

Rampion 2 Wind Farm
RWE
Windmill Hill Business Park
Whitehill Way
Swindon
Wiltshire
SN5 6PB

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6P

Date: 14 September 2023
Your ref: EN010117
Our ref: 20230914RW

By e-mail only: Rampion2@planninginspectorate.gov.uk

Dear Ms Davies

Rampion 2 Offshore Wind Farm

Thank you for your letter of 7 September received contemporaneously with a letter from the Planning Inspectorate confirming the decision made on behalf of the Secretary of State for Levelling Up, Housing and Communities, that our application for a Development Consent Order for the above had been accepted. We were delighted to receive this news, and confirmation that the Planning Inspectorate was satisfied that we had complied with Chapter 2 of Part 5 of the 2008 Act ("the Act"), that the requirements of section 55 had been complied with or followed, and that the application is of a satisfactory standard.

We note that your own letter of 7 September made initial observations in relation to the application on behalf of the Planning Inspectorate and requested that the recommendations in the letter be actioned before the commencement of the Relevant Representation period in the interests of an efficient examination.

Whilst it is our intention to address in full the majority of the points raised in your letter, we do not consider that it is appropriate or necessary for them to be actioned before the Relevant Representation period commences for the reasons set out below.

Requirement to comply with the Act and Regulations

As noted in the letter from the Planning Inspectorate confirming acceptance of the application, the applicant must now comply with the requirements of sections 56, 58 and 59 of the Act as well as the relevant provisions of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ("the Application Regulations") and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

Under section 56 of the PA 2008, the applicant must give notice of the acceptance of '*the application*', publicise '*the application*' in the prescribed manner, and make available copies of the application and '*the documents and information that were required by section 37(3) to accompany the application*'. The Application Regulations specify how the accepted application should be notified and publicised, and this includes a requirement to confirm where '*the application form and its accompanying documents may be inspected*'. We will also need to certify compliance with these requirements in accordance with section 58 of the Act.

There is no provision in the Act or the Application Regulations for supplementary information to be submitted to the Planning Inspectorate after the acceptance of an application, nor for the Planning Inspectorate to accept and then include any such information on the website on which the application form and its accompanying documents are made available for inspection pursuant to the applicant's compliance with section 56.

In addition, we note that the Planning Inspectorate's Advice Note 16 sets out a procedure which should be followed in the event that an Applicant proposes to make amendments to an application or its supporting documentation after the application has been accepted for examination: an application must be made by the applicant, and only the Examining Authority can decide whether a change can be accepted. At present the Examining Authority has not been appointed and therefore there is no body to which an application can be made to accept supplemental information, in the event that the applicant considered it appropriate to make amendments at this stage.

Consequently, we are concerned as to the status of any material that might be prepared by the applicant (if it chose to do so) and submitted to the Planning Inspectorate at this stage, and the extent to which it could, or should, inform any relevant representations that may be made by interested parties following the acceptance of the application as submitted.

Appropriate time to make amendments

In addition to the above, we are concerned that the accepted application documents have already been made available on the Planning Infrastructure website since acceptance was confirmed. Whilst the applicant has not yet formally notified or publicised the accepted application, these documents are likely to have been accessed by interested parties in advance of the commencement of the formal period for making relevant representations. In the event that additional documents are submitted to the Planning Inspectorate at this stage, these may not come to the attention of people who have already viewed the documents or saved them to their own computer or USB drive. Consequently, different interested parties may be reviewing and making representations in respect of different documents, with scope for confusion and misunderstandings.

We are also conscious that the submission of relevant representations may result in the identification of further issues which the applicant would wish to address or clarify prior to the commencement of the examination of the application. A single, consolidated, supplementary update prior to the commencement of examination would be a cleaner approach than the submission of sequential updates.

We consider that it would be in the best interests of all parties, and for an efficient examination, that a single suite of amendments is submitted with a request for acceptance made to the Examining Authority at an appropriate time after the close of the relevant representation period and prior to the commencement of the examination. If the appointed Examining Authority sets a deadline for such documents in their Rule 6 letter, we would seek to align with this.

Next steps

Given the statutory requirement to publicise and notify of the accepted application, coupled with urgent need for new large scale energy infrastructure confirmed in the draft National Policy Statement EN1, **it is our intention to proceed to start the period for relevant representations on 20 September, for a six-week period concluding 1 November 2023.** Notices will be published in the press and served on prescribed bodies and interested parties around the commencement of this period.

As noted above, it remains our intention to address the majority of the points made in your letter by way of a single submission at an appropriate time prior to the commencement of the Examination of the application. However, to assist at this stage, we now attach a table which identifies our preliminary response to each of the points raised; in a number of cases a simple typographical amendment or clarification is required. In other instances, we are able to

provide clarification and, where appropriate, signpost to where in the submitted application documentation the response to the query can be found.

In accordance with the response to point 1 in the table are content to provide a set of Onshore General Scheme Outline Plans as requested in advance of the start of the relevant representation period on 20 September and these will follow under separate cover. As set out above, we note that there is no scope under the statutory framework for these plans to be accepted by the Planning Inspectorate and therefore we consider it is a matter for the Planning Inspectorate as to whether, and on what basis, these plans are accepted and how they might be published on the project website during the period for making relevant representations.

We trust that the information contained in this letter and the enclosed table is of assistance to the Planning Inspectorate and can assist any interested parties in their review of the application and its accompanying documentation.

Yours faithfully

Rampion Extension Development Limited