



Eleri Wilce
BY EMAIL

15 September 2021

Dear Eleri

Sussex Wildlife Trust and The Wildlife Trusts joint response to the Rampion 2 Formal Consultation on the Preliminary Environmental Information Report (PEIR)

Thank you for consulting on the PEIR for the Rampion 2 Extension Offshore Wind Farm. This is a joint response from The Wildlife Trusts (TWT) and Sussex Wildlife Trust (SWT).

TWT are a movement of 46 independent Wildlife Trusts (including SWT) covering the UK, the Isle of Man and Alderney, and are the largest UK voluntary organisation dedicated to conserving all the UK's habitats and species, whether in the countryside, towns or at sea. We improve places for wildlife and strengthen the relationship between people and the natural environment. Our aim is to protect and create resilient ecosystems on land and in the sea.

Our comments on the offshore ecology can be found in Appendix A. Onshore ecology comments can be found in Appendix B.

On the whole, we are disappointed that many of our comments on the Scoping Report have not been addressed in the PEIR, such as the inclusion of suggested data sources. While we recognise the commitment by RWE to address all comments within the Environmental Statement (ES), we believe there was sufficient time between the consultation on the Scoping Report and the publishing of the PEIR to address these comments.

Please do not hesitate to contact us if you would like to discuss any of the comments included in our response. We look forward to continuing to engage on this project as it develops.

Yours faithfully

Henri Brocklebank
Director of Conservation Policy and Evidence
Sussex Wildlife Trust

Tania Davey
Marine Planning Manager
The Wildlife Trusts

Appendix A: Offshore Ecology

No.	Document	Paragraph	TWT & SWT Comment	Comment directed to
1	PEIR, Volume 2	N/A	We note that throughout the PEIR, ecological surveys remain incomplete or not fully analysed. Full comment cannot be made at this stage, and we are concerned that this may have caused some species or habitat to be undervalued or scoped out prematurely.	RWE
2	PEIR, Volume 2, Chapter 2 Policy and legislative context	2.5.1	South Marine Plan Information must be provided on how the full project will impact Objectives 7, 10, 11 and 12 and Policy BIO1, BIO2 and BIO4 of the South Marine Plan to allow the Secretary of State to consider in his assessment.	RWE
3	PEIR, Volume 2, Chapter 3 Alternatives	3.1.3	It would be helpful for the project to consider statements made by BEIS in the recently published Energy White Paper (December 2020) ¹ regarding site selection and the assessment of alternatives.	RWE
4	PEIR, Volume 2, Chapter 5 Approach to the EIA	Graphic 5-3 Table 9-16	We do not agree with the conclusions of the matrix that has been used to evaluate significance. For example, a 'major' impact on a receptor of 'medium' sensitivity and a 'moderate' impact on a receptor of 'high' sensitivity should both be classed as significant. Irreversible impacts and impacts to irreplaceable features should always be classed as significant. We also note that the method used to assess impacts has changed since the assessment of the first Rampion windfarm. This has resulted in a reduction to some of the magnitude of change thresholds and impacts that would have been previously classed as 'significant' to be 'not significant'.	RWE
5	PEIR, Volume 2, Chapter 7 Other Marine Users	7.6.30	We are pleased that our comment on the Scoping Report has been addressed in the PEIR and that SeaSearch dive records up to 2019 have now been included, noting that the maps will be updated once the dive site data from 2020 is available.	RWE

¹ [Energy white paper: Powering our net zero future](#)

			We would also like to reiterate our previous comment to request that it be made clear within the assessment that the SeaSearch dataset contains point data that has been recorded over a long time period, with some dive records dating back more than 20 years.	
6	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.6.47	<p>We are concerned to note the document stating "<i>cuttlefish spawn directly onto the seabed</i>" and would suggest this is a misrepresentation of the reference supplied, which states that eggs are laid on "<i>a range of substrates from algae, sessile animals and man-made objects e.g. mooring lines or fishing pots, most commonly on sandy bottoms</i>".</p> <p>As a commercially important species we ask that this species and the habitat it uses are given greater consideration.</p> <p>For further information, see Bloor, 2013: https://pearl.plymouth.ac.uk/handle/10026.1/1494</p>	RWE
7	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.6.63	<p>We are concerned that not all appropriate sources of data are being used – records of short-snouted seahorses from recent years have been submitted through iRecord, the dataset for which is held at the Sussex Biodiversity Records Centre. These do not seem to be noted.</p> <p>Further, we believe that the significance of catching seahorses at the same site over different months is underplayed, as is catching more than one in a survey not designed to specifically target seahorses. It is unlikely that it is coincidental that a small number of seahorses were found on a few occasions, and it is feasible the area is used as a winter migration site. One of the surveys referenced (OEL, 2020a) does not appear to be available to view, so full comment cannot be made on how this data contributes to understanding of the species in the area.</p>	RWE
8	PEIR, Volume 2, Chapter 8 Fish &	8.6.79	We are pleased to see that the assessment into taking into account the breeding seasonality of black seabream. Due to the sensitivity to direct and smothering impacts and protected nature of this species, we ask that the	RWE

	Shellfish Ecology		applicant commits to perform any cable laying/burial activities outside of the known breeding season (confirmed with Natural England to be March to July ²).	
9	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.9.39	<p>We disagree that the development area is "<i>not an area of particular importance to seahorses</i>", and would seek clarity on what "<i>significant numbers</i>" of seahorses means in practice.</p> <p>The documentation lists a variety of evidence bases showing the presence of seahorses in the area (which generally were not surveys designed to specifically target seahorses): this is underplayed. We suggest that a precautionary approach be taken towards this protected species (protected under Schedule 5 of the Wildlife and Countryside Act 1981) and its habitat given that the conclusions have been drawn on where seahorses are "<i>expected</i>", we feel that this does not show confidences in the developers' understanding of seahorses in the development area.</p> <p>Seahorses are inherently vulnerable to direct damage by placement, burial and retrieval of infrastructure due to their limited mobility. Due to their vulnerability and level of protection a more detailed monitoring survey needs to be developed in partnership with key relevant bodies / organisations. This will provide essential information on their location, habitat use and abundance to inform decisions and further our knowledge of this species to enable better future protection. A marine wildlife licence must also be obtained from the Marine Management Organisation.</p>	RWE
10	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.6.76 – 8.6.79	This section of the report references a significant body of evidence compiled by the marine aggregates industry which is not openly available to view. Full comment on how this data contributes to the understanding of black sea bream in the area cannot therefore be made. We suggest this data should be made available if it is to be used as evidence in this report.	RWE

² [Kingmere MCZ: Advice on Seasonality](#), Natural England, 2021

11	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.6.82	We are pleased to note the risk of direct impact is being considered for areas of spawning <u>potential</u> as well as known nesting sites. We suggest this this should be applied to other species of consideration within the report.	RWE
12	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.9.30	<p>We are concerned to note that the sensitivity of herring to noise impacts is considered to be 'high' yet no further mitigation is being considered. This species is deemed highly sensitive due to a combination of its restricted habitat requirements (herring are unusual in that they spawn directly onto the seabed) and its sensitivity to underwater sound over huge distances (not solely in areas within and adjacent to the development). Thus there is likely to be a major impact on this species.</p> <p>Further, we note that larval abundance is used as a proxy measure for spawning grounds. The documentation states that noise is not an issue in egg and larval stages; whilst this may be true, the spawning grounds remain an important area utilised by adult herring who spawn directly onto the seabed. Displacement due to noise during wind farm construction / decommission could have potentially serious population implications. Herring return to the same spawning site every year and expend a huge amount of energy getting there. If noise restricts their access to these areas they may have no energy remaining to locate an alternative site and may 'abort' their eggs. This would have a massive impact on the herring population and potentially an indirect effect on a wide range of other species as herring are an essential component of many food chains. As the 135dB noise contour overlaps with areas of very high larval abundance, we would recommend considering further mitigation measures to be put in place. Taking into account that herring is both an important commercial species and a UK BAP species³, we advise that the precautionary principle should be exercised, with a cessation of pile driving</p>	RWE

³ [UK BAP Priority Species](#), JNCC

			during the November breeding season, and soft, slow start piling recommended year round.	
13	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.9.171	We note that the reinstatement of subsea chalk habitat is considered proven, however are unable to find any published reference to this. We seek further information on the methodology used, the body / organisation which considers the method to be proven, and whether the reinstated habitat provides like-for-like habitat with regards to the biological habitat it provides.	RWE
14	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.9.160	The British population of undulate rays are largely confined to the English Channel. This coupled with the life history of the species (slow growing, late to mature, low fecundity) should be taken into consideration alongside the sensitivity of the species itself to the impact due to their greater vulnerability to environmental pressures. We suggest they should be treated with higher sensitivity and a more precautionary approach.	RWE
15	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.9.168, 8.9.182	Native oysters (<i>Ostrea edulis</i>) are a UK Priority Species; despite the disturbance happening outside any Marine Conservation Zone designated with this species as a feature, we highlight that Priority Species have been identified due to their conservation importance, therefore we expect measures to be taken to avoid this direct disturbance to their habitat.	RWE
16	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.10.28	We are concerned that without a seabed reinstatement plan that permanent loss of black sea bream habitat would occur. Further information on this plan needs to be made available.	RWE
17	PEIR, Volume 2, Chapter 8 Fish & Shellfish Ecology	8.12.6	We are disappointed that fishing has been considered as part of the baseline and has not been included in the CEA for fish and shellfish ecology. Fishing is a licensable activity that has the potential to have an adverse impact on the marine environment, including fish and shellfish ecology. This is supported in the leading case C-127/02 Waddenzee [2004] ECR I-7405, the CJEU held at para. 6.	RWE

			<p><i>"The act that the activity has been carried on periodically for several years on the site concerned and that a licence has to be obtained for it every year, each new issuance of which requires an assessment both of the possibility of carrying on that activity and the site where it may be carried on, does not itself constitute an obstacle to considering it, at the time of each application, as a distinct plan or project within the meaning of the Habitats Directive".</i></p> <p>This case law demonstrates that fishing is considered a plan or a project and therefore, not part of the baseline.</p>	
18	PEIR, Volume 2, Chapter 9 Benthic subtidal and intertidal ecology	-	<p>We are disappointed that our comment on the Scoping Report regarding the inclusion of the Sussex Coastal Habitats Inshore Pilot (SCHIP1 and SCHIP2) has not been addressed in the PEIR.</p> <p>The Sussex Coastal Habitats Inshore Pilot (SCHIP1 and SCHIP2): Project run by Sussex Wildlife Trust and Sussex Inshore Fisheries and Conservation Authority to develop a better and shared understanding of the habitats, species and pressures on the Sussex coastal water body. https://sussexwildlifetrust.org.uk/what-we-do/living-seas/sussex-marine-habitats/sussex-coastal-habitats</p>	RWE
19	PEIR, Volume 2, Chapter 9: Benthic subtidal and intertidal ecology	Table 9-5 Table 9-12	<p>With appreciation that MCZ assessments have been carried out within Chapter 14, SWT is concerned to note that not all features of relevant MCZs have been listed. Missing are:</p> <ul style="list-style-type: none"> - Fragile Sponge and Anthozoan Communities (Utopia) - High Energy Infralittoral Rock (Utopia, Selsey Bill & The Hounds) - Low Energy Infralittoral Rock (Selsey Bill & The Hounds) - Moderate Energy Circalittoral Rock (Selsey Bill & The Hounds) - Peat & Clay Exposures (Selsey Bill & The Hounds) - Bracklesham Bay Geological Feature (Selsey Bill & The Hounds) 	RWE
20	PEIR, Volume 2, Chapter 9:	Table 9-11	<p>SWT are pleased to note that marine Local Wildlife Sites (mSNCIs) are included for consideration, however some sites have not been included. Missing are:</p> <ul style="list-style-type: none"> - HMS Northcoates 	RWE

	Benthic subtidal and intertidal ecology		<ul style="list-style-type: none"> - Inner Mulberry Harbour - Outer Mulberry Harbour - Whirlpool Hole <p>SWT highlight that the Planning Inspectorate requested that marine Local Wildlife Sites should be considered and assessed as part of Chapter 14, Nature Conservation within comments on Scoping Opinion.</p>	
21	PEIR, Volume 2, Chapter 9: Benthic subtidal and intertidal ecology	9.6.30	<p>SWT are pleased that the Sussex IFCA's nearshore trawling byelaw and the possible ecosystem changes this may bring are considered under 'future baselines'. However, we are disappointed that there is no further information on the possible interaction between the development and the regeneration of the Sussex kelp forest, nor has there been any interaction with the Sussex Kelp Restoration Project (SKRP) partnership. Given the high level of public interest in the project, illustrated by the high volume of comments raising concern for the kelp regeneration during the developers informal consultation on Rampion 2 in early 2021, we are disappointed that this has not been given any further consideration as part of the PEIR.</p> <p>As a key partner in the SKRP, SWT suggests the developer make direct contact with the project partnership in order to discuss and better understand areas of overlap and interaction.</p> <p>With regards to the nearshore trawling byelaw, SWT reminds the developers that developments such as offshore wind farms should not compromise the Sussex IFCA's ability to maintain and promote sustainable fisheries and protection of the marine environment within its District, and further consideration should be given to the SKRP via the engagement suggested.</p>	RWE
22	PEIR, Volume 2, Chapter 9: Benthic subtidal	Table 9-13	<p>SWT is concerned to note that the worse-case total long-term habitat loss / change is 1,117,400m² and that this is underplayed as a small area within the PEIR, and thus of small magnitude for impact assessment.</p>	RWE

	and intertidal ecology		<p>More accurate figures for the amount of habitat lost must be provided for regulators and other organisations to properly assess the impact significance. A breakdown of the exact amount of habitat lost for each of the different array / cable route options should be provided in tabular form with an impact significance assigned.</p> <p>We believe that the level of magnitude for seabed disturbance and loss should be higher and impact assessments recalculated accordingly.</p>	
23	PEIR, Volume 2, Chapter 9: Benthic subtidal and intertidal ecology	9.10.31	<p>The focus in this section is heavily focussed on <i>Crepidula fornicata</i>, we would note that due consideration should be given to other NNS. Specifically, the invasive carpet sea squirt, <i>Didemnum vexillum</i>, is found across the region. Consultants should be trained to recognise this species and report it appropriately if found.</p>	RWE
24	PEIR, Volume 2, Chapter 9: Benthic subtidal and intertidal ecology	9.10.21	<p>This section suggests that the cable and scour protection may be left to remain in situ post-decommissioning. This should not be left as a matter of course; at the end of the wind farm's life, surveys should be conducted to assess the quality of the communities established and a decision on their removal made in conjunction with the statutory authorities.</p> <p>Developers in the marine environment have a legal requirement to remove cable protection through:</p> <ul style="list-style-type: none"> • Requirements to decommission under UNCLOS 1982. • Requirements to decommission under the Energy Act 2004. • OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations states that the leaving wholly or partly in place of disused offshore installations within the maritime area is prohibited. • Objectives of the South Marine Plan. • Objectives of the Defra 25 year Environment Plan for a recovered marine environment. 	RWE

25	PEIR, Volume 2, Chapter 9 Benthic subtidal and intertidal ecology	9.12.6	<p>We are disappointed that fishing has been considered as part of the baseline and has not been included in the CEA for benthic ecology. Fishing is a licensable activity that has the potential to have an adverse impact on the marine environment, including benthic ecology. This is supported in the leading case C-127/02 Waddenzee [2004] ECR I-7405, the CJEU held at para. 6.</p> <p><i>“The act that the activity has been carried on periodically for several years on the site concerned and that a licence has to be obtained for it every year, each new issuance of which requires an assessment both of the possibility of carrying on that activity and the site where it may be carried on, does not itself constitute an obstacle to considering it, at the time of each application, as a distinct plan or project within the meaning of the Habitats Directive”.</i></p> <p>This case law demonstrates that fishing is considered a plan or a project and therefore, not part of the baseline.</p>	RWE
26	PEIR, Volume 2, Chapter 11 Marine mammals	-	<p>We are disappointed that our comment on the Scoping Report regarding the inclusion of the following data sources has not been addressed in the PEIR:</p> <ul style="list-style-type: none"> • The Brighton Dolphin Project: Citizen Science research project https://www.brightondolphinproject.org/. • The Sussex Biodiversity Record Centre: Contains marine and terrestrial data from a variety of sources, including local recorders, members of the public and ecological consultants, https://sxbrc.org.uk/services/dataRequests.php. 	RWE
27	PEIR, Volume 2, Chapter 11 Marine mammals	11.6.11 Table 11-11	<p>Noting the comment in Paragraph 11.6.11 that predicting the future trajectories of marine mammal populations has been challenging due to the lack of monitoring data, the development of a strategic approach to monitoring between Rampion 1 and Rampion 2 would yield useful results and maximise the use of resources.</p> <p>As stated in our comments on the Scoping Report, we are disappointed that there has been no discussion of plans for future monitoring at this stage. It is</p>	RWE

			critical that monitoring and mitigation requirements are discussed before examination.	
28	PEIR, Volume 2, Chapter 11 Marine mammals	Table 11-11	We welcome the approach by RWE in engaging with SWT & TWT on Rampion 2 during the evidence plan process and we hope that this can continue into the post-consent stage to reflect the best practice we have been developing with other wind farm developers post-consent. We request to be named on the piling, decommissioning and UXO MMMP and any marine mammal monitoring documents (including the Project Environmental Monitoring and Management Plan (PEMMP)). We look forward to discussing this in more detail with you over the coming months.	RWE
29	PEIR, Volume 2, Chapter 11 Marine mammals	11.9.34	<p>In order to inform estimates of UXO clearance activities at Rampion 2, it would be helpful to include UXO information from nearby historical projects such as Rampion 1. This would help RWE to provide an indicative figure for UXO clearances specific to Rampion 2. We expect all offshore wind farm developers to undertake more pre-consent surveys to gain a realistic figure of required UXO clearances.</p> <p>We believe UXO clearance activity should be conditioned at the DCO stage, through the inclusion of a dML, then it could be better planned and managed in combination with other projects. We suggest that a condition is included as part of the licence where the applicant will submit refined data on the number of UXO clearances once seismic surveys have been undertaken, in order to further support and justify UXO clearance activity, similar to the East Anglia One North and East Anglia Two applications.</p>	RWE
30	PEIR, Volume 2, Chapter 11 Marine mammals	11.9.35-37	<p>Recognising attempts to reduce and mitigate the impacts of underwater noise should be explored wherever possible, it should be noted that we do not support the use of high order detonation for most UXO clearance activities.</p> <p>We request that when the draft UXO-specific MMMP is developed, RWE commits to recording and providing information on the success rate of any low order technology used during the project to regulators, SNCBs and other</p>	RWE

			<p>interested parties such as TWT & SWT to confirm the effectiveness of the technique in mitigating the impacts of underwater noise.</p> <p>If RWE intends to use low-yield technology then the requirement to use a bubble curtain should form part of the licence condition, due to the lack of evidence surrounding this technique.</p>	
31	PEIR, Volume 2, Chapter 11 Marine mammals	11.9.37	A great deal more work is required to understand the effectiveness of current mitigation for underwater noise impacts and to develop better options if the current mitigation is found to be inadequate. We suggest that monitoring is undertaken to confirm the effectiveness of ADD if this is utilised.	RWE
32	PEIR, Volume 2, Chapter 11 Marine mammals	Table 11-31	Is RWE satisfied that 525kg is the maximum worst case charge weight that will be encountered across the project? Is there reason to believe that a charge weight of >525kg (e.g. used for the clearance German land mines) will not be needed for this project?	RWE
33	PEIR, Volume 2, Chapter 11: Marine Mammals	11.9.73	We do not agree that there will be no significant effect on marine mammal food availability during the construction phase. Please refer to comment above on section 8.9.30.	RWE
34	PEIR, Volume 2, Chapter 11 Marine mammals	11.12.5	<p>We are disappointed that fishing has been considered as part of the baseline and has not been included in the CEA for marine mammals. Fishing is a licensable activity that has the potential to have an adverse impact on the marine environment, including marine mammals. This is supported in the leading case C-127/02 Waddenzee [2004] ECR I-7405, the CJEU held at para. 6.</p> <p><i>“The act that the activity has been carried on periodically for several years on the site concerned and that a licence has to be obtained for it every year, each new issuance of which requires an assessment both of the possibility of carrying on that activity and the site where it may be carried on, does not itself constitute an obstacle to considering it, at the time of each application, as a distinct plan or project within the meaning of the Habitats Directive”.</i></p>	RWE

			This case law demonstrates that fishing is considered a plan or a project and therefore, not part of the baseline.	
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Appendix B: Onshore Ecology

No.	Document	Paragraph	TWT & SWT Comment	Comment directed to
1	PEIR, Volume 2	N/A	We note that throughout the PEIR, ecological surveys remain incomplete or not fully analysed. Full comment cannot be made at this stage, and we are concerned that this may have caused some species or habitat to be undervalued or scoped out prematurely.	RWE
2	PEIR, Volume 2, Chapter 2 Policy and legislative context	2.5.1	South Marine Plan Information must be provided on how the full project will impact Objectives 7, 10, 11 and 12 and Policy BIO1, BIO2 and BIO4 of the South Marine Plan to allow the Secretary of State to consider in his assessment.	RWE
3	PEIR, Volume 2, Chapter 3 Alternatives	3.1.3	It would be helpful for the project to consider statements made by BEIS in the recently published Energy White Paper (December 2020) ⁴ regarding site selection and the assessment of alternatives.	RWE
4	PEIR, Volume 2, Chapter 5 Approach to the EIA	Graphic 5-3 Table 9-16	We do not agree with the conclusions of the matrix that has been used to evaluate significance. For example, a 'major' impact on a receptor of 'medium' sensitivity and a 'moderate' impact on a receptor of 'high' sensitivity should both be classed as significant. Irreversible impacts and impacts to irreplaceable features should always be classed as significant. We also note that the method used to assess impacts has changed since the assessment of the first Rampion windfarm. This has resulted in a reduction to some of the magnitude of change thresholds and impacts that would have been previously classed as 'significant' to be 'not significant'.	RWE
5	PEIR, Volume 2, Chapter 23 Terrestrial ecology and	Table 23-7 Dormouse	We are concerned that only 'excellent' habitat is being assessed for dormice. Areas of scrub, even of low quality, that may be impacted and is connected to suitable dormice habitat should be assessed.	RWE

⁴ [Energy white paper: Powering our net zero future](#)

	nature conservation			
6	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	23.6.4	<p>We question the conclusions of this paragraph and the assumption that the widespread nature of a species or habitat in the local area overcomes a national decline. The UK is one of the most nature deprived countries in the world and the Government have a clear commitment to recover nature. Any loss of species or habitat should be considered against the background trend. For example, given that house sparrows are declining, any loss of suitable habitat should be seen as contributing further to this decline.</p> <p>Overall we are very concerned that there is currently no nuance in the PEIR regarding the differences in impact on species and habitats dependant on their vulnerability and condition. For example, there appears to be no discussion of potential impacts on Nightingale despite it being red listed.</p>	RWE
7	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	Table 23-13 Ancient Woodland	<p>Whilst we strongly support the presumption that Ancient Woodland impacts will be avoided, we disagree that embedded environmental measure C-6 is sufficient to allow ancient woodland to be scoped out entirely. C-6 states that <i>'where practical sensitive sites will be avoided by the temporary and permanent onshore project footprint'</i>. This is clearly not a guarantee that ancient woodland will be avoided only where it is 'practical'.</p> <p>There also appears to be no consideration of indirect impacts such as compaction and light disturbance from the access tracks.</p> <p>Given that the woodland surveys are currently incomplete, we are concerned that only woodland listed on the Ancient Woodland Inventory is being considered. This Inventory is not complete with woodlands smaller than 2ha likely to be missing. There are also other habitat types such as Wood Pasture that may be ancient but not included in the Inventory. It is important that the survey work identifies any small areas of Ancient</p>	RWE

			<p>Woodland which do not yet feature in the Inventory. We do not think that the risk to Ancient Woodland can be assessed until all these surveys are completed.</p> <p>Ancient Woodland should be scoped back in and further work should be done to assess the true extent of the habitat and consider potential impacts.</p>	
8	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	Table 23-13 Broad-leaved Semi-natural Woodland	<p>We do not agree that Fragmentation can be scoped out. The onshore cable corridor is continuous and linear and therefore could fragment multiple linkages in the landscape at the same time and for a number of years.</p> <p>Even with reinstatement there will be a significant time lag before the habitat reaches the same condition as was lost. The Defra BNG Metric 3.0 sets the years to target condition for newly created broadleaved woodland (not priority habitat) as 30+ years to good condition and 15 year for moderate condition. If the woodland being lost is priority habitat, then it is 30+ years to even get to good condition.</p> <p>Additionally, it is clear from paragraph 23.10.108 that woodland reinstatement is not possible above the installed cables so some woodland may be lost permanently.</p> <p>This environmental change should be scoped back in until the detail of the amount, quality and location of the Broad-leaved Semi-natural Woodland that may be fragmented is provided and impacts are assessed. Additionally the longevity of this impact will very much depend on the amount and type of mitigation and compensation provided.</p>	RWE
9	PEIR, Volume 2, Chapter 23	Table 23-13	We are similarly concerned that Fragmentation has been scoped out for Calcareous Semi-improved Grassland. The reliance on the fragmentation	RWE

	Terrestrial ecology and nature conservation	Calcareous Semi-improved Grassland	only being temporary is not robust especially given the amount of time it has taken to restore the chalk grassland at Tottington Mount which was impacted by Rampion 1. We are also concerned about the assumption that all the chalk grassland is semi-improved (see comment number 8)	
10	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	Table 23-13 Native species-rich hedgerows/native species poor hedgerows	<p>Again Fragmentation should be scoped in for hedgerows. The onshore cable corridor is continuous and linear and therefore could fragment multiple linkages in the landscape all at the same time and for a significant period. This is especially true for species rich hedgerow which may be quite ancient and perform a valuable ecological function in the landscape.</p> <p>The assessment of fragmentation needs to take account of the length of time it will take for the hedgerow to provide the same ecological function as before it was fragmented. It also needs to consider has this overlaps with hedgerow and woodland removal further along the cable route as it is likely many of the linkages in the landscape will be lost at the same time.</p> <p>The Defra BNG Metric 3.0 sets the years to target condition for newly created Native Species Rich Hedgerows at 12 years for good condition, moving up to 20 years for Native Species Rich Hedgerows with Trees. This is a significant amount of time when considering the life cycles of the species that use hedgerows and the mixture of species on older hedges such as fungi and lichen.</p> <p>We also assume that although the word 'reinstatement' is being used, this is new hedgerow planting, not the reinstatement of the hedgerow plants and features that were removed. There is very little information in the PEIR about mitigation and compensation, however we do not consider that new hedgerow planting to replace what is lost is sufficient.</p>	RWE

			<p>This is particularly concerning when many of the 'reinstated' hedgerows from Rampion1 still have plastic tree tubes attached and plants that have failed to establish. Aerial photography of the Rampion1 cable route clearly shows gaps in hedges where reinstatement has failed. Any presentation of potential mitigation in the ES needs to build upon the reality of the delivery of mitigation/compensation from Rampion1. If this delivery has not been successful, then the methods are clearly not suitable for Rampion2.</p> <p>There needs to be exploration into the feasibility of going under important hedgerows with mini HDD and the possibility of lifting and replacing intact hedgerows as was done for some areas of chalk grassland in Rampion1.</p>	
11	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	Table 23-15 Embedded Environmental Measures	<p>Whilst we support the use of embedded environmental measures, we are not clear they are sufficient. Most of the measures are caveated with 'where possible' and 'where practicable' and therefore it is not clear that they can be relied upon.</p> <p>Whilst we support C-103, it is not clear what 'temporary' or 'reinstated' means in this comments. As discussed above, we do not consider new hedgerow planting with young whips to be reinstatement of important species rich hedgerows.</p> <p>Given the value of hedgerows across this landscape, we advocate for the construction corridor to be narrowed for all native hedgerows under C-115, not just Important Hedgerows.</p> <p>We do strongly support the avoidance of veteran trees through C-174, however, we also advocate for avoidance of large standard trees within hedgerows. Although these trees may not qualify as veteran or ancient, they are still generally very ecologically valuable and take a significant amount of time to recreate.</p>	RWE

			<p>We are also concerned about conflicts between the embedded measures, particularly C-21 and C-117. The ES needs to set out how conflicts will be resolved when it comes to the timing of works.</p>	
12	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	23.10.48-23.10.55 Assessment of Effects - Warningcamp to New Down LWS	<p>We are very concerned about the assumption that all the chalk grassland in the search area is semi-improved, for example section 23.10.51. Whilst the majority of the grassland on the South Downs has had some input in the last few centuries, there are some areas of unimproved ancient chalk grassland, particularly on steep escarpments. Without Phase 1 and preferably NVC surveys of the chalk grassland, the habitat condition cannot be assessed and therefore the severity of the impacts on the LWS cannot be assessed.</p> <p>If the LWS does include areas of unimproved chalk grassland, these areas must be avoided by the cable route in line with the mitigation hierarchy.</p> <p>Whilst we understand from section 23.10.52 that bespoke restoration will occur in the LWS, we are very concerned about the effectiveness of this method. Information needs to be provided to demonstrate the success or not of this method as used in Rampion1 in maintaining the habitat at the same quality (or better) than before the cable was laid. We also require information on how long it takes to reach or exceed its previous condition. This evidence needs to be clearly set out to demonstrate that this method of replacing turves is successful and for assessing the magnitude of the impact and the level of compensation required in the ES.</p> <p>We understand that there have been significant issues with this method at Tottington Mount, with the work being redone several times. Presumably it is still not clear what impact this has had on the chalk grassland ecology.</p>	RWE

			Any mitigation and compensation package should include contributing to bringing the wider LWS into good habitat condition with long term positive management.	
13	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	23.10.56-23.10.59 Assessment of Effects - Veteran Trees	We strongly support the use of micro-siting and embedded environmental measure C-174 to avoid impacts on veteran trees. However, considering that the arboricultural survey has not been undertaken yet, and the possibility of standard trees in the many hedgerows within the corridor, SWT believes it is premature to conclude a Not Significant effect at this stage. Veteran trees have an extremely high biodiversity value and even the loss of one tree would be significant. This assessment should be redone, once full survey information is available.	RWE
14	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	23.10.60-23.10.66 Assessment of Effects - Semi-natural broadleaved woodland	<p>NVC surveys in 2021 should also consider potential for woodland to be ancient but missing from the Ancient Woodland Inventory. The Ancient Woodland Inventory is not completely comprehensive with woodlands smaller than 2ha likely to be missing. Additionally wood pasture and hedgerow may be ancient, but will not appear on the Inventory. It is vital that the survey work identifies any small areas of ancient woodland which do not yet feature in the Inventory. If areas are found they must be avoided as required by national policy and the embedded environmental measure C-6.</p> <p>As stated in point 4 above, as woodland cannot be reinstated above the cable root, fragmentation of habitat should not be scoped out. We believe it is premature to state that other linkages within the landscape will be sufficient when they are likely also going to be impacted. No judgement on significance should be made until detail is provided of the specific areas of woodland to be permanently removed.</p>	RWE

			<p>We are concerned about the lack of information on single trees within the cable route. The arboricultural survey has not been completed, but we are aware of areas within the cable route of lines of oak tree field boundaries. These trees may not meet the definition of veteran tree, hedgerow or woodland, but still have a huge amount of biodiversity value. More information needs to be provided on the number of trees likely to be impacted by the development and what will be done to avoid this. Although it might not be veteran, it is clear that it will be extremely hard to mitigate or compensate for the loss of any large oak trees.</p> <p>23.10.64 - the use of natural regeneration for some areas should be considered as a method of enhancement in the wider area. Given the timescale for this, it should be a more significant area than would be considered for planting.</p>	
15	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	23.10.67-23.10.73 Assessment of Effects - Calcareous semi-improved grassland	<p>The picture of calcareous grassland within the search area is more nuanced than set out in the PEIR. As stated in point 8 above, we do not think that this habitat should be classed as semi-improved until ground surveys confirm this. The quality and condition of all the chalk grassland needs to be assessed and then decisions made based on this, following the mitigation hierarch. In particular, any unimproved grassland recorded within the search area must be avoided. Evidence should be provided of the success of reinstatement of calcareous grassland from Rampion1. Additionally for areas that have chalk characteristics but have very low species interest and diversity, consideration should be given to leaving bare chalk rather than replacing the top soil.</p>	RWE
16	PEIR, Volume 2, Chapter 23 Terrestrial ecology and	23.10.74-23.10.81 Assessment of Effects - Native Hedgerows	<p>Much more information is needed about the efficacy of reinstatement before any assessment of impact can be made. Although no detail on the amount or quality of hedgerow likely to be impacted is provided, we are aware that there is a significant amount of hedgerow along the majority of</p>	RWE

	nature conservation		<p>the onshore cable route. For example, the area of the SDNP impacted is of a much different character than the area from Rampion1, with more compact field systems and many hedgerows.</p> <p>We do not believe that the magnitude of change should be assessed as low when there is no detailed assessment of the ecological function of the impacted hedgerows within the landscape.</p> <p>Many hedgerows will be important for a range of species including fungi, lichens, invertebrates and breeding birds, and it is not clear that the method of reinstatement will create habitat of equal value. Information should be provided on the efficacy of reinstatement of hedgerows from Rampion1. In particular, the current condition of reinstated hedgerows and the estimated time left until good condition is reached. It is apparent in aerial photography that there are still clear gaps in hedgerows along the Rampion1 cable route. Information should be provided on the realistic worst case scenario for time taken to reach good condition and how long the 'temporary' impacts will be for Rampion2.</p> <p>There appears to be no consideration of using HDD under hedgerows or lifting and replacing the plants. We feel it is too premature to rule out these options given that the biodiversity value of the hedgerows has not yet been assessed.</p> <p>Species poor hedgerows can still be of importance, particularly to breeding birds, so we question the decision to only reduce the corridor for 'important' hedgerows. This does not appear to fit with the requirement of the mitigation hierarchy to avoid and minimise impacts. Again more detail should be provided on the number of hedgerows likely to be effected by the wider corridor size of 50m.</p>	
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			We strongly question the use of plastic tree guards and recommend that alternatives are considered.	
17		23.10.82 - 23.10.88 Assessment of Effects – Standing Water	<p>We strongly support the use of micro-siting to avoid all ponds within the assessment area. However, there should be consideration of the frequency of ponds within the local landscape when assessing the magnitude of effect.</p> <p>For example, ponds, particularly dew ponds, are much rarer within the South Downs and should be particularly valued. We are aware that the SDNPA and partners are working to restore dew ponds across the park as a fundamental component of the landscape. Dew ponds have been shown to be particularly important for Turtle Dove. Even dry ponds may play an important ecological function within the landscape and should not be undervalued.</p> <p>Although we expect all ponds to be avoided, if there are impacts, compensation should require replacement ponds at a 4:1 ratio.</p>	RWE
18	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	23.10.116- 23.10.119 Assessment of Effects - Common toad	Consideration should be given to the potential for fragmentation of migration routes during late winter/early spring. Toads are faithful to ancient breeding ponds and migration routes. A temporary barrier during migration could have a significant impact on toad populations in the area. There should be a contingency plan for helping toads to cross the construction corridor in this scenario.	RWE
19	PEIR, Volume 2, Chapter 23 Terrestrial ecology and	23.10.120- 23.10.123 Assessment of Effects - Reptiles	There appears to be no consideration within the PEIR of the risks to reptile hibernacula. Adders in particular, are very vulnerable to impacts on winter hibernation sites. We refer the developers to section 4.2 of ARG-UK's Advice Note 11 – Managing Habitat for Adders: Advice for Land Managers. In particular ' <i>Adders may make seasonal movements to hibernation sites and</i>	RWE

	nature conservation		<p><i>often hibernate communally, with up to several dozen snakes using an especially suitable site, which they may even share with other reptile species. Communal hibernacula are critical features for adders, and inadvertent damage to a single, large hibernaculum, can be catastrophic for a small population. Even removal of vegetation cover from a hibernaculum can increase the potential of predation when the adders emerge in spring.'</i></p> <p>Further work should be carried out to assess the risk of the route covering hibernation sites.</p>	
20	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	23.10.124-23.10.127 Assessment of Effects - Breeding birds	<p>We are extremely concerned by the lack of detail in this section of the PEIR and believe the conclusion of Not Significant is premature.</p> <p>There appears to be no discussion in the PEIR of the likely impacts on threatened species such as nightingale and turtle dove, which may be found along the route and particularly around the substation area. There appears to be no consideration of the scrub habitat that is needed for nightingale to nest, only blackthorn is mentioned in the native hedgerow section. Similarly, there is little information on specialist farmland bird species, which the SDNPA have been working to conserve through the South Downs Farmland Bird Initiative. Finally there has been no specific consideration of Barn Owls which may use the grasslands to forage. A number of barn owl boxes are in the vicinity of the cable route and therefore potential impacts on breeding barn owl must be considered further.</p> <p>We do not believe that that all breeding birds should be lumped together when there is clearly a difference in the severity and longevity of the impact when breeding habitat is destroyed in relation to the vulnerability of the species impacted.</p>	RWE

			Much more information needs to be provided on which bird species are using the different parts of the route corridor and how much of this habitat may be impacted.	
21	PEIR, Volume 2, Chapter 23 Terrestrial ecology and nature conservation	23.10.128- 23.10.132 Assessment of Effects - Wintering birds	We are concerned about the conclusion of Not Significant. The areas of the Adur floodplain around Henfield Brooks are well used by wintering wildfowl. Unless the cable route can be laid in this area in one spring/summer there will be disturbance. Again we urge the applicants to discuss the route with the Sussex Ornithological Society which has more detailed records of bird use in this area.	RWE
22	Topic not addressed	Migrating birds	<p>We are concerned that there is no assessment within this chapter of the potential impact of the project on migrating non-seabirds landing at Climping. We have checked Chapter 23 and this issues in not included their either.</p> <p>The fields and hedgerow behind Climping beach are very important for migrating non-seabirds to rest and feed before moving further north into Sussex and beyond. As one of the only undeveloped and unlit stretches of coast in the area, the lack of disturbance is a significant feature. It is not clear where the HDD will appear in the field behind the beach, but there must be consideration of the impact of this and the associated noise and disturbance on birds landing in the hedges. We strongly urge the applicants to consult with the Susses Ornithology Society on the specifications for the compound and the working times and practices. Minimising artificial light in this area is also particularly important.</p>	RWE
23	Topic not addressed	Farmland habitats	We note that section 23.6.17 acknowledges that efforts by thirds parties such as the SDNPA may see further benefits for biodiversity and natural capital secured e.g. hedgerow establishment, tree planting, natural flood resilience. However there is little acknowledgement of the work already	RWE

			done over the last few decades to improve farmland habitat for wildlife. In particular, there is no specific consideration of farmland species such hare or grey partridge, which have been the focus of past conservation efforts. This should be addressed.	
24	Topic not addressed	Mitigation, compensation, monitoring and aftercare.	<p>We understand that this is a preliminary report, but we are disappointed in the lack of information provided about the potential Mitigation, Compensation, Monitoring and Aftercare requirements for the project.</p> <p>This information needs to be set out in full and agreed by relevant stakeholders before consent is considered. The detail must also be included in the ES and associated documents that accompany the Development Consent Order Application and cannot be left as a condition of consent.</p> <p>This information must be informed by the successes and failures from Rampion1 and we urge detailed conversations with SDNPA and WSCC who receive the monitoring reports from Rampion1. We have concerns that some of the recreated habitats from Rampion1 have not taken and therefore that project is currently resulting in a loss to biodiversity which is unacceptable.</p> <p>We would like to see in principle monitoring and aftercare plans agreed and funded, with contingency spending built into the budget. It is not appropriate for the costs and responsibilities of aftercare to fall on the landowners shoulders.</p>	RWE
25	Topic not addressed	Net Gain	We understand that Biodiversity Net Gain is not a current requirement for NSIPs, however it is likely to become so through the enactment of the Environment Bill and is best practice. We would like further information on if net gain is being provided, ideally through use of the Defra Metric 3.0 for terrestrial habitats.	RWE

26	Topic not addressed	Data	We ask again that the survey data collected during the project is passed onto the Sussex Biodiversity Record Centre. This was agreed in principle by the ecologists and developer during an ETG meeting, however we are not clear how this has progressed. This should be addressed at the earliest opportunity to ensure compatibility for data sharing.	RWE