

Report to Cabinet

Thursday, 20 July 2023

By the Cabinet Member for Planning and Infrastructure

DECISION REQUIRED



Not Exempt

Rampion 2 Development Consent Order and General Development Consent Orders - Governance Arrangements

Executive Summary

This report seeks Cabinet's approval to delegate authority to respond to and participate in (i) the Rampion 2 DCO application process in consultation with Cabinet Members for Planning and Infrastructure and Local Economy and Place and local ward members, and, (ii) all subsequent DCO application processes.

Rampion Extension Development Limited ('RED') is developing Rampion 2, a proposed offshore wind farm located adjacent to the existing Rampion 1 project in the English Channel. Proposals comprise both onshore and offshore infrastructure associated with the offshore windfarm that includes, within Horsham District, buried onshore cables in a single corridor and a new onshore substation that will connect to the existing National Grid substation at Bolney, Mid Sussex.

The planning application for this proposal would be considered a 'Nationally Significant Infrastructure Project ("NSIP")'. Planning consents for these types of schemes are determined by the Secretary of State through an application process known as a Development Consent Order ("DCO") which are managed by the Planning Inspectorate. RED has confirmed the DCO is expected to be submitted to the Planning Inspectorate in early summer 2023 (July).

To participate in the DCO progress, the Council will be required to make representations within prescribed timetables set out in law. To ensure the views of this Council can be submitted in accordance with these deadlines, this report sets out a request to delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Infrastructure and Local Economy and Place, to respond to the relevant consultation and/or engagement stages of the DCO process.

It is anticipated that in the future other NSIPs may be proposed in Horsham District. It is therefore recommended that similar delegations are sought for any future projects which may arise.

Recommendations

The Cabinet is recommended:

- i) To delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Infrastructure and Local Economy and Place and Local Members in Wards affected by the onshore cable route and substation to respond to procedural consultations and engagement as part of the Development Consent Order application process in respect of the Rampion 2 DCO.
- ii) To delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Infrastructure and Local Economy and Place and Local Members, to respond to procedural consultations and engagement as part of the Development Consent Order application process in respect of all future DCO's that impact on Horsham district.

Reasons for Recommendations

- (i) Rampion 2 DCO delegation

Without delegated authority it is unlikely that the Council will be able to effectively engage with the Rampion 2 DCO process. If responses are not submitted in accordance with the statutory timescales they cannot be taken into account. Without the requested Rampion 2 DCO delegation in place, this could result in a recommendation from the Planning Inspectorate (PINS) to the Secretary of State, to permit or refuse a development consent which does not fully take account of impacts upon Horsham District.

- (ii) General DCO delegation

To negate the requirement to seek Cabinet's approval to participate in any DCO processes each time the occasion arises.

Background Papers

- The Planning Inspectorate Advice Note Two: The role of local authorities in the development consent process.

Wards affected:

Recommendation 1: Storrington and Sullington, Washington, Wiston, Steyning, Ashurst, West Grinstead, Shermanbury, Henfield and Cowfold

Recommendation 2: All wards

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Background Information

1 Introduction and Background

- 1.1 RED is developing Rampion 2, a proposed offshore windfarm located adjacent to the existing Rampion 1 project in the English Channel. Proposals comprise both onshore and offshore infrastructure associated with the offshore windfarm that includes, within Horsham District, buried onshore cables in a single corridor and a new substation that will connect to the existing National Grid substation at Bolney Mid Sussex.
- 1.2 The proposal is of a scale that means it is dealt with as a 'Nationally Significant Infrastructure Project'. Planning consents for these schemes are determined by the Secretary of State through an application process known as a Development Consent Order (DCO). The process is managed by the Planning Inspectorate (PINS).
- 1.3 To participate in the Submission and Acceptance of the DCO process, the Council will be required to make representations within prescribed timetables. To ensure that these timescales can be met and that the views of the Council can be represented, this report sets out a request to delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Infrastructure and Local Economy and Place and Local Members, to respond to these consultations or engagement aspects of the DCO process.
- 1.4 The Council may wish to participate in future DCO application processes and having the authority to do so will allow officers to respond within any prescribed timeframes.

2 Relevant Council policy

- 2.1 In considering any proposals put forward by RED as part of the DCO the Council will need to take account of the Horsham District Council Corporate Plan 2019 – 2023 and any subsequent Corporate Plan, the planning policies within the Local Development Plan (currently the Horsham District Planning Framework (HDPF) November 2015) and the Horsham District Draft Climate Action Strategy, 2023.

3 Details

- 3.1 As outlined in the section 1 of this report, the proposals by RED are of a scale which mean they are classified as a NSIP, and planning consent must be obtained through the DCO process. The decision is ultimately taken by the relevant Secretary of State, but the application is submitted to and examined by the Planning Inspectorate.
- 3.2 The stages of preparation and consideration of the Rampion 2 proposals are shown in more detail in Appendix 1. In total, RED have estimated 15 -18 months between DCO submissions and a PINS decision based on typical timeframe of previous NSIP projects.

The Rampion 2 Development Consent Order Application

- 3.3 RED has identified 5 local authorities regarding its proposed offshore windfarm. Under the terms of the DCO, the local authorities in which the administrative boundary the application falls are termed 'host' authorities. These are: -
- (i) Arun District Council
 - (ii) West Sussex County Council
 - (iii) South Downs National Park Authority
 - (iv) Horsham District Council
 - (v) Mid Sussex District Council
- 3.4 Host authorities have a statutory role in the DCO process, both as local planning authorities and their wider role in terms of supporting local communities and businesses.
- 3.5 At this stage the full details of the application have not been published by RED. It is therefore not possible for the Council to form a view on the impact of their proposals at the current time. It is however envisaged that the proposals will potentially have impacts on Horsham District on matters such as landscape character. It is therefore paramount that the Council is able to fully engage with the DCO process by meeting the deadlines in the DCO process, to ensure that the range of potential impacts are understood and considered, prior to the decision of the Secretary of State.
- 3.6 To participate in any DCO process, the Council will be required to make representations during the pre-examination and examination phases to ensure relevant impacts of development are addressed. This will include, but is not limited to:
- Preparation and submission of responses as part of the pre-examination consultation
 - Attendance at meetings convened by the Planning Inspectorate during the pre-examination stage
 - Preparation and submission of the 'Local Impact Report' to PINs
 - Input into Statements of Common Ground
 - Preparation and submission of representations to the Planning Inspectorate during Examination
 - Responses to the Examining Authority's (PINS) written questions
 - Attendance of hearings during examination phase
- 3.7 The submission of many of the reports and representations are set out in statute as part of the DCO process. Many of these timescales are very short (typically 14 or 28 days). In addition, much of the work will be of a technical nature, requiring professional knowledge and understanding of planning and environmental matters.
- 3.8 It is anticipated that future NSIPs may be proposed. Should this be the case, the Council would welcome the opportunity to participate in any relevant DCO application process so that representations can be made in relation to the impacts on the Horsham District of any such initiative. Accordingly, delegating authority to the Director of Place, in

consultation with the two relevant cabinet members and local Members, to participate in any such DCO application processes will enable officers to respond in a timely manner.

4 Next Steps

- 4.1 Given the detailed nature of the work required, together with the tight timescales, it is not considered it will be possible to gain Cabinet consent for officers to make representations at the required times stipulated by statute within the Rampion 2 DCO process. This could prevent the Council making representations regarding the impact of the windfarm proposal and could result in a recommendation made to the Secretary of State which does not fully take account of the possible impact upon Horsham District.
- 4.2 Therefore, the Cabinet is asked to delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Infrastructure and Local Economy and Place and local Members, to ensure that the Council can respond to the consultation or engagement aspects of the DCO process within the prescribed timescales. Where appropriate, the Cabinet Members will seek the views of other Members, including relevant ward members and through the Planning and Infrastructure and Local Economy and Place Policy Development Advisory Groups.
- 4.3 The Council may wish to participate in future DCO application processes and having the authority to do so will allow officers to respond within any prescribed timeframes

5 Views of the Policy Development Advisory Group and Outcome of Consultations

The proposed governance arrangements were discussed at the PDAG meeting on 27th June 2023. Feedback from the group was to support both recommendations i) and ii) with the addition that local Ward Members affected by the onshore cable route and substation be consulted.

6 Other Courses of Action Considered but Rejected

- 6.1 It has been considered whether authority of the Cabinet should be sought at the different stages of the Rampion 2 DCO process and subsequent DCO processes. This has been rejected due to the need to meet statutory timescales and the risk that the application would be determined without taking account of the impacts upon Horsham District.
- 6.2 The Council could also decide not to respond to the Rampion 2 or any subsequent DCO process. This course of action has also been rejected as the impacts of the offshore windfarm on local communities within the District would not be taken into account and any opportunity to secure mitigation for the impacts would be lost.
- 6.3 Similar impacts would result from not responding to other DCOs.

7 Resource Consequences

- 7.1 This report relates only to the governance arrangements for responding to the Rampion 2 windfarm DCO or subsequent DCO applications within the Council. Therefore, there are no direct resource or financial implications arising from the delegations of authority. The resourcing of DCOs will be managed through relevant departments and through the Council's budget setting process.

8 Legal Considerations and Implications

- 8.1 The legal requirements governing the DCO process are set out in the Planning Act 2008. As has been indicated in this report, the DCO process sets out response timescales which are prescribed by statute. By agreeing the two delegations of authority, the Council will be in a position to respond to the legal obligations placed upon the authority to fulfil in its role in this or any subsequent DCO.

9 Risk Assessment

- 9.1 It is considered that by agreeing the two delegations of authority, the key risk to the Council of being unable to respond to the Rampion 2 DCO or any other DCO process can be avoided.

10 Procurement implications

- 10.1 There are no direct procurement implications arising from the contents of this report. It is possible that participation in the DCO process will require some external resources and this will be addressed through the usual budgetary expenditure processes. If required, any procurement would take place in accordance with the Council's procurement policies.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are no specific equalities or human rights implications arising from the contents of this report. Any impact on these matters arising from the proposals put forward by RED or in any subsequent DCO application will be considered in due course and can be fed back as part of the DCO process.

12 Environmental Implications

- 12.1 There are no specific environmental implications directly arising from the contents of this report. Any environmental issues as a result of the DCO application will be considered as part of the DCO process.

13 Other Considerations

- 13.1 There are no GDPR / data protection or crime and disorder consequences arising from the contents of this report.