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MMO Reference: DCO/2019/00005  
Planning Inspectorate Reference: EN010117  
Identification Number: 20045232

13 January 2025

Dear John Wheadon,

**Planning Act 2008, E.On Climate and Renewables UK Ltd, Proposed Rampion 2 Offshore Wind Farm Order**

**Post-examination submission: Request for information from Secretary of State 16 December 2024**

On 20 September 2023 the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by E.On Climate and Renewables UK Ltd (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Rampion 2 Offshore Wind Farm (the “DCO Application”) (MMO ref: DCO/2019/00005; PINS ref: EN00117).

The Applicant seeks authorisation for the construction, operation and maintenance of DCO Application, comprising of up to 90 wind turbine generators together with associated onshore and offshore infrastructure and all associated development (“the “Project”). The associated development includes an offshore generating station with an electrical export capacity of in excess of 100 megawatts (MW) comprising up to 90 turbines, and array cables, in an area approximately 196 square kilometres (km<sup>2</sup>), located approximately 13 kilometres (km) south of the Sussex coast located to the west of the existing Rampion Offshore Wind farm.



This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours sincerely,

[Redacted signature]

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## 1. Invitation to comment on the information provided in response to Secretary of State's Consultation Letter

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 (SoS) 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.

The MMO received a letter from the SoS on 16 December 2024 inviting them to comment on the information provided in response to the SoS consultation letter issued 25 November 2024 requesting further updates and information from the Applicant and other Interested Parties.

Since the completion of the SoS consultation request period on 13 December 2024 the MMO has reviewed the following application documents submitted in response to the SoS request for Information:

- Applicant Responses to the Secretary of State's Request for Information – Part 1
- Applicant Responses to the Secretary of State's Request for Information – Part 2
- In Principle Offshore Monitoring Plan Rev. F
- In Principle Sensitive Features Mitigation Plan Rev. F
- Environmental Statement Chapter 11 Marine mammals Rev. F



## 2. MMO comments on Applicant's Response to Request for Information 4. Post-consent adaptive management.

### 2.1 General comment

2.1.1 The MMO believes that this condition should be included and the position has not changed upon review of the Applicant's comments. The MMO does not agree with the updated wording of the condition provided by the Applicant and would direct the SoS to the wording provided in Section 2.1.5 of our submission dated 6 December 2024.



### 3. MMO comments on Applicant's Response to Request for Information 5. Post-consent monitoring of underwater noise from piling.

#### 3.1 General Comments

3.1.1 The MMO thanks the Applicant for their response to this Request for Information and for providing the updated In Principle Monitoring Plan Rev. F and In Principle Sensitive Features Mitigation Plan Rev. F as requested by the SoS.

#### 3.2 In Principle Offshore Monitoring Plan Rev. F

3.2.1 The MMO has reviewed the updated In Principle Offshore Monitoring Plan Rev. F and is content with the changes provided by the Applicant but defers to NE on the updates made.

#### 3.3 In Principle Sensitive Features Mitigation Plan Rev. F

3.3.1 The MMO has reviewed the updated In Principle Sensitive Features Mitigation Plan Rev. F and is content with the changes provided by the Applicant but defers to NE on the updates made.



## 4. MMO comments on Applicant's Response to Request for Information 6. Harbour Porpoise CEA

### 4.1 General Comments

- 4.1.1 The MMO acknowledges the Applicant's response to this Request for Information, including their review of the methodology used in the marine mammal Cumulative Effects Assessment (CEA) and the provision of a new assessment which reflect the use of Noise Abatement Systems.
- 4.1.2 The MMO defers to the advice of Natural England as to the suitability of these updates and whether previous concerns around the assessment of impacts to harbour porpoises have been addressed.
- 4.1.3 For comments on the updated Environmental Statement Chapter 11 Marine mammals Rev. F. please refer to Section 7 of this Response Document.



## 5. MMO comments on Applicant's Response to Request for Information 7. Piling restrictions

### 5.1 General Comments

- 5.1.1 The MMO notes the Applicant believes there is no need for a piling restriction. As per our submissions throughout examination the MMO believes a piling condition should be on the face of the DML and our response in Section 3.1 of 6 December Response Document is still valid. The MMO believes the condition should be set out as in Section 3.1.6 of that document.



## 6. MMO comments on Applicant's Response to Request for Information 8. Outline Cable Burial Risk Assessment ("OCBRA") and Outline Cable Specification and Installation Plan ("OCSIP")

### 6.1 General Comments

- 6.1.1 The MMO has reviewed Natural England's (NE) comments REP6-290 The MMO understands that the Applicant does not believe that the comments raised can be resolved at this stage as further information such as surveys are required, NE disagrees with this and believes some information can be provided at this stage and just refined post-consent.
- 6.1.2 The MMO believes that there are some issues that will be refined post consent, however, has concerns on the amount and impacts of these issues in relation to NE's comments. The MMO questions what would happen post consent if the commitments and mitigation is not suitable. What would be the process at that stage? The MMO believes that the worst case should be assessed by the Secretary of State and if there are any concerns then any relevant actions and compensation put in place.
- 6.1.3 The MMO would highlight that there could be a delay in discharging documents if there is a high level of issues unresolved at this stage that need to be resolved post consent. This alongside NE's (as the Statutory Nature Conservation Body) low confidence in the information and assessment provided is a major concern to the MMO.
- 6.1.4 Once the DCO is consented it is for the MMO to ensure compliance, enforcement and ensure all the activities are in line with what has been assessed. The MMO would welcome a clear and detailed explanation in the SoS decision document on these matters to assist in any post consent disagreements.
- 6.1.5 The MMO is content that it is clear on the DML that the documents will be in consultation with the SNCB.



## 7. MMO comments on Applicant's Response to Request for Information 17. Sensitivity score for cetaceans to PTS

### 7.1 General comments

- 7.1.1 The MMO thanks the Applicant for their response to this Request for Information and for providing an updated Environmental Statement Chapter 11 Marine mammals Rev. F to assess cetaceans as having a high sensitivity to Permanent Threshold Shift (PTS).
- 7.1.2 The MMO notes that the Applicant still does not agree with our advice that cetaceans should be assessed as having a high sensitivity to PTS and considers this to be unsupported.

### 7.2 Environmental Statement Chapter 11 Marine mammals Rev. F

- 7.2.1 The MMO has reviewed the updated Environmental Statement Chapter 11 Marine mammals Rev. F and is content with the changes provided by the Applicant.
- 7.2.2 The MMO acknowledges that the additional assessment of PTS from pile driving, assuming cetaceans as having a high sensitivity to PTS, as provided in Table 11.30, did not change the conclusions of the predicted impact of PTS from pile driving for all cetaceans.
- 7.2.3 This assessment concluded as have previous assessments that the impact significance for all marine mammal to the impact of PTS from impact piling would be Minor (not significant).
- 7.2.4 The MMO acknowledges the additional justification as to why marine mammals were considered by the Applicant as having a Low sensitivity to PTS from impact piling with reference to Booth & Heinis (2018).
- 7.2.5 The MMO previously stated in Section 5.14.2 of our Deadline 6 Response (REP6-302) that the results of the underwater noise modelling presented in paragraph 11.9.42 had been misinterpreted. The Applicant stated that "to be at risk of auditory injury, an animal would have to stay within the immediate vicinity of the noise source for 24 hours. This is considered unrealistic and therefore, the risk of auditory injury to marine mammals from these activities is considered to be de minimis", the MMO does not agree with statement as it refers to an assessment presented in Appendix 11.3 (APP-149) which assumed a fleeing animal receptor and that non-continuous noise sources were operating for a worst-case of 12 hours in any given 24-hour period.
- 7.2.6 The MMO previously requested that Environmental Statement Chapter 11 be corrected, or a further addendum provided to rectify as this is a certified document. The Applicant's statement still appears as above, now in paragraph 11.9.49 of the latest Environmental Statement Chapter 11 Marine mammals Rev. F and no addendum has been submitted.
- 7.2.7 The MMO did previously conclude however that we do not believe the incorrect statement significantly alters the conclusion of Chapter 11 and that the MMO wanted this to be noted clearly within the documentation, if the statement is ever referred to post consent, if the SoS is minded to approve the DCO.



7.2.8 For MMO comments on the updated Marine Mammal Cumulative Effects Assessment (CEA) and the risks to harbour porpoise please refer to Section 4 above of this Response Document.



## 8. MMO comments on Applicant's Response to Request for Information 20. Herring and Sandeel Habitat Suitability Assessments ("HSA")

### 8.1 General Comments

- 8.1.1 The MMO thanks the Applicant for their response to this Request for Information and for the continued engagement that has been undertaken with the MMO relating to potential impacts on herring and sandeel.
- 8.1.2 The MMO confirms that we have reviewed the two additional documents provided by the applicant since the end of the Examination period. Specifically, "*Rampion 2 - Underwater noise and Herring*" (Received via email on 3 October 2024) and "*Statement of Common Ground – Post Examination Herring Issues Marine Management Organisation*" (Received via email on 14 November 2024). Detailed comments on these documents can be found in Section 4 of the MMO Response Document submitted on 6 December 2024.
- 8.1.3 The MMO confirms as per our 6 December Response Document that we have no outstanding concerns regarding significant impacts to sandeel.
- 8.1.4 Within the Statement of Common Ground – Post Examination Herring Issues Marine Management Organisation document the Applicant proposed a condition which would require the submission of a 'Spawning Herring Piling Restriction Plan'. In Section 4.1.12 of our 6 December Response Document the MMO suggested minor amendments to the wording of this condition.
- 8.1.5 Providing these amendments are agreed the MMO is reasonably content with the Applicant's proposed Condition that the Spawning Herring Piling Restriction Plan only needs to be applied to the Eastern Array area.
- 8.1.6 The MMO reiterates that we still expect the Applicant to conduct UWN monitoring in both the Western Array and the Eastern Array areas, particularly where foundations are installed in deep water (>40m) locations, and we would expect to see the resulting reports as soon as possible.
- 8.1.7 The Applicant's noise monitoring in the Eastern Array should also be presented for review before the piling restriction at the Eastern Array can formally be removed.
- 8.1.8 The MMO has previously requested that the Applicant should undertake an enhanced monitoring programme such as monitoring 8 of the first 12 piles to be installed which would provide valuable evidence on the efficacy of NAS in deeper waters and that this information must be updated within the Offshore In-Principle Monitoring Plan alongside all noise monitoring requirements.
- 8.1.9 As per Section 3 of this Response Document the MMO confirms that the commitment to monitor 8 of the first 12 piles has been updated in the latest In Principle Offshore Monitoring Plan Rev. F and Principle Sensitive Features Mitigation Plan Rev. F and we are content with these changes.



## 9. MMO comments on Applicant's Response to Request for Information 21 & 22. Monitoring of noise abatement effectiveness on Bottlenose Dolphin

### 9.1 General Comments

- 9.1.1 The MMO notes not all the requests from Natural England have been provided by the Applicant.
- 9.1.2 In relation to the Coastal West Channel bottlenose population, the MMO agrees that it would be sufficient for any relevant new information to be considered as part of the final MMMP.
- 9.1.3 The MMO suggested condition wording in Section 5.1.3 of 6 December Response Document is still valid.
- 9.1.4 The MMO would welcome an additional section of the condition in relation to noise abatement monitoring.

Yours sincerely

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