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**By email**

**If telephoning please ask for:**

Marie Killip (Planning Policy)

**Email:** [REDACTED]@molevalley.gov.uk

**Your reference:** EN010117

**Date:** 14 August 2023

**Dear Ms Davies**

**Planning Act 2008 (as amended) – Section 55**

**Proposed Application by Rampion Extension Development Limited for an Order Granting Development Consent for the scheme Rampion 2 Offshore Wind Farm – EN010117**

### **Adequacy of consultation representation**

Mole Valley District Council (MVDC or ‘the Council’) can confirm receipt of the Planning Inspectorate’s (PINS) letter of 11 August 2023, inviting comments on the extent to which Rampion Extension Development Limited ((RED) or ‘the applicant’), has adequately carried out consultation on its proposals to extend the Rampion Offshore Wind Farm (Rampion 1).

The Council acknowledges that any views expressed must refer to the consultation requirements set out in sections 42 (S.42, general duty to consult), 47 (S.47, duty to consult the local community) and 48 (S.48, duty to publicise) of The Planning Act 2008 (‘the Act’). The following representation has also had regard to the Applicant’s Consultation Report (Document reference 5.1) and associated appendices.

### **Section 42 – Duty to Consult**

As far as is relevant to this application, the Act sets out that the Applicant must meet a number of requirements:

- The Applicant must consult certain [prescribed persons](#), as listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, also referred to as statutory consultees, including national bodies and infrastructure providers.
- The Applicant must consult each local authority under [S.43](#).
- The Applicant must consult each person within one or more of the categories set out in [S.44](#) regarding tenants and landowners relevant to the application.

MVDC can confirm that, as stated in the Applicant's Consultation Report (Table 5.2, document reference: 5.1), while it is not a host authority, it is located adjacent to Horsham District Council, where secondary infrastructure elements of the proposal would be located. As such, the Applicant is required to consult the Council.

While the level of consultation with MVDC has been light touch with only statutory engagement being sought by the Applicant, this is considered to be proportionate to the proposals when considered against the extent to which the district is affected. MVDC is neither a landowner, leasee nor a tenant to related land and so those parts of the consultation arrangements do not apply. Therefore, the Council is satisfied that the Applicant **has met** the basic and technical requirements of S.42.

### **Section 47 – Duty to Consult the Local Community**

The Act requires the Applicant to prepare and publish a Statement of Community Consultation (SoCC). Over the course of the pre-application process, the Applicant has published and updated the SoCC as was necessary. The initial SoCC was published in June 2021, followed by an update in October 2022.

The detail set out in both iterations of the SoCC is considered to be sufficient and useful to those wishing to engage in the process. As such the Council consider that the Applicant **has met** the basic requirements of S.47.

### **Section 48 – Duty to Publicise**

This section of the Act provides that the Applicant must publicise the proposed application in a prescribed manner in accordance with S.4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. These prescribed conditions include the need to publish a notice setting out timescales for comment, locations on where documents can be viewed and where the notice must be published.

The Council agrees that the necessary publicity for the following two stages of statutory public consultation was carried out. The Consultation Report (document reference: 5.1 and 5.1.1 and 5.1.2) provides the necessary evidence for this:

- Statutory Project wide consultation (14 July to 16 September 2021) – provided in Section 5.6 and Appendix 4.6
- Statutory Supplementary Onshore consultation (18 October to 29 November 2022) – provided in Section 6.6 and Appendix 6.6

It is noted that a number of other consultation exercises were carried out during the pre-application phase, however, the terminology used, and the layout of the Applicant's website for the scheme is somewhat confusing and is not always clear whether a consultation was statutory or not and is unlikely to be clear to all interested parties. The terms used in the Consultation Report are also not consistent with the website in all cases and stages are referred to interchangeably between statutory, non-statutory, formal, informal, targeted etc. This could create confusion.

That being said, from the information presented by the Applicant, the Council is satisfied that minimum statutory publicity requirements have been achieved. It does, however, ask the appointed Inspector(s) to review whether:

- 1) Additional publicity under S.48 should have been carried out for the extension to the statutory consultation held between 7 February and 11 April 2022; and
- 2) Whether there should have been additional S.48 publicity carried out for any of the additional/targeted stages of consultation carried out between February and May 2023.

Based on the above, the Council cautiously considers that the Applicant **has met** the minimum requirements to satisfy the S.48 duties.

## **Conclusion**

For the reasons set out within this Adequacy of Consultation representation, the Council accepts that the Applicant **has met the basic technical and procedural elements of S.42, S.47 and S.48 of the Act.**

Yours sincerely

Marie Killip  
Principal Planning Policy Officer