



# The Planning Inspectorate

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To:

The Applicant

Your Ref:

Our Ref: EN010117

Local Authorities:

West Sussex County Council  
Arun District Council  
Horsham District Council  
South Downs National Park Authority  
Mid Sussex District Council

Date: 20 September 2023

Statutory Parties:

Environment Agency  
Natural England  
Historic England  
National Highways  
Marine Management Organisation

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Dear Applicant and above-named local authorities and statutory parties,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9**

**Application by Rampion Extension Development Limited for an Order Granting Development Consent for the Rampion 2 Offshore Windfarm Project**

As you may have seen from the letter submitted under Rule 4 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR Regs) published on 15 September 2023, I have been appointed by the Secretary of State (for Levelling Up, Housing and Communities) to be the lead member of the Examining Authority (ExA) who will examine and make a recommendation to the Secretary of State for Energy Security and Net Zero on the Rampion 2 Offshore Windfarm project.

Following the decision of the Secretary of State to accept the application for examination on 7 September 2023, the ExA has decided to make a number of Procedural Decisions concerning requests for additional information as well as for the clarification and correction of others. The aim is to better utilise the pre-examination stage of this process and to obtain the information needed as early as possible in the overall process.

These requests follow the [Decision to Accept](#) notification and [Section 55](#) Checklist of 7 September 2023.

### Statements of Common Ground (SoCGs)

The ExA notes comments contained within the Guide to the Application (Document Reference 1.6) that draft SoCGs will be submitted during the Pre-examination and Examination stages of the application process. It would have been helpful had the Applicant listed those parties with which SoCGs will be produced. The ExA would expect SoCGs to be signed with the following host authorities and statutory bodies, but the Applicant is requested to confirm this:

- West Sussex County Council;
- Arun District Council;
- Horsham District Council;
- Mid Sussex District Council;
- The South Downs National Park Authority;
- The Environment Agency;
- Natural England;
- National Highways; and
- The Marine Management Organisation.

The ExA will set out in its letter under Rule 6 of the EPR (the Rule 6 Letter) in due course the frequency it will expect to receive draft and final SoCGs, although this is likely to be one draft and one final document.

Given the extent of the proposed wind turbine generators and having regard to the responses to the Adequacy of Consultation, the ExA requires an answer as to whether the Applicant intends to enter into SoCGs with parties set out in **Annex A** to this letter.

The ExA requests a response from the Applicant by **Wednesday, 4 October 2023**.

### Principal Areas of Disagreement Statements (PADS)

While the ExA considers SoCGs are useful documents and have a place in the Examination, they can often overlap and duplicate respective Written Representations (WRs) and/or Local Impact Reports (LIRs) particularly on areas of agreement or no concerns. Conversely, matters of disagreement are generally not reported in any detail at the Pre-examination stage; if they are at all.

The ExA considers that identification, at an early stage in the process, of the principal areas of disagreement from Interested Parties (IPs) would be helpful. PADS should only be produced if the IP holds **a substantive concern or concerns** with the Proposed Development and should only set out the summary position as directed below. The ExA would anticipate that such matters listed in a PADS would summarily be expanded upon within a local authority's LIR/WR and other parties' WR, alongside their other minor or moderate comments on the Proposed Development. The ExA considers that an early identification of the principal disagreeable matters, read alongside Relevant Representations (RRs), would assist in the identification of the principal issues, and provide a clear focus for the Examination and subsequent written questions to be asked.

With this in mind, for both the Pre-examination and Examination stages, the ExA has made a Procedural Decision to request from each named **local authority and statutory**

**party in the bullet list above, and any local authority undertaking a SoCG with the Applicant**, to prepare and submit PADS. The ExA requires this to be **in a table format** (similar to a Scott Schedule<sup>1</sup>), addressing the following matters:

- The principal issue in question;
- the brief concern held by the party which they will report on in full in LIR/WRs;
- what, in their view, needs to change/be amended/included so as to overcome the disagreement; and
- in the opinion of that party, the likelihood of the concern being addressed during the Examination stage.

An example of the required table can be found in **Annex B** to this letter.

The ExA requests the initial PADS are submitted alongside respective RRs. The deadline for both is **Saturday, 4 November 2023**.

The ExA would like PADS to be a live document and updated throughout the Examination stage indicating what progress, if any, has been made. The Rule 6 Letter will set out the frequency on which PADS should be submitted, and we will engage the relevant parties' views at the Preliminary Meeting.

### **Compulsory Acquisition (CA) Tracker**

As with many NSIP projects, the ExA has made a Procedural Decision to request a CA Tracker to be submitted and updated at points to be determined during the Examination, and possibly for the Pre-Examination Procedural Deadline. However, for this scheme the ExA would like to extend the scope of the spreadsheet to include additional information on land rights which the ExA considers will be more advantageous to all parties following the state of negotiations, and to avoid unnecessary repetition when reporting on CA matters to the Secretary of State. Further details will follow in the Rule 6 letter to be sent in due course; the purpose here is to inform the Applicant of the ExA's intention in this regard.

### **Matters Arising from Acceptance**

The s51 letter, along with the s55 Checklist of 7 September 2023 identified possible omissions and errors in the application documentation, and the ExA has noted the [Applicant's response dated 14 September 2023](#). The ExA welcomes the Applicant's acknowledgement to review the cut lines for both the Land Plans and Works Plans. The ExA considers both Plans must be updated as per the matters set out in the s51 letter and we have decided to make a Procedural Decision to request them **by the Pre-Examination Procedural Deadline**, which will be notified in the Rule 6 letter in due course.

The s51 letter also requested the Applicant prepare and submit additional General Scheme Outline plans. These plans are expected to illustrate the cable route from the land fall to the substation, on a scale akin with the Land Plans and Works Plans. Such plans are not within the Applicant's submission and the ExA consider they would assist all concerned with a better understanding of the Application. In its response on 14 September 2023, the Applicant confirmed "*a set of Onshore General Scheme Outline plans will be*

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<sup>1</sup> <https://www.justice.gov.uk/courts/procedure-rules/civil/standard-directions/general/scott-schedule-note>

issued...in advance of the [RR] period". At the time of writing, no such plans have been received.

The ExA requests such plans are submitted as soon as possible but no later than **Wednesday, 4 October 2023**. To assist forthcoming Unaccompanied Site Inspections, the ExA requests that the Applicant provides five sets of hard copies of these plans in A3 format by **Saturday, 4 November 2023**.

### **The Rule 6 Letter**

As has been referred to in this letter, the next communication from the ExA is likely to be the Rule 6 letter, setting out details of the Preliminary Meeting, the draft Examination timetable and other Procedural Decisions (amongst other things) in due course following the close of the RR period on **Saturday, 4 November 2023**.

As a way of reducing the number of documents needing to be submitted from all parties, the ExA is currently considering, within the draft Examination Timetable, introducing a requirement for a mid-Examination Progress Report to be submitted at the three-month stage of the Examination, as well as Closing Statements at the final deadline from the Applicant, local authorities and statutory parties, in lieu of the normal practice of seeking updated draft documents and tracked changed versions at multiple deadlines. Further details will be provided with the Rule 6 should the ExA decide to proceed with this request.

The ExA is mindful that the Gatwick Airport Northern Runway Project is similarly timed to Rampion 2. We will seek to ensure, as much as practicably possible, that the two projects avoid clashing on dates for meetings, Hearings and other written submission deadlines.

The Application documents are published on the project webpage.

Yours sincerely,

*Richard Allen*

**Richard Allen**  
**Lead Panel Member for the Examining Authority**

This communication does not constitute legal advice.

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## Annex A – List of Local Authorities

- East Sussex County Council
- Eastbourne District Council
- Wealdon District Council
- Lewes District Council
- Brighton and Hove Council
- Crawley Borough Council
- Adur District Council
- Portsmouth City Council
- Gosport Borough Council
- Worthing District Council
- Havant District Council
- Chichester District Council
- Isle of Wight Council
- Mole Valley District Council
- Guildford Borough Council
- Surrey County Council

## Annex B – Example of PADS Table

Table 1 – Outstanding Principal Areas of Disagreement			
Area of Concern	Explanation	Remedy Measures	Likelihood of Resolution
<i>e.g., Traffic</i>	<i>e.g., Significant concerns over modelling of traffic impacts at London Road roundabout.</i>	<i>e.g., Applicant to provide additional information on modelling.</i>	<i>e.g., Yes – Applicant has indicated this will be provided at the next Deadline.</i>

Table 2 - Resolved Principal Areas of Disagreement			
Area of Concern	Explanation	Remedy Measures	Likelihood of Resolution
<i>e.g., Landscape and Visual</i>	<i>e.g., Significant concerns over the visual effect of Proposed Development at London Road receptor.</i>	<i>e.g., Applicant to provide additional viewpoints at this location and mitigation in the draft DCO.</i>	<i>e.g., Provided at Deadline 1.</i>