

## Cowfold v Rampion responses to Written Representations for Deadline 2

### REP1-145, Protect Coastal Sussex

The Due diligence Chapter refers to the Chilling Effect in planning terms of Rampion's behaviour during the consultation. *"The chilling effect in the context of the UK's Development Consent Order (DCO) planning process for offshore wind developments refers to the dampening effect on community engagement and participation caused by perceived or actual difficulties in the planning and approval process. When communities feel that their input is not being valued or that the process is too complex and burdensome, or feel developers are not transparent or acting in good faith, they become less willing to actively engage in the planning process. This can lead to a lack of trust between developers and communities, as well as decreased willingness to cooperate, negotiate and participate. For affected inland communities it may relate to compulsory acquisition of land or rights. Chilling effect also applies to warning away potential investors due to slow or uncertain regulation. Chilling effect was entertained but not upheld due to insufficient evidence in a windfarm High Court Judicial Review in 2022."*

The Cowfold community has also experienced this effect, as frequently, attempts to gain more information from Rampion staff was not responded to, or replies were sent directing people to huge off-putting documents without reference to the specific page or paragraph, which could easily have been done. Or, as in the DCO documents, references were made saying that the relevant information could be found in a document, but the information was not there. This is much like the behaviour of ██████████ of the Climate Change Committee who told his staff *"How's this – kill it with some technical language."*

In December 2022, Kent Street resident ██████████, who had only just heard about the Rampion proposals was told ██████████ *"it doesn't matter if you didn't receive any leaflets because it's a National Infrastructure project and you can't stop it"* In an email to her, he told her, *"You are correct to point out that our Works Plans from 2021 (which have not been superseded) show Kent Street subject to construction and operational access but right at the northern end. **However, we are now fairly confident that the substation site will be accessed exclusively from the A272 to the north, although the final decision has yet to be made and will be published in our final proposals in spring next year.***

*I would like to thank you for your information regarding the suitability of Kent Street for construction access and the fatalities and traffic incidents on the A272. Please note as I indicated on the phone, your views on these **two issues align closely with the feedback that we have received from many of your neighbours.** As a developer, we **also do not wish our lorries getting stuck on Kent Street** and we will be mindful of the condition of Kent Street when finalising our construction routes, which we are in the process of doing now."*

The message she took from this, as we would argue, was his clear intention, was that he was agreeing as to the unsuitability of Kent Street for HGVs and that the lane would not be used **at all** for construction. This is very similar to the 'no *single file* traffic lights on the A272' which was trumpeted at the Cowfold Information Event in June 2023, and led many people to believe there would be no traffic lights at all.

He also tells her *"First of all, we have double checked with the mailing house records and Olive Tree House on Kent Street did receive our promotional flyer in July 2021 to promote our first statutory consultation. My colleague who has the details of the addresses in receipt of the flyer for the*

*targeted onshore consultation this October is not working on Fridays, but I can check this for you, too. "*

It is also clear from this that Rampion can tell which households they sent what to, so they should be asked to look at the records for who received Section 42 letters in 2021. As we have already noted, the S 42 letters are numbered. This will show that large numbers of residents in Cowfold, who should have received them, did not do so.

Another example of the Chilling Effect has been the threat of compulsory purchase if landowners refused to sign up, yet they were not being given enough information to sign up in an informed way. This was also brought up by the ExA at the hearings. Some were forced early on to sign non-disclosure agreements to prevent them even talking about Rampion wanting to purchase their land, so lived in fear and under huge stress for a long time before it became more widely known locally.

This is mirrored in the WR from Ashurst Council REP1-072

We now have details of REDs objection to the Battery Storage Farm at Bob Lane: see Mid Sussex planning portal, DC/23/0769. Rampion's behaviour towards One Planet is very like the behaviour towards landowners raised as a matter of concern by the panel at the hearings ie threats of compulsory purchase and insufficient engagement.

Notably absent is any Written Representation by the owner of the proposed substation site at Oakdene. Rampion suggest this is because of early engagement (see below). It is much more likely that it is out of fear of jeopardising what little he can rescue from this by signing a deal, having spent a long time accruing expenses to fight this, rather than face the utter ruination of everything his family has had guardianship over for generations.

We have felt that the whole consultation has been geared, not to a genuine desire to listen and formulate the best options, but to obfuscate and mislead. To paraphrase ██████████, ' We are fighting a multi-billion pound organisation supported by the British Government. We're just little people. What chance do we have?' Nevertheless, there is a legal process here, which must be followed if it is to have any legitimacy.

We would like to reinforce Protect Coastal Sussex' comments on the contribution to the nation's decarbonisation which Rampion claim to make. Given the UK commitment to achieve decarbonisation of the power sector by 2035, it is likely that Rampion 2 will contribute to this for just five years, from around 2030 to 2035.

A thorough assessment of the embedded carbon emissions from Rampion 2, including those from mining, manufacturing, construction and operation and maintenance would be necessary to determine if the project's carbon reduction benefits outweigh its own carbon footprint.

In addition, there is a trade-off between the project's carbon reduction benefits and the potential harm and disruption to ecosystems during its construction and operation, marine and terrestrial, and the extent to which they can be mitigated.

We do not believe the benefits and contribution outweigh the carbon footprint and devastation to the future resilience of ecosystems.

**REP1-085 Cowfold PC:**

We wish to support the comments made by Cowfold PC. A further example of the Chilling Effect is highlighted in paragraph 8 of the Cowfold PC WR

**REP1-105 Jane Lamb:**

This graphically illustrates the problems with the flooding and ground saturation at Oakendene. The Enso battery storage application is for fields to the south of the proposed substation. It is higher than the substation site, so the problems there will be worse still (21-23m above sea level compared to 16m at the substation site).

In addition to this episode, residents encountered surveyors at the battery storage farm application site who had to give up in November because the ground was just too wet.

This is not just about design, but how are they going to work there or even park?

There is further evidence of the unsuitability of the site from the Heritage Walkover in October 2021 and the photographic and video evidence we have provided from October to February.

**REP1-139 Paul Lightburn:**

This tells the shocking and sobering story of a laden horse transport lorry which slipped off the verge whilst attempting to pass an oncoming vehicle on Kent Street, and toppled over into one of the road side ditches. One can only imagine the terror of those horses and the injuries caused to them. And this is with the current very low level of road use.

**REP1-164 Sussex Wildlife Trust:**

We are disappointed that SWT make no mention of onshore ecology. However, we note their previous comments raising concerns about the ecology and habitats at Oakendene and the Cowfold Stream, and the fact that they have said they are unable to look in detail at the DCO because of time constraints and staffing shortages. Therefore, a lack of comment should not be seen as the same as 'no concerns'.

**REP1-167 Woodland Trust:**

We strongly support the Woodland Trust in its stance on ancient and veteran trees and feel that many of their comments are directly relevant to the wildlife corridors at Oakendene, Cratemans and the green lane in between. The flora beneath is indicative of their ancient and valuable status also, with orchids, bluebells and numerous other species. The potential for trampling of sensitive ancient woodland flora and soils if access is required close to these trees is also great here, especially as the haul road runs alongside. Noise and dust pollution impact to woodlands and hedges within close proximity of the cable installation area and haul road will be significant.