farm Examinations currently running in tandem, it would be useful where possible, to understand indicative timings in advance of any possible further information requests. This would be helpful in order to allow us to effectively manage our resource.

If you have any further queries, please do not hesitate to contact us.

Yours sincerely

Emma Preston

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Appendix 1 – Natural England’s responses to the relevant points within the Secretary of State’s Request for Information (RFI)

Point	Subject	Question/Request	Natural England’s Response
Part 1			
3	Great black-backed gull (“GBBG”) cumulative effects assessment (“CEA”)	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 CEA and explanation. 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.	Please see Appendix 2.
4	Post-consent adaptive management	<p>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”)):</p> <p><i>“(5) In the event that the reports provided to the MMO under sub-paragraph (3) identify impacts which are unanticipated and/or in the view of the MMO in consultation with the relevant statutory nature conservation body are significantly beyond those predicted within the Environmental Statement, Habitats Regulations Assessment and the Marine Conservation Zone Assessment an</i></p>	<p>Natural England understands that a similar condition has been proposed previously in relation to other offshore wind farms, such as the Sheringham and Dudgeon Extension Projects. Whilst Natural England recognises the value in such a condition being added, it does not address all of the concerns we had outstanding within our risk and issues log and thematic Appendices at the end of the examination.</p> <p>We advise that the amendments to the condition provided in bold in the question are added to enable the MMO as the decision maker to make a reasonable decision, based on the significance of the unexpected impact. We note that the condition as worded only relates to the Environmental Statement and the Habitats Regulations Assessment. Given the potential for this project to impact upon the features of Marine Conservation Zones (MCZ’s), we advise that the MCZ Assessment should also be included in the wording of this condition.</p> <p>Natural England advises that any addition of an adaptive management condition in relation to post construction monitoring, should not replace the requirement for the Applicant to, in the first instance, provide comprehensive information to allow as full an understanding as possible of the efficacy of mitigation measures proposed prior to impacts occurring. We highlight an area where this is particularly relevant is when considering impacts to irreplaceable benthic</p>

	<p><i>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</i></p> <p><i>(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.”</i></p>	<p>habitats such as marine chalk, the structure of which cannot be restored after impact.</p> <p>We welcome the inclusion of wording in the condition securing the requirement of monitoring the adaptive management measures should they be required.</p> <p>Another key consideration is that there are some areas of monitoring, such as the monitoring of noise abatement systems, where data on efficacy is required prior to completion of the construction of the project as a whole. This is to ensure that the noise abatement systems achieve a figure in the region of 15db. If this is not achievable there is a risk that impacts on short-snouted seahorses from underwater noise generated by piling could be greater than predicted and that the conservation objectives of Beachy Head West MCZ could be hindered. We provided advice regarding this in our Appendix E5 submission at Deadline 5 [REP5-139]. We note that an update of the Principle Sensitive Features Mitigation Plan and Offshore In-Principle Monitoring Plan has been requested from the Applicant in point 5 pertaining to this. We note that underwater noise monitoring and mitigation is also relevant to marine mammals.</p>
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5	Post-consent monitoring of underwater noise from piling	<p>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 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.</p>	<p>Natural England supports the production of an updated '<i>In-Principle Sensitive Features Mitigation Plan and Offshore In-Principle Monitoring Plan</i>'. We wish to highlight that given the complex and variable environmental conditions at the site and the uncertainties of the efficacy of Noise Abatement Systems (NAS) in these conditions, we also advised that the first eight piles (or eight of the first 12 piles), of each foundation type are monitored across a representative range of conditions. We refer you to our detailed advice on this matter in our Deadline 5 Appendix E5 response [REP5-139]. We specifically highlight our advice that this monitoring should be designed to consider if the noise levels are in line with the predictions made in the Environmental Statement and also if the NAS achieved a noise reduction in the region of 15dB, as stated by the Applicant.</p> <p>We advise that this monitoring should be reflected within a condition in the DML to ensure that if the underwater noise levels from piling are significantly in excess of the agreed levels, piling would cease until additional mitigation is agreed and put in place. This condition is considered a standard requirement for offshore wind farms in relation to underwater noise impacts.</p>
7	Piling restrictions	<p>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) - No piling associated with the authorised development may be undertaken between 01 March to 31 July inclusive, unless otherwise agreed in writing by the MMO in consultation with the statutory nature conservation body."</p>	<p><u>Kingmere MCZ - Black seabream</u> Natural England's advice throughout the examination was that the only measure that will prevent the conservation objectives of Kingmere MCZ being hindered due to underwater noise impacts on black seabream from piling, would be a full seasonal piling restriction from 01 March to 31 July inclusive. We would welcome the inclusion of this condition within the DML and confirm that should it be included then we would be able to advise that the conservation objectives of Kingmere MCZ will not be hindered. In relation to the wording of the condition, we advise that the amendments to the condition provided in bold in the question are made.</p> <p><u>Beachy Head West MCZ - Short-snouted seahorses</u> We welcome that this condition as worded would also cover a proportion (approximately half) of the key breeding time for seahorses. In relation to the rest of the year (outside of 01 March to 31 July inclusive), our advice remains that the Applicant would need to evidence that a reduction in the region of 15dB is deliverable within the 'worst-case' environmental conditions at the site, in order for Natural England to advise that the conservation objectives would not be hindered due to underwater noise impacts on short-snouted seahorses from piling activities.</p>

9	Securing trenchless crossings underneath Irreplaceable Habitats and SSSIs	<p>The Applicant, NE, and SDNPA should provide views on the following possible drafting for a new Requirement 46 'Crossing Schedule', of the DCO:</p> <p><i>“(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 in consultation with the relevant SCNB.</i></p> <p><i>(2) The trenchless crossings in the relevant stages shall be undertaken in accordance with the approved details.”</i></p>	<p>Natural England’s critical concern remains that the proposed mitigation measure of trenchless crossing may not be viable. Natural England notes that an outline crossing schedule was provided within the Outline Code of Construction Practice. We note that within this outline document it is stated that ‘<i>The final crossing schedule will be provided in each stage specific CoCP as per the draft Development Consent Order (DCO) (Document Reference: 3.1) requirements’.</i> We advise that, whilst this update should be provided, based on our review of the current version of this document, an update of this to include the final locations and extent of each trenchless crossing in that stage and its compound, would not be sufficient to address our outstanding concerns in relation to the crossing of irreplaceable habitats, SSSI’s and sensitive landscape features within the South Downs National Park.</p> <p>Natural England highlight that trenchless crossings are an essential mitigation measure in locations where the cable route will cross through protected areas (Climping Beach SSSI and South Downs National Park (particularly Michelgrove Park, Sullington Hill)) and irreplaceable habitats (such as ancient woodland). The use of trenchless techniques at the landfall location is also mitigation in relation to minimising the loss of irreplaceable marine chalk.</p> <p>Throughout the pre-examination and examination phase, Natural England continuously advised that detailed feasibility assessments (supported with local ground investigation data) should be provided to evidence whether trenchless crossings are achievable at the sensitive locations. At the final Deadline (6) of the Examination Natural England’s position remained that we considered there to be a major risk with the feasibility of the proposed trenchless drilling technique without detailed ground investigation at these sensitive sites. Natural England highlighted at Deadline 5 [REP5-140 and REP5-141] and Deadline 6 [REP6-294 and REP6-292] 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 avoid impacts. We believe this situation would likely require a material change to the Development Consent Order/deemed Marine Licence (DCO/dML) as written.</p> <p>Whilst we welcome the opportunity to provide further advice to the local planning authority for these crossings once further information is available, we advise that the proposed wording for Requirement 46 should include reference to</p>
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			<p>providing detailed feasibility assessments (supported with local ground investigation data) for the trenchless crossings through sensitive sites/features.</p> <p>In addition to consideration of our points above, we also advise that should the Secretary of State be minded to proceed with this condition, approval by the relevant planning authority should be in consultation with the relevant SCNB. Please see our advised amendment provided in bold in the question.</p>
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Appendix 2 – Natural England’s response to point 3 of the Secretary of State’s Request for Information regarding the great black-backed gull (GBBG) cumulative effects assessment (CEA).

1. Summary

In formulating these comments, the following request and associated document have been considered:

- 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 CEA and explanation. 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.
- EN010117-001976-6.4.12.6 Environmental Statement Appendix 12.6 Great black-backed gull cumulative assessment and PVA.

Cumulative effects assessment

Natural England welcomes the Applicant’s updated cumulative effects assessment for great black-backed gull (GBBG) complete with impact values for historical projects, as requested. However, we note that the impact values produced by White Cross offshore wind farm have been used for the cumulative effects assessment. Natural England’s position is that while those values were adequate for the purpose of assessing the cumulative contribution to seabird mortalities from the White Cross application, they should not be considered appropriate for other projects to use (please see the detailed comments below for further information). Nonetheless, comparison between the cumulative effects assessment with and without historical project impacts highlights the importance of considering all relevant projects, and that the total cumulative impact is very likely to be significantly higher than was predicted in the original Environmental Statement. Therefore, while we do not have great confidence in the final figures provided, **we continue to advise that moderate adverse effects on the great black-backed gull South-west and Channel biologically defined minimum population scale (BDMPS) population cannot be ruled out.**

We note that since Deadline 6, an addendum to Birds of Conservation Concern 5 (Stanbury and others, 2024) has been published, in which great black-backed gull has been moved to the red list due to population declines pre-dating the widespread outbreak of highly pathogenic avian influenza, and that the species has suffered further declines due to the disease. It is therefore a species of significant conservation concern.

Monitoring of predicted impacts

The Applicant has again referred to the sensitivity assessment submitted at Deadline 2 and their opinion that assessments of collision risk following Natural England guidance are “overly pessimistic”. Natural England have already addressed this in REP3-080. It is true that there is significant uncertainty in collision risk modelling and in our understanding of the behaviour of seabirds in and around offshore wind farms. This uncertainty can

only be addressed through monitoring of actual collisions, of how the number of birds using a site changes pre- and post- construction, and of the way in which birds use a site post-construction. We therefore consider that, given the numbers of collisions predicted, it would be of significant benefit to carry out post-construction monitoring, both to inform whether the adverse effects on great black-backed gulls are as significant as predicted, and to help address a significant knowledge gap, which will have strategic benefits for the UK's long term offshore wind ambitions.

Accordingly, we would strongly support a commitment to deliver an effective, targeted offshore ornithological monitoring programme, to be designed and carried out in accordance with Natural England's Best Practice guidance and in consultation with Natural England.

Compensation measures

Compensation or 'offsetting' is an integral part of the mitigation hierarchy for biodiversity impacts in general. Measures that would benefit great black-backed gull and thereby offset the impacts would likely involve interventions at breeding colonies to increase the number of breeding pairs and/or their productivity. Relevant measures would be vegetation management to increase the area of suitable breeding habitat or installation of predator fencing to exclude mammalian predators (e.g. fox, brown rat). However, identifying suitable colonies for such interventions would take some time and therefore their development would fall beyond the determination timetable.

In these circumstances, were DESNZ minded to seek offsetting measures for the predicted impacts on GBBG, Natural England would be content for a collaborative or strategic approach to be taken, noting that other developers are exploring Habitats Regulations compensation measures that might provide benefits for GBBG, and that the Marine Recovery Fund (MRF) will be a future option for developers.

2. Detailed comments

Table 1: Natural England’s Advice On: Offshore Ornithology – Great Black Backed Gull Cumulative Effects Assessment.

Document reviewed: EN010117-001976-6.4.12.6 Environmental Statement Appendix 12.6 Great black-backed gull cumulative assessment and Population Viability Analysis (PVA)			
NE Ref	Section	Key Concern and/or Update	Natural England’s Advice to Resolve Issue
1	2.2	We note that the Applicant has presented cumulative assessments for both the UK South-west and Channel Biologically Defined Minimum Population Scale (BDMPS) great black-backed gull population as well as for the two western waters BDMPS populations combined.	We do not consider the combined BDMPS population presented by the Applicant to be relevant and will consequently only be providing comments related to the appropriate BDMPS for the UK South-west and Channel.
2	2.4.2	We note that the Applicant has queried the size of, and subsequently not included in their cumulative assessment, the impact values for Twinhub floating offshore wind demonstrator in the Celtic Sea that have been provided by Morecambe offshore wind farm (OWF) in that project’s updated cumulative effects assessment.	<p>We share the Applicant’s concerns at the scale of mortality predicted for the Twinhub demonstrator (15.6 birds per annum) as this appears unrealistically high for the size and extent of the project. We agree that on this occasion it can be excluded from calculations.</p> <p>For reference, Twinhub propose two floating platforms, each accommodating two turbines, (total 4 turbines) with a combined generation capacity of 32MW.</p>
3	2.4.4	<p>The Applicant has used impact values for historical projects produced by White Cross offshore windfarm (APEM, 2024) to fill in the gaps in the cumulative assessment which Natural England previously highlighted. While we welcome the inclusion of updated impact estimates, we have reservations about the use of these figures.</p> <p>We acknowledge the uncertainties surrounding the updating of historic projects for which no quantifiable predicted impact values were presented at the time. We also note the</p>	<p>We welcome the Applicant’s attempts to incorporate impact values from ‘historic projects’ into the cumulative effects assessment (CEA), as requested. We highlight the importance of including such values to increase confidence in estimates and consider that despite its inevitable limitations, it is of fundamental importance for understanding the potential cumulative impacts to seabird populations.</p> <p>Natural England provided the following comment in relation to the White Cross cumulative assessment: <i>‘While Natural England are content that the White Cross assessment is now fit for purpose, we reserve judgement on the most appropriate impact estimates from historic projects for use in future assessments. I.e. we do not advise other projects to adopt the historic impact estimates calculated by White Cross for future CEA or in-combination assessments without seeking SNCB advice.’</i></p>

		<p>Applicant's view that these approximate impact values are unnecessary.</p> <p>We do not agree with the Applicant's assertion that it is unnecessary to incorporate impact values from older projects into the cumulative effects assessment.</p>	<p>We therefore do not support the use of these specific figures for the current assessment. However, their inclusion nonetheless indicates a significant increase in cumulative impact when all historical projects are considered, which increases confidence in our conclusion that adverse effect cannot be ruled out.</p> <p>The Applicant is incorrect in their assertion that impacts from older projects would already be accounted for within the baseline population. The baseline population used comes from Furness (2015), which largely draws on data that pre-date the installation of any offshore wind farms in UK waters. Similarly, the baseline mortality rate used is based on Horswill and Robinson (2015), which draws on a range of older data sources. As the reference population and baseline mortality rate can be considered to pre-date any offshore wind impacts, it is entirely appropriate to include as part of the cumulative effects assessment, all historical projects that will still be in operation by the time of the commissioning of Rampion 2.</p>
4	Table 4.4	<p>We note that no values have been included for Mooir Vannin (Tier 3b), nor LIÿr projects (Tier 3c), nor any other references made to these projects.</p>	<p>We understand that LIÿr floating offshore wind project has not undertaken a CEA for great black-backed gull due to the size of the impacts predicted for the project alone. However, Natural Resources Wales (NRW) requested that collision risk modelling (CRM) was conducted for great black-backed gull so that these were available for use in any potential cumulative collision assessments by future projects (LIÿr Floating Wind Ltd., 2024). Although impacts on great black-backed gull may be considered low for LIÿr project-alone, this does not mean that those impact values should be excluded from cumulative totals for other project assessments. We recognise however that they may not have been available in time for the current assessment.</p> <p>Mooir Vannin is a planned offshore wind farm located approximately 11 km east of the Isle of Man coast. The Isle of Man supports breeding GBBG at levels exceeding 1% of the UK and Manx populations (Isle of Man Government, 2024). Ornithological survey results are not yet publicly available and are unlikely to be within this Examination timetable. However, it is important that all potential sources of mortality are included in the cumulative assessments of future projects.</p> <p>Nevertheless, for the purposes of this particular assessment, we accept that impact values from LIÿr and Mooir Vannin can be excluded.</p>

5	Table 4.4	We note that the Applicant has included impact estimates from projects in Irish waters in the cumulative assessment.	The South-west and Channel BDMPS extends into the Irish Sea as far as the limits of the UK Exclusive Economic Zone and does not cross into Irish waters. Whilst recognising that this BDMPS boundary likely does not reflect ecological reality, for the purposes of this CEA it is not necessary to include impact estimates from Irish projects.
6	5.1.20	The Applicant states that the great black-backed gull population in the South-west and Channel BDMPS region is expected to be in stable to favourable condition based on the stable population trend for England (3% decrease in the last 15-20 years) (Burnell et al., 2023) in combination with increases in other areas (Wales, Northern Ireland, Eire). We question the validity of this assertion.	<p>We reiterate our comments made in Appendix B3 [REP3-080] to the Natural England Deadline 3 Submission, notably that despite showing an increase between the Seabird 2000 census and Seabirds Count (Burnell et al, 2023), the Isles of Scilly SPA great black-backed gull population, the largest in England and surveyed largely in 2015 for Seabirds Count, has decreased since, showing a 38% decline between 2015 and 2023 surveys (Heaney et al, 2024). Furthermore, despite increases in Wales, there has been a -45% change in breeding abundance across the UK as a whole between 2000 and 2023 (Harris et al, 2024). Great black-backed gull has recently been added to the UK Red List (Stanbury et al, 2024) due to pre-highly pathogenic avian influenza (HPAI) population declines.</p> <p>We would also highlight the uncertainty surrounding the long-term impacts from HPAI on a species that was subject to moderate mortality in 2022 (Tremlett et al, 2024) and suggest that any impacts of OWFs may be more acute against a backdrop of stochastic events (such as HPAI) resulting in elevated levels of mortality.</p>
7	5.1.21	We note the Applicant's view that parameters recommended by NE are overly precautionary, which potentially introduces an element of uncertainty as to the realism of the level of effect from collision risk on great black-backed gulls.	<p>We addressed this view in REP3-080. It is necessary to take a precautionary approach in the context of uncertainty within the assessment, and the alternate collision input parameters are not appropriate, as previously explained.</p> <p>We add that for PVA, as per our Best Practice, we typically require that variability and uncertainty in predicted impacts are captured and included in the PVA to inform interpretation of the outcomes. In evidence-poor contexts with multiple sources of uncertainty (e.g. CRM), exclusive focus on a single or central value carries with it a high risk of 'false precision', whereas a range-based approach allows a more nuanced consideration of a range of plausible values. As a result, we generally request that minimum and maximum predicted impacts associated with the project are considered in all assessments.</p> <p>On this occasion however, to expedite decision making we accept the use of a central impact value for use in the PVA analyses.</p>

8	Table 5.8	We note the Applicant's conclusion that impacts from the Project alone are not significant in EIA terms on the UK South-west and Channel BDMPS great black-backed gull population.	We agree that for the impacts of the Rampion 2 project alone , impacts are not considered significant in EIA terms.
9	Table 5.8	We also note the Applicant's conclusion that impacts from the Project plus all other consented projects (including historic) are not significant in EIA terms on the UK BDMPS South-west and Channel great black-backed gull population.	<p>We welcome the updated CEA and consider that, although due to the use of the White Cross historical project impact estimates and the inclusion of Irish projects as stated above, there is no total cumulative impact value provided which Natural England can have confidence in, this assessment reaffirms our view that significant adverse effects cannot be ruled out.</p> <p>The Applicant has made reference throughout the examination to the uncertainty inherent in collision risk modelling and their belief that the impacts are overestimated. Natural England would be highly supportive of post-construction monitoring of collisions and bird behaviour within the wind farm to demonstrate whether the true impacts are as adverse as predicted and to improve our understanding of the subject. A monitoring programme could also explore the extent to which GBBG behaviour around the existing Rampion 1 windfarm changes following the installation of Rampion 2, improving our understanding of the impacts of 'extension' projects.</p>