

15 October 2020

Attn: Denise Libretto
Department for Business Energy and Industrial Strategy
Level 3, Orchard 2,
1 Victoria Street
London
SW1H 0ET



Rampion Offshore Wind Ltd
Greenwood House
Westwood Way
Westwood Business Park
Coventry, CV4 8PB

By email only: denise.libretto@beis.gov.uk

Eleri Wilce

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Dear Ms Libretto

Application to make a non-material change to The Rampion Offshore Wind Farm Order 2014

Reference: EN010032

Please find enclosed an application ("the NMC Application") for a non-material change to the Rampion Offshore Wind Farm Order 2014 ("the 2014 Order") which is submitted in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 ("the 2011 Regulations").

Development consent was granted for the 2014 Order in July 2014 by the Secretary of State for the Department for Business, Energy and Industrial Strategy (BEIS). The 2014 Order came into force on 6 August 2014.

The NMC Application

The NMC Application seeks to make a non-material change to the authorised project in the 2014 Order to amend the route of a footpath diversion which was approved under the 2014 Order.

In general terms, the change proposed in the NMC Application is an alternative alignment of a public footpath (Footpath 8T on the local highway authority's definitive map) which commences at Bob Lane, Twineham and which proceeds north from Bob Lane to the A272 Cofield Road.

The 2014 Order permits the diversion of a 200m section of Footpath 8T by a "dog leg" approximately 120m to the east of the original alignment and the stopping up of the original alignment of the footpath. Such a significant diversion is now not required because the substation that has been constructed in this location under the 2014 Order (and which gave rise to the need for a footpath diversion) required a smaller area than was originally anticipated when the application for development consent was made.

We have since agreed a shorter and more direct diversion with the local highway authority at West Sussex County Council ("WSCC") from that originally proposed under the 2014 Order. The revised route now diverts the same section of Footpath 8T approximately 20-30m to the east of the original alignment.

The revised route has been provisionally constructed on site and is currently in public use, having been created as a temporary route for footpath users, when it became apparent the longer originally-proposed diversion was not necessary during the construction works. The revised route has been approved in planning terms by the relevant planning authority as part of the submissions under Requirement 15 of the 2014 Order. It now seems to be the most practical solution to apply to make that more commodious and shorter diversion form the permanent route for Footpath 8T.

Regulation 4 of the 2011 Regulations

In accordance with Regulation 4 of the 2011 Regulations, I confirm that Rampion Offshore Wind Limited ("ROW") is the applicant for the purposes of the NMC Application. ROW's address is Greenwood House, Westwood Way, Westwood Business Park, Coventry, United Kingdom CV4 8PB.

I can also confirm that ROW has the benefit of the 2014 Order. Development consent for the 2014 Order was originally granted to E.On Climate & Renewables UK Rampion Offshore Wind Limited (company number 07199847). This company is now operating as "Rampion Offshore Wind Limited" under the same company number, following a change of company name to "Rampion Offshore Wind Limited" in August 2015.

ROW has secured the freehold interest of the whole of the route of the proposed footpath diversion and also the route of the part of Footpath 8T that is to be stopped up.

A checklist outlining the NMC Application's compliance with the requirements of Regulation 4 of the 2011 Regulations is provided at Schedule 1 to this letter for ease of reference.

Materiality

The DCLG's guidance (Planning Act 2008: Guidance on Changes to Development Consent Orders), explains that a proposed change to a development consent order ("DCO") should be treated as a material change if the changes pursuant to it will:

1. require an updated environmental statement (from that at the time the DCO was made) because the change gives rise to new, or materially different, likely significant effects on the environment;
2. invoke a need for a Habitats Regulations Assessment (HRA) or a new or additional licence in respect of European Protected Species;
3. authorise the compulsory acquisition of any land, or an interest in or rights over land that was not authorised through the DCO; and
4. have a sufficient impact on local business and residents.

In our view, the change proposed in the NMC Application should be considered as non-material because it does not give rise to any of the situations listed above that indicate where a change should be considered to be material.

The proposed change does not give rise to any new or materially different likely significant effects on the environment. The proposed footpath diversion is not in the vicinity of a special protection area or a special area of conservation and does not give rise to a need for either a HRA or a new or additional licence in respect of European Protected Species.

As the land on which the revised footpath diversion is located within ROW's ownership, there is no need for any additional compulsory acquisition of land or any interest in, or rights over, land that was not previously authorised in the 2014 Order.

The revised footpath diversion will have a limited impact on local residents and businesses in that any local residents and businesses using the footpath will be able to follow a shorter and more direct diversion on Footpath 8T than that approved in the 2014 Order. However, we consider that this impact is minor in nature and not sufficient to constitute a material change to the 2014 Order.

Contents of the NMC Application

Please find enclosed the following documents in support of the NMC Application:

- a) a draft amendment order making the proposed changes to the 2014 Order;
- b) the amended 2014 Order, showing the effect of the amendment order on the 2014 Order in tracked changes;
- c) the amended 2014 Order as a clean document, incorporating the changes proposed in the amendment order;
- d) the following application plans :
 - i. a location plan
 - ii. a plan showing the previously consented footpath diversion
 - iii. the revised footpath stopping up and diversion plan
 - iv. a composite plan showing the previously consented and revised footpath diversions;
- e) a copy of the Regulation 7(3) letter from BEIS and accompanying appendices;
- f) a copy of the template letter to be issued to consultees;
- g) a copy of the Regulation 6 notice;
- h) a copy of the site notice and accompanying plan;
- i) a map showing the locations of the site notices; and
- j) a list of the documents forming part of the NMC Application.

The Regulation 7A consultation and publicity statement will follow after the second publication of the Regulation 6 notice in the Mid Sussex Times due to be on 29 October 2020.

The required application fee has already been provided to the Department.

The draft amendment order

The draft amendment order provides for the amendment of the following parts of the 2014 Order:

1. Article 2 (definition of "footpath stopping up and diversion plan")
2. Article 17 (Public rights of way)
3. Requirement 15 of Part 3, Schedule 1 (Public rights of way)
4. Schedule 3 (Footpath to be permanently stopped up)

Publication of the NMC Application

In accordance with Regulation 6 (1) of the 2011 Regulations, a notice of the NMC Application (copy enclosed) will be published for two consecutive weeks in the Mid Sussex Times on 22 and 29 October 2020. In accordance with Regulation 6 (2) (h) of the 2011 Regulations, the deadline for receipt of representations in relation to the NMC Application will be 27 November 2020.

As a result of the current coronavirus pandemic and following Regulation 3 (2) of the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020, hard copies of the NMC application documents will not be placed in a location in the vicinity of the proposed development for public inspection as stipulated by Regulation 6 (2) (d) of the 2011 Regulations. However, the Regulation 6 notice will provide a link to the NMC Application documents on the Planning Inspectorate website and the notice will state that digital or paper copies of the documents can be provided by the applicant free of charge on request.

In addition, site notices including a map of the revised footpath diversion will be placed in 11 locations at the location of the revised footpath diversion and on the adjoining footpath network for the duration of the consultation period. Copies of the site notice, the accompanying map and a plan showing the locations of the site notices are enclosed with this letter.

Dedication of the diverted section of Footpath 8T

The revised footpath diversion is within land owned by ROW and ROW has the capacity to dedicate the new route as a public footpath. The local highway authority at WSCC has confirmed that it will not require a formal deed of dedication for the new footpath to be dedicated and that it considers Article 17 of the 2014 Order (as amended) to be sufficient to dedicate the revised footpath route as a public right of way.

Discharge of Requirement 15

Detailed plans of the previously approved footpath diversion have already been approved by the local authority in accordance with Requirement 15 in Part 3, Schedule 1 of the 2014 Order. If the NMC Application is approved by the Secretary of State, we will submit revised plans of the amended footpath diversion to the local authority for approval under Requirement 15.

Concluding remarks

We hope that this letter and its enclosures provides you with the information you require at this time.

The Planning Inspectorate will post any representations on the NMC Application on the project webpage:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/rampion-offshore-wind-farm>

If you have any queries or require any further information, please contact Richard Guyatt at Womble Bond Dickinson (UK) LLP on 0117 989 6877 or Richard.Guyatt@wbd-uk.com.

Yours sincerely



Eleri Wilce

Consents Manager

Rampion Offshore Wind Limited

Enclosures:

1. a draft amendment order containing the proposed changes to the 2014 Order;
2. the amended 2014 Order, showing the effect of the amendment order on the 2014 Order in tracked changes;
3. the amended 2014 Order as a clean document, incorporating the changes in the amendment order;
4. plans x 4 showing the locations of the previously consented and revised footpath diversions;
5. a copy of the Regulation 7(3) letter from BEIS and accompanying appendices;
6. a copy of the template letter to be issued to consultees;
7. a copy of the Regulation 6 notice;
8. a copy of the site notice and accompanying plan;
9. a map showing the locations of the site notices; and
10. a list of the documents forming part of the NMC Application

Copy to:

Sian Evans, The Planning Inspectorate (by email)

Schedule 1: Checklist of application information required by Regulation 4(2) of the 2011 Regulations

Regulation	Requirement	Response
4 (2) (a)	Name and address of applicant	Rampion Offshore Wind Limited, Greenwood House, Westwood Way, Westwood Business Park, Coventry, United Kingdom CV4 8PB
4 (2) (b)	Name and address of agent, if appointed	Womble Bond Dickinson (UK) LLP
4 (2) (c)	The Secretary of State's reference for the development consent order to which the application relates	The Rampion Offshore Wind Farm Order 2014 (2014 SI No 1873) PINS ref EN010032
4 (2) (d)	Details of the change being applied for	The NMC Application seeks to alter the diversion route of a public footpath which was authorised under the 2014 Order. The proposed change is a reduced diversion of Footpath 8T (which commences at Bob Lane, Twineham and proceeds north from Bob Lane to the A272 Cofield Road.) Further details can be found in the letter to which this schedule is attached.
4 (2) (e)	Any documents and plans considered necessary to support the application	See separate list giving details of the application documents enclosed with the letter to which this schedule is attached.
4 (2) (f)	A statement a statement that the applicant is either— (i) the person who applied for the development consent order to which the application relates or a successor in title; (ii) a person with an interest in the land to which the development consent order relates; or (iii) any other person for whose benefit the development consent order has effect;	The applicant is the person who applied for the 2014 Order. Development consent for the 2014 Order was originally granted to E.On Climate & Renewables UK Rampion Offshore Wind Limited (company number 07199847). This company is now operating as Rampion Offshore Wind Limited (ROW) under the same company number, following a change of company name in August 2015. ROW is the freehold owner of the whole of the land on which the proposed diversion of Footpath 8T would be located, and owns the freehold of the current public footpath that would be stopped up. At this time no other person has the benefit of the 2014 Order.

4 (2) (ff)	The consultation and publicity statement referred to in regulation 7A	To follow after the second publication of the newspaper notice on 29 October 2020.
4 (2) (g)	Details of the applicant's interest in the land	The applicant is the registered freehold owner of the relevant land – see Land Registry title WSX375828
4 (2) (h)	If requested by the Secretary of State, 3 paper copies of the application and other supporting documents and plans.	No paper copies required