

# Rampion 2 Wind Farm

**Without Prejudice Amendments –  
Herring Piling Amends to the DCO**

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### **1. Heatmaps**

- 1.1 The Applicant submitted data to the Examination of the application for the Rampion 2 Offshore Wind Farm Order showing herring spawning heatmaps in proximity to the Proposed Development at both Deadline 1 **[REP1-020]** and Deadline 4 **[REP4-061]**. The MMO confirmed in response, through its Deadline 6 submission **[REP6-302]** that it had not been able to review the same.
- 1.2 Following its review of the submitted documentation post closure of the Examination, the MMO has now confirmed that the submitted heatmaps are agreed, and this issue has been resolved to their satisfaction.

### **2. Noise level abatement**

- 2.1 The MMO had also raised concerns as to the noise levels that could be achieved through the commitment to use a double big bubble curtain throughout piling campaigns for installation of the Proposed Development offshore as a consequence of the Applicant's Deadline 4 submission: **Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067]**. Further discussions and additional modelling has been undertaken following closure of the Examination to enable assessment of the potential impact on spawning herring.

### **3. Without Prejudice Alternative Wording**

- 3.1 Whilst the Applicant considers that a piling ban for spawning herring is not necessary or justified for the reasons set out in its submissions to the Examination (including **REP4-067** referred to above and as summarised in its closing submissions **[REP6-233]**) it has agreed with the MMO, on a without prejudice basis, the wording for a condition that could be imposed through the deemed marine licences included in the draft DCO in the event that the Secretary of State considers that a piling ban is necessary for protection of spawning herring.
- 3.2 Consequently, should the Secretary of State consider that a spatial and temporal ban for spawning herring is necessary as a result of piling, the following amends could be made to the deemed marine licences at Schedules 11 and 12 of the draft DCO submitted at Deadline 6 **[REP6-007]** as follows:

- 3.2.1 In Article 2 of the draft Order (Interpretation) the following definition shall be added at the appropriate alphabetical location:

*"outline spawning herring piling restriction plan" means the plan certified as the outline spawning herring piling restriction plan by the Secretary of State for the purposes of the Order under article 51*

- 3.2.2 In Schedule 11 (Deemed marine licence under the 2009 Act – Generation Assets), Part 1 (Licensed Marine Activities), paragraph 1 the following definitions shall be added that the appropriate alphabetical location:

*"eastern array area" means the area identified as the eastern array area within the spawning herring piling restriction plan;*

*"herring spawning season" means 1 November to 31 January inclusive;*

*"outline spawning herring piling restriction plan" means the plan certified as the outline spawning herring piling restriction plan by the Secretary of State for the purposes of the Order under article 51*

- 3.2.3 In Schedule 11 (Deemed marine licence under the 2009 Act – Generation Assets), Part 2 (Conditions) a new condition 26 shall be inserted to read as follows:

*26. (1) No piling activity can commence within the eastern array area during the herring spawning season until a spawning herring piling restriction plan (in accordance with the outline spawning herring piling restriction plan) containing updated underwater noise modelling has been submitted to and approved by the MMO. The updated underwater noise model shall be based on final project parameters to be used to install piles in the eastern array area and shall include details of any verified mitigation measures to be employed.*

*(2) If the herring spawning plan demonstrates that noise levels associated with piling activity in the eastern array area during the herring spawning season will exceed the levels shown on the spawning herring piling restriction plan then no piling activity may be undertaken within the eastern array area during the herring spawning season without the approval of the MMO*

*(3) All piling activity within the eastern array area during the herring spawning season must be undertaken in accordance with the details approved under sub-paragraph (1) or as required as a condition of approval under sub-paragraph (2)*

- 3.2.4 In Schedule 12 (Deemed marine licence under the 2009 Act – Transmission Assets), Part 1 (Licensed Marine Activities), paragraph 1 the following definitions shall be added that the appropriate alphabetical location:

*"eastern array area" means the area identified as the eastern array area within the spawning herring piling restriction plan;*

*"herring spawning season" means 1 November to 31 January inclusive;*

*"outline spawning herring piling restriction plan" means the plan certified as the outline spawning herring piling restriction plan by the Secretary of State for the purposes of the Order under article 51*

- 3.2.5 In Schedule 12 (Deemed marine licence under the 2009 Act – Transmission Assets), Part 2 (Conditions), a new condition 26 shall be inserted to read as follows:

*26. (1) No piling activity can commence within the eastern array area during the herring spawning season until a spawning herring piling restriction plan (in accordance with the outline spawning herring piling restriction plan) containing updated underwater noise modelling has been submitted to and approved by the MMO. The updated underwater noise model shall be based on final project parameters to be used to install piles in the eastern array area and shall include details of any verified mitigation measures to be employed.*

*(2) If the herring spawning plan demonstrates that noise levels associated with piling activity in the eastern array area during the herring spawning season will exceed the levels shown on the spawning herring piling restriction plan then no piling activity may be undertaken within the eastern array area during the herring spawning season without the approval of the MMO*

*(3) All piling activity within the eastern array area during the herring spawning season must be undertaken in accordance with the details approved under sub-paragraph (1) or as required as a condition of approval under sub-paragraph (2)*

- 3.2.6 In Schedule 16 the following plan shall be added at the end of the list of plans to be certified:

<b>Document reference</b>	<b>Examination Library Reference</b>	<b>Document Name</b>	<b>Version</b>	<b>Date</b>
TBC	TBC	Outline spawning herring piling restriction plan	1	November 2024

- 3.2.7 The plan referred to above which will be required to be certified pursuant to Article 51 and Schedule 16 should the Secretary of State consider that a condition to restrict piling is required is attached.

- 3.3 If so required by the Secretary of State, the Applicant will provide an alternative version of Schedules 11 and 12 of the draft DCO which can be included in the event that the Secretary of State determines that this is necessary.

Outline Spawning Herring Piling Restriction Plan



