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Your Ref: EN010117

24 August 2023

BY EMAIL ONLY

Dear Emily 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

Horsham District Council's Adequacy of Consultation Representation

August 2023

1. Introduction

- 1.1 This Adequacy of Consultation Representation ('Representation') relates to the Rampion 2 Project Development Consent Order application ('Application') by Rampion Extension Development Limited ('Applicant') for the Rampion 2 Offshore Wind Farm Project ('Project'). This Project involves an underground cable route and new substation in Horsham District.
- 1.2 The Application was submitted to the Planning Inspectorate (PINS) on 10-08-2023. PINS has 28 days to decide whether to accept the Application and, as part of this, has invited views from Horsham District Council ('HDC') on whether the Applicant has complied with Sections 42, 47 and 48 of the Planning Act 2008

('the Act'), which PINS must have regard to in deciding whether to accept the Application.

Section 42: Duty to consult.

This Section requires the Applicant to consult certain organisations, people and categories of people about the proposed application. The consultees include certain local authorities, persons with rights over land and other prescribed persons.

Section 47: Duty to consult local community.

This Section requires the Applicant to prepare and publish a statement setting out how the Applicant proposes to consult local people about the proposed application. The Applicant must consult with the relevant local authorities before publishing such a statement, and the local authorities reply within 28 days. The consultation must then be carried out in the manner set out in the statement.

Section 48: Duty to publicise.

This Section requires the Applicant to publicise the proposed application, including in the national and local press and to specify a deadline for consultation responses to be received.

- 1.3 Although it is understood that Section 55 of Act defines adequacy of consultation as "*...a representation about whether the applicant complied, in relation to that proposed application, with the applicant's duties under sections 42, 47 and 48*", this Representation also provides HDC opinion to whether the Applicant has complied with Sections 49 (duty to take account of responses to consultation and publicity) and 50 (guidance about pre-application procedure).
- 1.4 This Representation does not set out HDC views on the merits or otherwise of the Application for the Project. If the Application is accepted, this will be presented in future pre-examination and examination stages.
- 1.5 Applicants are specifically required to undertake statutory pre-application consultation activities. HDC is of the view that whilst the Applicant may have complied with their duties to consult and publicise the proposals for the Project as required by Sections 42, 47, and 48 of the Act, shortcomings have been identified that raise concern to the quality of consultation undertaken and effectiveness of publicity, and HDC considers the procedural requirements of these Sections of the Act should not be used in isolation to determine whether the Applicant's actions have been adequate.
- 1.6 The Applicant undertook a series of rounds of Pre-application consultation:
 - **2021 non-Statutory consultation (Jan-Feb).** A non-statutory four-week consultation in early 2021. The first round of Statutory Consultation presented information about the proposals online, along with a consultation response form.

- **2021/22 Statutory project-wide consultation (July–Sept 2021 & Feb–April 2022)** A nine-week Statutory Formal Public consultation was held from 14 July to 16 September 2021, promoted by a publicity campaign. According to the Applicant, the campaign attracted 12,500 visits to the project website. The consultation was reopened between 7 February and 11 April 2022. A Preliminary Environmental Impact Report ('PEIR'), describing the initial proposals and a preliminary assessment of their likely impacts, was published as part of this Statutory consultation.
- **2022 Statutory onshore consultation (Oct–Nov)** A targeted Onshore Cable Route Consultation ran from 18 October to 29 November 2022 on more detailed options for the underground cable route. According to the Applicant over 800 people attended 20 meetings and events and more than 400 submitted written responses.
- **2023 Targeted onshore consultation (Feb–March)** A targeted consultation ran from 24 February to 27 March 2023 on a potential alternative to a 3km (approx.) section of onshore cable route in the South Downs, north of Patching. It was a consultation with relevant landowners and public bodies, including Storrington & Sullington parish.
- **2023 Minor Highways and Access Changes (Feb–April)** Updated information to ensure the DCO boundary extended to the adopted highway. It was not proportionate to consult more widely.
- **2023 Bolney Substation Extension Consultation (April–May)** A targeted consultation on an extension to the existing National Grid substation at Bolney.

2. Executive Summary

- 2.1 Horsham District Council is in receipt of a quantity of public representation that suggests people and communities who feel that they are affected by the development have not had a chance to understand, comment on and inform the proposals.
- 2.2 It is evident from the Applicant's Consultation Report and Horsham District Council's Officers own experience that consultation material included background information describing the design development process, alternative options for assessment, both positive and negative effects of the development and reasonings for the preferred proposals presented for feedback. It is also evident that community consultation went beyond the 28 days (4 week) statutory requirement to 63 days (9 weeks).
- 2.3 Nonetheless, the evidence receipted by Horsham District Council from the public is suggestive that members of the community hold the belief that the Applicant has offered inadequate feedback to their review of consultation documents, questions, ideas or concerns with the Project. This includes explanation to the rationale for the fixing of the substation site and why alternative cable routes have not been progressed, despite clarification being asked for several times. They have submitted representations to Horsham District Council raising concern about the responses received by The Applicant to the issues they have raised;

the quality of the consultation material, particularly maps; and the adequacies and effectiveness of implementation of consultation methods to the extent, by some, to challenge whether the Applicant has failed their statutory obligations. For those stakeholders, their views expressed to the District Council is that the consultation process was carried out more to satisfy statutory requirements rather than as a genuine exercise to engage with local communities, hear their concerns, provide clarifications and details, and make changes/compromises to address concerns.

- 2.4 Although it is ultimately for PINS to judge whether the Application can be accepted, the quantity of public representation raising concern and the nature of those concerns is suggestive to Horsham District Council that the Applicant could have improved engagement around feedback to some of the public's responses on consultation and publicity, particularly on front-loading the detail at the formative stage ahead of finalising Project decisions, such as the choice of substation site; and consequently, limiting the engagement of local people with the process. Horsham District Council does accept consulting during the COVID-19 pandemic meant restrictions on social gathering requirements affected holding public meetings and events. However, it does share other stakeholder dissatisfaction regarding the content and presentation of the scope of the Project as set out in the consultation leaflets to the public, and the consequences of this to potentially limiting awareness of the Project; and to whether, as a result, intentions of the Statement of Community Consultation have been fully realised under the Section 47 obligations of the Act.
- 2.5 Whilst the nature of Horsham District Council Officers consultation engagement with the Application process differs to that the public, there has been some experience concerning the absence of front-loading of certain details to support identification and resolution of issues early on. This is very likely to impact on the effectiveness of Pre-examination and Examination as there are several matters that Horsham District Council considers outstanding. This will have consequences for the early production of Statements of Common Ground (SoCG) and any Principal Areas of Disagreement Summary Statements (PADSS). Further, these issues are unlikely to allow the Examining Authority adequate opportunity to complete its work fully within the six months from the Preliminary Meeting, as required by the Act. Horsham District Council requests therefore that should the Application be accepted; PINS should ensure that adequate time is allowed to address these matters in Pre-examination.
- 2.6 Engagement such as this reinforces Horsham District Council's view that whilst procedurally, the Applicant may have met the basic duties placed on them by Section 42, and 48, and very possibly 47 of the Act, there have been missed opportunities to consult in the full spirit of the intentions of Statement of Community Consultation and ensure people in the district affected by the proposals are fully aware in a manner to develop an informed view of the Project. Horsham District Council would request PINS carefully consider whether the documentation upon which the Applicant consulted, and the manner of the consultation was sufficient for the local community to have satisfied the tests of Sections 42, 47, and 48.

- 2.7 Accordingly, Horsham District Council does not consider the procedural requirements of these Sections of the Act should be used in isolation to determine whether the Applicant's actions have been adequate. Horsham District Council requests that consideration be given to whether the Applicant has fully met the provisions of Sections 49 and 50, with particular regard to the level and nature of feedback from the Applicant to the community and stakeholders about their how consultation responses have shaped the development of the Project, especially in the instances of stakeholders reporting to the Council their negative experiences of limited consultation process and of little notice having been taken of community concerns..
- 2.8 Horsham District Council has addressed each section of the Act separately below, for clarity.

3. Duty to consult – Section 42 of Planning Act 2008

- 3.1 Section 42 requires the Applicant to consult with specified consultees, including prescribed bodies, local authorities, and persons with an interest in the land or who may be significantly affected by development proposals prior to the submission of an application.

Prescribed persons (statutory bodies)

- 3.2 A list of those consulted during each phase of consultation has been provided by the Applicant in their Consultation Report and meets these requirements. Therefore, HDC considers the Applicant has complied with that procedural provision.

Categorised persons (landowners and people with interest in land)

- 3.3 An applicant must consult each person who is within one or more categories set out in Section 44. This includes owners, lessees, tenants or occupiers of land included within the boundary of the order limits or those with an interest in the land or with a power to sell or convey the land.
- 3.4 HDC has received representation from The CowfoldvRampion campaign group regarding the landowner letter sent by the Applicant's land agent, Cater Jonas, asserting not all landowners within the Scoping Boundary for the onshore cable route received the letter, that not all landowners received s.42 letters at each stage consultation, and the letters received were not written in a clear and concise manner with incorrect maps or uncoloured attached, which led to confusion for some of the public. The quality of the maps attached to the s.42 letters has also been raised with HDC by Washington Parish Council and a private landowner involved with a Queen's Tree Canopy Initiative.
- 3.5 Nonetheless, a list of landowner and statutory undertaker consultation has been provided in the Applicant's Consultation Report. HDC recognises that identification of potential landowners and people with interest in land is an iterative process. New interests would have identified throughout the pre-application process due to changes in the Project proposals. All those identified in the Applicant's Consultation Report have been consulted under section 42 at

least once with an opportunity to comment on the project as whole, although it is noted not all were identified at each stage of consultation. Indeed, some were only identified later in the process, and so were not consulted under at the time of the Project wide statutory consultation before the substation site was fixed. HDC considers this particularly disappointing. However, it is accepted that those subsequently identified has been given the opportunity to make representations and directed to all consultation material. It is also noted notifications were sent via recorded delivery, and due to COVID restrictions and concerns that individuals may not be in offices, via email. It is noted the Applicant has confirmed of the s42 consultation letters, 7 were returned undelivered, and these were then sent again by first class mail. HDC considers that despite some individuals not been identified at each stage of consultation, the measures undertaken by the Applicant meets these requirements under Section 42 and therefore, the Applicant has complied with that procedural provision.

Local Authorities - HDC

- 3.6 The Applicant has provided a list of Local Authorities consulted on the Project, which includes HDC. HDC has been actively engaging in the developer's pre-application evidence plan process since the EIA Scoping Report was published in the summer of 2020 and continue to do so. HDC can confirm at least a 28-day period was met for the statutory consultation held between July and September 2021 (which was reopened between January and April 2022). HDC provided the developer with detailed comments on their Preliminary Environmental Information Report (PEIR) for that consultation, the PEIR SIR in November 2022 and the targeted onshore cable route consultation (PEIR FSIR) in Feb/March 2023. HDC responded to the s.42 consultation on Bolney substation extension. Therefore, HDC considers the Applicant has complied with that procedural provision.
- 3.7 Before the statutory consultation, HDC was engaged at the start of the evidence plan process in 2020 by being invited to advise and agree on terms of reference for engagement with process on stakeholder organisations with community interests and Project Liaison Groups to cover community interests. Five Project Liaison Groups were devised to community interests, including Environmental, Business & Tourism, and Public Rights of Ways Users. HDC was asked and advised the Applicant if the organisations with relevant local knowledge and expertise had been captured or if organisations had been omitted. A non-statutory/informal round of consultation was held between Jan and Feb 2021. Thereafter the Applicant sought to accommodate reasonable requests for virtual (MS Teams) presentations and briefings from HDC during the rounds of consultation. Noting the significance of the Project to HDC Members and the local community, particularly the affected wards, the Applicant held a virtual briefing for Members in June 2021.
- 3.8 That said, some Applicant responses at the later stages of consultation to the Expert Topic Groups and Steering Group Meetings or separate emails requesting additional information means, in the view of HDC, that the submission phase of the Application will be entered into with some unknowns, and only on viewing the Application's evidence base once submitted will HDC be able to find the information on certain topics it had been looking to understand for some time.

HDC has highlighted the risk to the Applicant of stakeholders not seeing their full set of analysed and assessed survey data until the Environmental Statement stage.

- 3.9 Examples include continued uncertainties to the commitment by the Applicant to a restriction on HGVs through Cowfold as part of the construction phase; the damage cost calculation methodology related to air quality mitigation; the substation operation noise assessment approach; vehicular movements or routing differentiation between temporary/permanent of construction/operation accesses in (the final route of) the DCO Order Limit; and the Applicant's approach to addressing Water Neutrality which has recently impacted the district. At the time of writing this Representation, whilst opportunities have been provided for HDC to input into these matters, the fact that these matters remain outstanding at submission stage of the application has left Council officer querying whether our advice is being fully considered.
- 3.10 Nonetheless, overall, HDC considers the Applicant has complied with the provisions of Section 42 of the Act.

4. Duty to consult the local community – Section 47 of the Planning Act

- 4.1 Applicants have a duty to consult the local community. Section 47 requires the Applicant to prepare and implement a Statement of Community Consultation ('SoCC'), setting out how the Applicant intends to consult the local people about the Project, having regard to consultation responses from HDC. Applicants are then required to carry out consultation in accordance with this statement.
- 4.2 HDC was consulted by the Applicant on the original SoCC (published June 2021) and replied within the 28 days given to comment. Opportunities were given to provide authority-specific feedback in relation to Horsham District. Following this feedback, several changes to the SoCC were made, including extension of the consultation period from 6 to 9 weeks and a firmer commitment to engagement with Parish Councils and virtual public events. A suggestion was made to make a stronger comment to face-to-face activities, so the SoCC wording was updated to allow for small-scale, in person, outdoor meetings and community engagement methods having regard to Covid-19 guidelines for safe working practices. As the first formal consultation in 2021 took place during Covid restrictions, four virtual public forums were held (6 Sept 2021, 27 July 2021, 12 & 28 Feb 2022) to present proposals and answer questions from the community. The website consultation material has explained a substation is part of the Project and identified the substation search areas considered at the relevant round of consultation.
- 4.3 In 2022 the SoCC was updated and HDC was again given opportunity to feedback. The lifting of Covid restrictions at the time of the 2022 statutory onshore consultation (Oct-Nov) allowed to return to a normal level of activity in terms of the Applicant for site visits and surveys. It also meant the Applicant could, in line with Government guidelines at the time, reintroduce face to face events and engagement. This was done with public drop -in events in Washington (12 Nov 1pm – 8pm) and Ashurst (11 Nov 1pm – 8pm) alongside virtual online public forum (15 Nov 6pm).

- 4.4 The Applicant addressed the main points raised by HDC within this revised SoCC, including extension of the distribution list for the targeted email to include adjoining Parish Councils to the Targeted Consultation Zone; extension of the length of consultation beyond the 28-day minimum to 6 weeks. It no longer took place during the summer but was moved to autumn; and extension of the event timings for the Washington Village Hall event from 5/6pm, to 8pm.



Consultation with the Cowfold Community

- 4.5 Between Dec 2022 and August 2023, HDC received evidence from the CowfoldvRampion campaign group that feel strongly that residents of Cowfold have not been adequately consultation at the point where they might have had an impact to the choice of substation site. The evidence has been collected into a combined document (-Final-Version 5- 10 Aug 2023). In accordance with the advice set out in paragraph 7 of the Planning Inspectorate’s Advice Note Two. The Planning Inspectorate has received copy of the campaign group’s August 2023 combined documents referred to in this Representation. The key assertions by the campaign group include:

- Ignorance of the Project in the Cowfold community by November 2022
- Failure to engage with the Cowfold community compared to other locations before the substation site was chosen, including with local businesses at the Oakendene Estate.
- Lack of letters and leaflets sent to residents in the rounds of consultations compared to other locations. It is said Over 300 households have written to WSCC to say they did not receive them.
- Lack of Section 42 letters received by most residents in the immediate vicinity of the substation. Some letters received after the consultation period and some residents have still have not received any letters.
- Misleading and poor standard of written information in communication and focus of where the substation search was until the site was chosen. Leaflets were not fit for purpose. The website was complicated to use.
- Inadequate assessment of responses and failure to respond adequately to questions or to provide data. Failure to take responses into account, such as wildlife data provided by residents.

SoCC Consultation Zones and location of events

- 4.6 HD agreed the approach to use of Consultation Zones as proportionate to the scale and likely impact of the Project on relevant local communities in the vicinity of the land. SOCC extract below:

 <p>Zone 1 Area of proposed substation sites</p>	<p>Those persons or groups most likely to have a direct interest in or experience impacts from any of the proposed onshore substation options presented during the community consultation. This Zone is defined as those within 3km of the proposed substation options</p>
 <p>Zone 2 Area of proposed cable route</p>	<p>Those persons or groups most likely to have a direct interest in or experience impacts from the proposed onshore landfall and underground cable route options presented during the community consultation. This Zone is defined as those within 1km of either side of the outer cable corridor (PEIR) boundary.</p>

Consultation leaflets distributed to postal addresses with information about the consultation and how to people can have their say. Addresses which will be included in the leaflet distribution area include:

Zone 1: within 3km of the proposed substation options

Zone 2: within 1km on either side of the outer cable corridor (PEIR) boundary

- 4.7 The evidence submitted by the public is suggestive to HDC that the Applicant has had difficulties in full implementation of the measures of consultation within the zones, as there is concern expressed that some of the community were not aware of the Project or consultation.
- 4.8 The SoCC set out a range of methods and techniques for delivering consultation to those not aware of the Project, which was especially important given the Covid19 restrictions on meeting in person owing to the COVID-19 pandemic at the time of the Statutory Consultation, see extract below.



- 4.9 As well as a dedicated website, updated with consultation documents, including links to the Preliminary Environmental Information Report (PEIR), the Applicant also produced various additional more PEIR Non-Technical Summary and the Consultation Questionnaire. In recognition the PEIR must follow a particular format and style and is used by Statutory Bodies and their respective experts, the Applicant also produced various additional more 'user friendly' summary documents, factsheets, and videos, to assist interpretation of quite lengthy and complex statutory documents.
- 4.10 Nonetheless, HDC has received concern from its community over the quality of the website consultation documentation, in particular the mapping, that has been described as challenging and time-consuming to understand and suspected to have been a barrier to many people. Mapping was said by both the Cowfold Campaign Group and Washington Parish Council and Members to be unclear and difficult to identify the actual location of marked sites. Clear maps were important to these stakeholders because of what they feel will be a significant impact that the proposed cable route and enabling works will have.

- 4.11 It is noted that whilst details and dates of any events were not published within the SoCC itself, these were overly evident on the dedicated website. Briefings and Q&A sessions arranged with local Parish Councils via online meetings and webinars due to restrictions on public gatherings. Virtual project presentations open to the wider public to allow people to ask questions about the consultation and our proposals directly to members of the project team. Cowfold Parish Council has confirmed that the scoping report was received, that a representative of Cowfold Parish attended zoom meetings and that a poster was placed on the Council noticeboard in 2021.
- 4.12 Whilst the non-virtual events that were held are welcomed, HDC believe the overall number of events could have been more once Covid restrictions were lifted and tailored to reach out to different parts of the community (such as the Oakendene Estate businesses). There are examples of the Applicant actioning additional public facing opportunities post Covid. Public meetings and drop-in events were held at Ashurst Village Hall and in Cowfold in November 2022. Whilst criticism is levelled that the Cowfold Information event on 21 June 2023 in the Almond Centre was held after the statutory consultation, it was well attended (and held between 4-8pm with leaflet drop to homes and businesses within 1 km of the substation site and included all of Cowfold Village), but the campaign group is critical that it involved signposting the consultation material, rather than to answer any direct questions on technical issues, alongside persistent claims of inconsistency in advice given and messaging to the public.

Document Inspection Locations

- 4.13 HDC advised that hard copies of the documentation should be at appropriate local deposit points and sent to local parishes as appropriate. Copies were available in libraries along the cable route. This was done for the statutory Consultation (July – September 2021) where copies of the consultation materials comprising documents, plans and maps showing the nature and location of the proposal, including consultation factsheets, consultation response form, Preliminary Environmental Information Report (PEIR) and a Non-Technical Summary (NTS) were accessible to the public at Storrington Library Ryecroft Lane, Storrington, and Henfield Library Off High St, Henfield.

Engaging with Communities, Interest Groups and Hard-to-Reach

- 4.14 In reaching as many people as possible, HDC advised the Applicant to use a variety of media formats and to ensure the older generation was able to access consultation documents in more traditional formats. HDC recommended reaching out to younger population using social media and holding events to extend awareness to local families.
- 4.15 HDC provided the Applicant with a full list of all the Parish and Neighbourhood Councils in the District, and a list of all the interest groups engaged with the recent Local Plan process. A link to the Council's Statement of Community Involvement was also provided.
- 4.16 HDC accepts the 2021 consultation was at a time when the ongoing COVID-19 pandemic meant there were restrictions on social gathering and requirements that affected holding public meetings and events. Given the uncertainties of social

distancing requirements during this period, for the purpose of the SoCC, it was formally planned for primarily virtual methods of consultation and engagement. Inevitably this limited person engagement would have impacted on the effectiveness of the autumn 2021 consultation, as this may have excluded some members of the public.

- 4.17 Evidence submitted to HDC by members of the public and the CowfoldVRampion Campaign group highlights a lack of effective feedback by the Applicant to engagement with queries raised by the public. From this evidence, there is testimony that responses to public engagement meetings or separate emails requesting additional information have often not been to the satisfaction of the author of the query.
- 4.18 As consequence, it is the view of certain members of the public and the CowfoldVRampion Campaign group that the submission phase of the DCO application will be entered into with unknowns, and only on viewing the application's evidence base once submitted will the public be able to find the information they have been looking to understand for some time. The nature of complaint focuses a good deal on the contention that the Cowfold community were not aware of the 'Oakendene' substation site was under consideration before its selection from the three alternative sites. It is HDC's view that on interrogation of the dedicated Rampion website, the Applicant did in its presentation on the website, was set out the scope of what was being consulted on at each round of consultation and did make it clear what had been settled (fixed) at particular stage of consultation but was far less clear was what remained to be decided and why. This possibly explains the quantity of requests reported to HDC from the public for additional evidence from the Applicant as they sought explanation to why certain decisions had been taken. A clear example is that whilst the website material presented a substation as part of the Project, and identified substation search areas at the relevant round of consultation, from the representations received by HDC, it is also clear communications with local communities could have been better managed with feedback taking place at a sufficiently early stage to allow consultees a real opportunity to understand reasons for the substation site selection, as well as influence over site selection by being able to recognise and understand the impacts at the appropriate round of consultation.
- 4.19 It is evident that this is not the experience of other stakeholders who have reported their concerns to HDC on decision-making around the cable routing within the district, and the reported unwillingness of the Applicant to entertain alternative routing south of the village of Washington that has been put forward by stakeholders or explain why such options have not been pursued to the satisfaction of stakeholders. This includes Wiston Estate, Washington Parish Council and Storrington and Sullington Parish Council who have all raised concerns on the engagement on this alternative routing, the quality of the maps and lack of detailed routing information, including little information in the consultation material on where and why routes and accesses were changed over the course of the rounds of consultation.
- 4.20 Additionally, HDC has been separately approached by other parties raising concern over the quality of engagement and responses from the Applicant to issues they have identified in response to the round of consultations (targeted

onshore March 2023; statutory onshore Oct 2022; and statutory project-wide consultation July 2021). This includes Wiston Estate, and Washington and Wiston Parish Councils, who advocate re-routing the cable further South along the South Downs, South of Washington to avoid excessive road crossings and disturbance to Washington village community, and landowners, including one concerned with the severe impacts on their Queen's Green Canopy tree planting initiative and regenerative farming livelihood. Both that landowner and Washington Parish raised additional concern with the poor quality of the section 42 letters from Carter Jonas. In response to the Oct 2022 consultation Washington Parish Council raised objection, citing the impact of construction compounds/cable route through the village on local traffic and other amenities. The Parish reported its dissatisfaction to HDC with engagement and feedback by the Applicant. This evidence prompted HDC within its own response to the Oct 2022 consultation to request the Applicant further engage with the landowner and these parishes to further explain the Project and potential mitigations.

- 4.21 HDC acknowledge the tension between consulting early, but also having Project proposals that are firm enough to enable the public to comment. The Applicant's approach to managing this has been an iterative, phased consultation consisting of stages. For example, stakeholders were invited to non-statutory early consultation at a stage where options were still being considered, to assist in establishing a preferred option on which to undertake statutory consultation.
- 4.22 The 2021 first statutory consultation was conducted at a time when project design was still at an early stage and proposals were subject to preliminary environmental impact assessment. However, the Applicant aimed to ensure that sufficient project and background information was provided to enable communities to provide informed responses to the consultation. A suite of materials was provided to support the consultation and encourage communities to raise issues and suggestions for the Applicant to consider as the proposals developed.
- 4.23 The scope and sufficiency of the information in the PEIR reflect the fact that the PEIR is a preliminary assessment part way through the preapplication process. The final application will include a full Environmental Statement, taking account of EIA Scoping with the relevant Secretary of State and responses to that Scoping process, together with subsequent feedback from consultation and engagement with statutory bodies over the past 2 years.
- 4.24 It is also recognised, as requested by certain representations received, that the Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. Where proposals changed to materially change the application or materially changes its impacts, further consultation was undertaken. As these

changes were localised in nature, it was appropriate to hold a non-statutory, targeted consultation.

Consultation Leaflets

- 4.25 A key method to consulting the community is the use of leaflets distributed to postal addresses with information about the consultation. Consultation leaflets were embedded within the SOCC as a primary means by which communities within the vicinity of the Project, such as Cowfold, were to be consulted.
- 4.26 The Cowfold campaign group has raised concern with HDC that the inadequacies of the leaflets have meant individuals were insufficiently aware of details of the Project to provide informed feedback to the Applicant.



2021 consultation

2022 consultation

- 4.27 HDC shares these concerns. Whilst the Planning Inspectorate advice is not explicit to obliging the Applicant to collaborate with stakeholders on the design of such consultation material nor seek their agreement on the content of it, HDC was not invited to 'workshop' with the Applicant to agree the design or content of either leaflet.
- 4.28 It is the view of HDC that both leaflets are not adequate reflections of their intended purposes set out in the SoCC, especially given the reliance placed upon this method in the SoCC as means to consult the wider community. Whilst it is

accepted the purpose of the leaflet was primarily to trigger awareness and there is limits to the amount of detail that can be communicated within the constraints of a leaflet format, the purpose of the leaflet was a means of public notification to a statutory consultation; and reflective of this, it is felt a level of detail should have been provided to have enabled the reader to be fully aware of the full nature and scope of the Project without reliance upon accessing the website to understand this.

- 4.29 On the nominal detail presented in the 2021 leaflet, it would be questionable whether, for instance, the reader would be sufficiently aware of the geographical location of the cable route or the substation site options as there was no graphic presentation to identify either on the leaflet. There was sufficient 'white space' alongside the text in the 2021 leaflet to have included this, and its absence is judged by HDC to be a real shortcoming as without this, there is a reliance on text which, it is accepted, does reference both the cable route and substation, and does make clear that there were two potential sites being for a new substation considered close by to the Bolney Substation in Twineham. There are also many variations of popular fold options to ensure that the 2021 leaflet once folded out could have offered more space to communicate greater detail. A more 'official' presentation to its content (perhaps accompanied by cover letter and delivered in an envelope marked for attention to the owner/occupier with graphics to capture attention) may have captured more awareness to its purpose; that it was not a promotional 'flyer' material but a means of public notification to a statutory consultation.
- 4.30 A significant concern of HDC is the absence of reference to the substation site in the 2022 consultation leaflet. Whilst it is accepted that this consultation was targeted to changes to the onshore cable route changes and that by this time the substation site was fixed, the Rampion 2 website does exclude the opportunity for submission of comments on the previous plans and it is stated the consultation has been designed for views to contribute to the evolving design of the Rampion 2 project. It is the view of HDC that not to identify the substation on the graphic in the leaflet was at best ambiguous to the enabling the reader to be aware of the full nature and scope of the Project, if not the purpose of the 2022 consultation.

Summary View of HDC on the Applicant's Approach to Implementation of SoCC Consultation

- 4.31 In reviewing the Applicant's approach to developing the SoCC, particularly considering PINS Advice Note Two, HDC considers the Applicant provided sufficient opportunities for HDC to share its views on the development of the SoCC.
- 4.32 Nonetheless, the representations received by HDC from members of the community is suggestive that whilst the Applicant had regard to HDC comments, the effectiveness of the Applicant carrying out the consultation methodology set out in the SoCC might not have been realised in practice. HDC has expressed its misgivings on the content and format of the consultation leaflets in their effectiveness to raise public awareness of the full nature and scope of the Project. The third-party evidence received by HDC is suggestive to this. This raises the question if the Applicant has had sufficient regard to third party comments.

- 4.33 Mindful of this concern, HDC would ask that the Planning Inspectorate carefully consider if procedurally, the Applicant is likely to have met the procedural provisions of Section 47 of the Act.

5. Duty to publicise – Section 48 of Planning Act 2008

- 5.1 Section 48 requires the Applicant to publicise the proposed Application in a prescribed manner, as set out in Regulation 4 of the Infrastructure Planning (Applications: Prescribed Plans and Procedures) Regulations 2009.
- 5.2 The Applicant's Consultation Report details the Section 48 notices that were publicised as required in local newspaper advertisements, which coincided appropriately with the beginning of the statutory formal consultation (14 July to September 2021).
- 5.3 The other phases of the consultation were also published in local newspapers. The deadline for responses satisfied the statutory requirements.
- 5.4 Therefore, HDC consider the Applicant has complied with the procedural provisions of Section 48.

6. Duty to take account of responses to consultation and publicity – Section 49 of Planning Act 2008

- 6.1 Section 49 of the Act states that an applicant must, when deciding whether the application should be in the same terms as the proposed application, have regard to any relevant response, which includes those from any person or organisation consulted under Section 42, local people consulted under Section 47, and responses resulting from publicity under Section 48.
- 6.2 HDC submitted responses to the consultation on the PEIR and the consultation changes. They have also engaged with the Applicant through the Topic Working Group meetings and Steering Group meetings. Washington Parish Council has reported its concern to HDC that it is disappointed with what it considers was an unsatisfactory response when it asked for clarification, several times, as to why an alternative, less disruptive, cable route south of Washington was not selected instead of the route through the village. The private landowner involved with the Queen's Tree Canopy has also reported to HDC an unsatisfactory response to a suggested alternative cable route avoiding his land. The CowfoldVRampion Group has also evidenced their dissatisfaction with the responses received by the Applicant to their requests for evidence to the Applicant's decision-making process to fixing the choice of substation site.

7. Extent to which the Applicant has had regard to guidance issued under Section 50 of the Planning Act 2008

- 7.1 The Secretary of State must consider the extent to which an applicant has had regard to any guidance issued under Section 50 of the Act, which includes [Planning Inspectorate \(PINS\) Advice Note 2 'The role of local authorities in the](#)

[development consent process' \(2015\)](#), [PINS Advice Note 14 \(version 2\) 'Compiling the consultation report' \(2012\)](#), and [MHCLG 'Planning Act 2008: Guidance on the pre-application process' \(2015\)](#).

- 7.2 The following sections address whether HDC considers the Applicant has had regard to various matters in the guidance.

Pre-Application Consultation Process Overall

- 7.3 HDC considers the Applicant, overall, has taken on board its suggestions to improve the process to ensure that issues that will arise during the six months' examination period have been identified and considered and, as far as possible, agreed (such as LVIA viewpoints).
- 7.4 The Applicant established Expert Topic Groups, Project Liaison Groups to cover community interests, and Steering Groups, several of which involved HDC officers reflective of the local authority remit. The Expert Topic Groups, on a range of topics such as Seascape, Landscape, Archaeology, and Cultural Heritage and Marine Archaeology as part of the overall Evidence plan Process, met on a regular basis during the pre-application period to ensure that there is a joint understanding at a high-level about the development of the Project and, as necessary, to agree collective action. The Expert Topic Groups involved other statutory consultees and stakeholders (including Natural England). On some occasions, no or only partial sets of slides were provided by the Applicant in advance of a TWG meeting. In some meetings not all the material was presented/considered in the time available with a lack of clarity from the Applicant about how issues that had not been discussed, would be addressed in the future. There were some other issues with the operation of the TWG, including dates and times for meeting being set by the Applicant whether the Authorities can attend or not, no minutes being taken (so there were no records of key concerns or queries). Storrington and Sullington Parish Council have raised the issue of follow-up answers to questions on the usage of access points at minuted meetings not been received and are unhappy that no assurances have been received that no construction/maintenance traffic will route through the Storrington AQMA.
- 7.5 Despite these shortcomings, overall HDC considers the Applicant has had regard to the MHCLG guidance, in particular paragraphs 19, 20, 25 on this matter.

Consultation with Local Authorities

- 7.6 HDC were initially consulted by the Applicant on the draft Statement of Community Consultation (SoCC) and a further SoCC with revised consultation arrangements, with HDC responses submitted. Issues were identified by HDC in response to the consultations on the SoCCs, including the need for more precise details of what engagement the Applicant was committing to (timeframes and location of events, for instance); the need to extend the consultation period to account for holiday seasons; steps taken to enhance/make the virtual approach engaging, for example, webinars, as only the consultation format was being presented and available online; some lack of clarity as to how 'hard-to-reach' groups would be targeted – who they are, how they will be made aware of the project, and how they will be helped to provide feedback; and more face-to-face engagement given that Covid-19 restrictions had lifted.

- 7.7 Accordingly, HDC considers that although the Applicant complied with the procedural requirements of the Act, a fuller implementation of the issues raised by HDC may have assisted in the ability of local people to understand the project and engage with the process better, as advocated by paragraph 38 of the MHCLG guidance, and whilst the Applicant has had regard to the MHCLG guidance on this matter, in particular paragraphs 30 and 44, more effort could have been undertaken.

Statement of Common Ground (SoCG)

- 7.8 Although discussions on a range of subjects have continued to take place regularly between HDC and the Applicant, there has not been an attempt by the Applicant to bring these together with HDC as a formed SoCG in advance of submission. This has not been assisted by the fact that HDC, communities, and other stakeholders have not seen all the details of the proposals, their impacts and possible mitigations in advance of the submission, notwithstanding the significant amount of information provided. Overall, although some progress has been made on several topics, there have been some missed opportunities by the Applicant to reach agreement with the Authorities on certain detail of the Project's proposals, on the evidence base supporting the application, and on the details of the mechanisms through which mitigation will be secured. It has, therefore, only been possible to agree limited areas of common ground at this stage due to the lack of information available to HDC by the Applicant.
- 7.9 Accordingly, HDC considers that whilst the Applicant has had regard to the MHCLG guidance on this matter, in particular paragraph 47, more effort could have been undertaken.

Local Communities

- 7.10 HDC raised concerns about the Applicant's proposed approach to consultation with local people, in particular the reliance on digital formats and a lack of face-to-face meetings with the community, particularly given the complex nature of the proposals, and opportunities for more direct community engagement were implemented once Covid-19 pandemic measures lifted. Accordingly, HDC consider that the Applicant has had regard to the MHCLG guidance on this matter, in particular paragraph 54, but greater efforts may have increased the ability of local people to engage with the process and respond.

When should consultation take place and how much is enough?

- 7.11 HDC considers that whilst the level of detail on all matters was not comprehensive at PEIR stage, the Applicant has had regard to the MHCLG guidance, in particular paragraphs 68, 72 and 77, on this matter.

Consultation Report and Responding to Consultees

- 7.12 The Inspectorate's Advice Note 14 states that it is particularly useful if applicants provide local authorities with early sight of the Consultation Report to inform their views. HDC was not provided with a draft of the Consultation Report prior to submission. Therefore, HDC has only had 14 calendar days in which to assess the report and to take account of it in this Representation.

- 7.13 A staged approach to statutory consultation was adopted by the Applicant. This involved changes to the scheme between the first round of statutory consultation 2021-2022 feedback between the publication of the PIER and the publication of PEIR SIR, with parts of the Project becoming fixed by the 2022 consultation, with feedback from the 2021 first consultation, stakeholder engagement, specialist workshops, and additional environmental surveys, helping with the reduction of the substation search areas from a number of options and identification of new alternative onshore cable routes (3km from Myrtle Grove to Sullington Hill, north of Patching in the South Downs), with the result that the number of trees possibly lost to development has reduced due to design (avoidance) and the development of mitigation (e.g. ways of working to reduce hedgerow loss). This includes minimising tree loss both within woodland and within hedgerows, with many retained intact); with nature conservation areas avoided and now out for public consultation.
- 7.14 Accordingly, whilst HDC consider the Applicant has had regard to the MHCLG guidance on this matter, in particular paragraphs 81 and 82, earlier receipt of the Applicant's Consultant Report would have assisted.

Preliminary Environmental Information and Environmental Impact Assessment

- 7.15 The Applicant is required to carry out an Environmental Impact Assessment (EIA) of their proposals. In legal terms, this means it is 'EIA development' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The Applicant must assess the potential environmental impacts from their proposals and, where appropriate, propose mitigation or possible enhancement measures. The Applicant should engage with statutory consultees and local authorities in relation to the screening and scoping of environmental impacts before formal pre-application activities.
- 7.16 At the statutory consultation stage, the Applicant shared and sought feedback on the preliminary results of their assessments, through a document referred to as the Preliminary Environmental Information Report (PEIR). HDC acknowledges that by its nature, a PEIR should not be as detailed or as comprehensive as an Environmental Statement. However, it should provide information with a reasonable level of detail to enable consultees to gain an informed view of the likely significant environmental effects of the proposals. Without this, it would not be possible to discern whether the mitigation proposed was sufficient/appropriate and/or whether additional/alternative mitigation was required.
- 7.17 Since the Preliminary Environmental Information Report (PEIR) was published, HDC has not received responses to all its requests for baseline assessments and related evidence base to date, which would assist in our ability to understand the characteristics of the Project and to assess the impacts of the proposals across a range of topics. But it has been possible based on the evidence base to date, to respond with detailed comments on the PEIR in 2021, PEIR SIR in Nov 2022, PEIR SIR in November 2022, and the PEIR FSIR in Feb/March 2023, as well as the Habitat Regulations Assessment Screening report in October 2020 and EIA Scoping for the Environment Statement in July 2020.

- 7.18 Accordingly, HDC considers that the whilst the Applicant has had regard to the MHCLG guidance on these matters, in particular paragraphs 92 and 93, more material could have been provided to HDC.

Drafting the Development Consent Order

- 7.19 The Inspectorate's Advice Note 13 proposes that, as well as sharing the draft order with the Inspectorate, the draft order should also be made available to other parties who may have useful comments on the operation of the order. HDC has been shared a draft DCO from the Applicant but at their request and at a late stage in the pre-application process. A Code of Construction Practice was available at the 2022 consultation to provide further information on how noise and vibration effects can be mitigated.
- 7.20 Whilst the draft Order was available prior to submission, it remained an early draft until late in the pre-consultation process. Accordingly, HDC remains concerned about the lack of time to enter the necessary detailed and staged discussion and negotiation on important aspects of the DCO requirements and provisions, as recommended in paragraph 19.2 of PINS Advice Note 15 'Drafting Development Consent Orders'. This is disappointing and a missed opportunity, particularly given the likely complex technical and governance issues involved, including for monitoring, and enforcing and the suggested mechanism for delivery of Biodiversity Net gain.
- 7.21 Accordingly, the Authorities consider that whilst the Applicant has had regard to the MCHLG guidance on this matter, in particular paragraph 97, earlier release of the draft Order would have assisted.

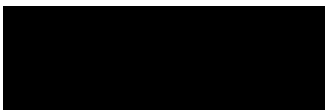
8. Conclusions

- 8.1 Horsham District Council's view is that whilst procedurally, the Applicant may have met the basic duties placed on them by Section 42, and 48, and very possibly 47 of the Act, there have been missed opportunities to consult in the full spirit of the intentions of Statement of Community Consultation and ensure people in the district affected by the proposals are fully aware in a manner to develop an informed view of the Project. Horsham District Council would request PINS carefully consider whether the documentation upon which the Applicant consulted, and the manner of the consultation was sufficient for the local community to have satisfied the tests of Sections 42, 47, and 48. This Representation has also considered the wider issues of consultation and engagement, particularly Government's endorsement of front-loading of consultation and engagement to ensure transparency and an efficient examination process, and the Applicant's regard to MHCLG guidance and advice.
- 8.2 Government guidance anticipates applications being well-developed and understood by the public, with important issues articulated and considered as far as possible in advance of submission, allowing for shorter and more efficient examinations. In that regard, although HDC considers that whilst the Applicant may have met the requirements of Sections 49 and 50 of the Act, representations received from the wider public is suggestive that consultation, including adequate information being available and meaningful feedback by the Applicant to their

queries to influence the development of the Project, has been less than satisfactory.

- 8.3 Moreover, whilst the Applicant engaged with HDC in advance of the Application submission, HDC has sought information from the Applicant to come to an informed judgement about the impacts of the Project and to work collaboratively with the Applicant on mitigation proposals, but HDC has had some experience of not receiving clarification on certain technical information, including baseline data and assessments, which would have helped progress the preparation of the Local Impact Report and review of Heads of Terms in advance of submission with particular regard to proposed mechanisms for securing mitigation, as these have not been finalised. This has hindered HDC understanding of the Project and its impacts, and ability to agree the Statement of Common Ground and PADSS. Accordingly, although the Applicant has sought to reach agreement on some matters and progress has been made on certain topics, overall, its approach has meant that it has only been possible to reach limited agreements.
- 8.4 Therefore, only if the Application is accepted will HDC be able to review the full suite of Application documents and make a considered and informed judgement. However, this will require extensive resourcing to review and comment within a constrained timescale. With substantial and complex work still to be done, there may not be adequate opportunity for the Examining Authority to undertake its work fully in six months from the Preliminary Meeting. Accordingly, should the Application be accepted HDC requests that PINS, as Examining Authority, ensures adequate time is allowed to address these matters in Pre-examination before formal commencement of the Examination, in using its discretion in setting a date for the Preliminary Meeting and maintaining dialogue with HDC and the Applicant to enable progress to be made. HDC considers this would be beneficial to the Applicant and the Examining Authority.
- 8.5 DLUHC is currently consulting on views on the details to the operational reforms which the Government is looking to make to the Nationally Significant Infrastructure Project (NSIP) consenting process. These proposals include strengthening the role of pre-application and ensuring consultation is effective and proportionate. Measures include improving local community engagement through more prescriptive guidance and an early 'adequacy of consultation' milestone. It is HDC's view that such measures would potentially have benefited the Rampion 2 Project consultation stage, by providing greater clarity over proportionate consultation with local communities. HDC will be responding to the DLUHC consultation invitation accordingly.
- 8.6 Should you have any questions regarding this response, please contact, Matthew Porter, Senior Planning Officer, Development Management Planning, at Matthew.Porter@horsham.gov.uk in the first instance.

Yours sincerely,



Barbara Childs
Director of Place