

Questions , Answers and Actions - Arun County Local Forum 8 March 2022

In Attendance:

County Councillors:

David Britton, Alison Cooper, Roger Elkins (Chairman), Keir Greenway, Gary Markwell, Jacky Pendleton, James Walsh.

Apologies: Deborah Urquhart, Trevor Bence, John Charles, Dawn Hall, Francis Oppler, Ashvin Patel.

Question 1 from Irene Shorrocks:

The pavements in Hawke Close and Jervis Avenue, Rustington, are a danger to walk on. Are there any plans to renew them?

Response to Question 1:

Officers have reviewed the forward programme, for both Hawke Close and Jervis Avenue, Rustington.

There is a job planned for carriageway microasphalt that will be completed during the forthcoming financial year. In terms of planned footway works, we do not have anything in the system for either road. As a result of your query, we will request the Highway Steward to log a request for assessment with the planned maintenance team, assuming we have not made a similar request recently. The Highway Steward will also visit this location when they are next in the area and raise any obvious defects. We do encourage residents to report any defects directly via [Love West Sussex](#) / Love Clean Streets.

With regard to the routine inspections, both roads are subject to annual inspections. Both roads are inspected on the same day and the next inspections are due in June of this year. During the inspections in June 2021, five footway safety defects were identified in each road, and these have now of course been repaired. In addition to the defects identified during the inspection, we have identified two footway safety defects in Hawke Close and one in Jervis Avenue over the last 12 months. These have all been repaired.

We will always respond to customer enquiries and will log defects where these are found and they will be repaired in accordance with the terms of our Highway Inspection Manual.

Question 2 from Maureen Booth:

Having been affected by the serious flooding on South Terrace last October (along with at least 20 other properties) I would like to know what plans are being made or are in place for upgrading of the current drainage system? Many houses have been built, especially on the north side of the town, but I am unaware of any infrastructure of the drainage system or sewage pipes.

Response to Question 2:

Since the flooding last October Southern Water have been inspecting and modelling both the foul and surface water sewers in the area of South Terrace,

Littlehampton. One of the main issues identified by Southern Water is that the rainwater pipes on South Terrace discharge into the surface water sewer at basement level. Southern Water are currently considering options to divert the rainwater pipes, so that they discharge at road / footway level. West Sussex County Council have also inspected the local highway drainage and have a meeting this month with Southern Water and Arun District Council to see if any local improvements can be made.

Cllr David Britton added that he had followed this up with officers at WSCC and they now confirmed that Southern Waters favoured option was to install small pumping stations to use during heavy rainfall. He agreed to follow this up again and ask for a timetable on this and get back to Maureen Booth directly.

Question 3 from Sarah Tyrrell:

Did WSCC object to the Rampion 2 proposal during RWE's formal consultation that ended Sept 16, 2022? If not, what are the most significant concerns WSCC raised to date with RWE or the Planning Inspectorate on our behalf?

Response to Question 3:

The County Council's formal response to the consultation was approved by the Cabinet Member for Environment and Climate Change in September 2021 is available on the [County Council's website](#).

In summary, although the County Council considered that Rampion 2 should be supported in principle, there are a number of matters of significant concern that need to be satisfactorily addressed by RED, including: the methodology for the Seascape, Landscape and Visual Impact Assessment (SLVIA), specifically viewpoint locations; the size and layout of the offshore wind turbines (in order to reduce impacts on views out to sea); final selection of the location of the project substation; final selection for the cable route and the micro-siting of the cable route within the cable corridor; further understanding of the impacts of crossings along the cable corridor and reinstatement proposals; the impacts on onshore and offshore ecological receptors and the need for ecological enhancement (including Biodiversity Net Gain); and the socioeconomic benefits to West Sussex and impacts on tourism.

Question 4 from Lynda Jameson:

What are you doing to stop the devastating Rampion 2 proposals and what can I do to help your efforts?

Response to Question 4:

The County Council is only a consultee in the statutory Development Consent Order process, and it does not have any decision-making powers.

The County Council's formal response to the consultation was approved by the Cabinet Member for Environment and Climate Change in September 2021 is available on the [County Council's website](#).

Following submission, PINS examines the application and makes a recommendation to the Secretary of State, who will make the decision on whether to grant or to refuse development consent.

Question 5 from Shuna Le Moine:

Why oh why are the Councils not standing up to this horrendous proposed development?

Rampion 2 would evidently not be efficient in terms of generating power here! Also, it would endanger migrating birds and bats and trillions of migrating pollinators. It would turn our horizon into an industrial landscape. It's construction and maintenance would cause mayhem on the roads and disturb the seabed with noise and vibration, likely releasing dangerous toxins. Installing all those vast turbines would sully the south coast which is an accessible holiday destination for thousands of people, especially those least able to afford to go abroad. Knock on effect, It would discourage a lot of people from holidaying here, on our own clean sunny sands. Instead 'our' holidaymakers would go elsewhere to clear, turbine free horizons.

PLUS, those who live and visit here would have to look at this extensive power station for 25 years - at which point the whole ugly thing would likely be really 'old tech'. The alternative energy sector is steaming ahead with new innovations all the time! We don't need this to meet the 2030 target of 40GW.

You have a choice. Please think carefully before selling our horizon to big business. Is it even yours to sell?

Response to Question 5:

The County Council is only a consultee in the statutory Development Consent Order process, and it does not have any decision-making powers.

In responding to the consultation last year, the County Council identified a number of matters of significant concern that need to be satisfactorily addressed by the developer, including: the methodology for the Seascape, Landscape and Visual Impact Assessment (SLVIA), specifically viewpoint locations; the size and layout of the offshore wind turbines (in order to reduce impacts on views out to sea); final selection of the location of the project substation; final selection for the cable route and the micro-siting of the cable route within the cable corridor; further understanding of the impacts of crossings along the cable corridor and reinstatement proposals; the impacts on onshore and offshore ecological receptors and the need for ecological enhancement (including Biodiversity Net Gain); and the socioeconomic benefits to West Sussex and impacts on tourism.

Cllr James Walsh added that as well as the County Council response he had personally responded to the consultation as had the local District and Town Councils. Cllr Walsh agreed that a Local Impact Assessment was needed, and he would wait the outcome of the additional consultation.

Question 6 from Lawrence Hass:

I would like to raise and discuss this question about considering collaborative steps to prepare for the Examination of the Rampion 2 WindFarm proposal with Councillors at the Arun Forum next month, namely: Why has the County so far refused to share the terms of reference (TOR) for its Local Impact Report (LIR) with local communities who would be most impacted by the Rampion 2 proposal, if it were consented?

What is gained withholding the TOR now? Do Councillors not agree that transparency is essential to gain public acceptance of the Developer's commercial preference, and therefore the value of supporting community initiatives to better inform the decision process?

Sharing the TORs will specifically help community groups now preparing local impact submissions with voluntary professional teams of residents to identify how they may best inform and complement the District and County Council work.

The context for this question is relevant:

To date Officers have refused multiple requests to share the TOR. Planning Inspectorate (PINS) advice to Councils (Advice Note One: Local Impact Reports) is quite specific:

- Councils are strongly encouraged to produce "robust" LIRs (para 2.4)
- Councils should set out clearly their terms of reference (para 4.4)
- Councils are strongly encouraged to use the pre-application period to start their evaluation of the local impacts (para 3.5).

PINS advises the above to have time for the necessary information gathering for the LIR submissions and to undertake tasks like resident / visitor surveys that are normally undertaken by Councils with major transformative infrastructure projects (NSIPs); as we saw on the 970 MW Navitus Bay WindPark proposed for the other side of the Isle of Wight that was refused consent in 2015.

Such preparation is especially important for Rampion 2 scheme because the Applicant's pre-application work, as well as briefings and engagements with the statutory consultees and all the community consultations were undertaken in restrictive lockdown conditions and primarily in virtual-only mode.

It cannot be reasonably argued that the degree of scrutiny as well as awareness of what is actually being proposed did not suffer, even accounting for the "worst case" presentation in the Applicant's consultation materials we needed to view on computer screens, tablets or phones.

Secondly, many if not most in the community who are aware of the Rampion 2 proposal believe that sharing the TOR is a good idea and in everyone's best interest. This was clearly demonstrated by the Community-organised public meeting on Rampion 2 held in Littlehampton 24 Aug 2021.

There was no objection from the 80+ participants attending in-person to a Resolution to that effect. That included Councillors from all three levels along the Sussex Coast as well as Residents from along the coast. Sharing the TOR was unanimously endorsed by Residents represented by this Arun Forum who attended, namely:

Resolution 2: Participants encourage ADC & WSCC to share Terms of Reference (TOR) for their local impact reports (LIR) with Residents and to have an open process to welcome community input / comment on draft conclusions on the scope & significance of local impacts (24 Aug 2021, Community led Public

Meetings on the Rampion 2 Proposal, New Millennium Chamber, Littlehampton Town Council).

Thus, most people actually aware of what is proposed believe it is a reasonable ask. There is no conflict of interest in sharing the TOR. It is not against the Development Consent guidance, rather the opposite. It supports multiple aims of the Examination. Sharing the TOR for the County's Local Impact Report now would specifically help South Coast Residents to focus and deploy voluntary professional resources in the most effective way, reflecting PINS advice and sensible good practice.

We very much appreciated the opportunity to have a conversation with County Councillors.

Response to Question 6:

If an application for development consent is submitted by the developer and accepted, the County Council will be invited by the Planning Inspectorate to submit a Local Impact Report (LIR). A LIR is a technical document defined as "a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)". Provided that it fits within this definition, the structure and content of the LIR is a matter for the relevant authority.

There is no requirement for the County Council's LIR to be prepared jointly or collaboratively with any other authority. The Planning Inspectorate's Advice Note 1 states the following – my emphasis in bold:

"Parish councils, organisations and members of the public may have made representations to the local authority or directly to the applicant about the scheme (prompted, for example, by the applicant's consultation). The LIR could include reference to these representations [in their LIR], but only where they are relevant to a particular local impact which the local authority itself wants to highlight. Local authorities should therefore encourage such respondents to register with the Planning Inspectorate as 'interested parties' at the appropriate time so that their representations about the scheme will be considered by the Examining Authority."

The County Council has yet to commence preparation of the LIR, which is not required until the start of the examination stage (currently assumed to be in December 2022). Work on the LIR will start later this year following further engagement with the developer on technical matters.

With regard to the 'terms of reference' (a term used in Advice Note 1), all this means in practice is a statement at the start of the LIR that identifies the local authority, the role and remit of that authority, and the topics covered by the LIR.

Cllr James Walsh added that as soon as the LIR was available he would ask the Cabinet Member to share this.

Question 7 from Faye Christensen:

To what extent were County Councillors canvassed for their opinion on Rampion 2, as to whether to object or raise concerns about the proposal, recognizing that the developer has conducted virtual-only consultations throughout this process. To what extent were there in-person briefings and discussion among Councillors, or was it all zoom type meetings? Was there any vote by Councillors?

Response to Question 7:

A virtual all-member briefing was held on 26 July 2021 at which an outline of the scheme and its impacts (and proposed mitigation) was given by the developer, with the opportunity for questions and answers. Given that there was only a nine-week consultation period, there was no opportunity for scrutiny of the draft consultation response at a formal meeting. However, informal engagement on the proposed response was undertaken with members of the Communities, Highways, and Environment Scrutiny Committee; no comments were received in response.

The formal consultation response was approved by the Cabinet Member for Environment and Climate Change as a [key decision](#); the draft decision was not 'called-in' by any member at the appropriate stage in the approval process.

Question 8 from Elizabeth Morogna

In light of the re-opening of the Rampion 2 consultation, and this large-scale industrial installation proposed off our shores, what measures has Rustington undertaken to previously raise awareness to its inhabitants of these plans and what, if anything, will they do this time round to ensure everyone is made aware of and kept informed as the consultation and plans progress?

Response to Question 8:

The developer is responsible for ensuring that it undertakes public consultation in accordance with the relevant legislation and it is responsible for determining who it consults, when, and how (as identified in its Statement of Community Consultation (SoCC)).

With regard to the current re-consultation in Zone 3, the developer recognised that an error was made, and it is taking steps to undertake the consultation in accordance with the SoCC. The developer is responsible for deciding how the consultation should be undertaken and the County Council cannot make any demands with regard to such matters.

Cllr Alison Cooper added that she had seen consultation notices on social media, local papers and at bus stops. Elizabeth Morogna responded stating she was still disappointed that Rampion had stated there would be open meetings, but this has not happened.

Cllr Roger Elkins reminded residents that the consultation is open until April and he encouraged everyone with an interest to respond formally to that consultation.

Question 9 from Sue & Clive Penn

Were County Councillors aware the 2017 Windfarm Extension Round bid conducted by Crown Estates stipulated the size of windfarm extensions could only be as large as the existing installation. Rampion1 is 400 MW, and the Development Consent Order (2014) for Rampion1 stipulates that additional turbine could be no more than 15% larger than the existing scheme (140m in height). Was the County consulted when Crown Assets changed the Rampion2 Extension to 1,200 MW?

Response to Question 9:

In 2019, the Crown Estate confirmed that an application by Rampion Extension Development Limited (RED) for an extension to the Rampion Offshore Wind Farm could go ahead on their land. Compliance with the terms of the lease agreement with the Crown Estate is a contractual matter for RED and lies outside the scope of the statutory Development Consent Order (DCO) process. The County Council was not consulted about this matter and, as a consultee in the DCO process, it is only being asked to consider the scheme being taken forward by RED.

Question 10 from Rodney Brown

The proposed Rampion 2 Wind Farm would radically alter the seascape for decades along more than 45 miles of E & W Sussex shore, that is, along the whole of West Sussex with the most intrusive changes opposite Arun District. There is no specific local benefit and much-less-than-optimal national benefit compared with other locations. The developers submit that any effects on Tourism, Marine Industries and Aquatic Activities will be temporary, but also observe that negative effects often occur in the form of displaced tourism, with visitors diverting to neighbouring areas. Has the Council initiated any investigation to confirm the scale of losses to the local economy over the life of the installation? Or does the Council consider the losses to be immaterial?

Response to Question 10:

In responding to the consultation last year, the County Council identified a number of matters of significant concern that need to be satisfactorily addressed by the developer, including the socioeconomic benefits to West Sussex (including employment opportunities and supply chain expenditure, and the creation of an additional Community Benefit Fund) and the impact on tourism.

The detailed comments in the response on these matters were:

“The County Council also expects RED to take account of the Authority’s Economy Reset Plan 2020-2024. Further consideration of visitor economy data that is available (beyond that for Brighton and Hove) is expected to be presented in the Environmental Statement (ES). Elements of data are out-of-date and do not reflect the significant impact that the COVID-19 pandemic has had on jobs and employment. Therefore, further acknowledgement of this needs to be made in the ES. Similarly, there are currently labour supply pressures in construction, which may or may not settle by the proposed construction dates (if consent is granted). A key issue for the County Council is the relatively low economic beneficial impact expected for West Sussex through

the construction phase. The PEIR states that “around 40% of the Proposed Developments £2.87 billion construction cost, or the equivalent of £1.14 billion will be retained by businesses in the Proposed Development’s supply chain nationally. At the Sussex-level, the overall level of supply chain expenditure retained by local businesses is anticipated to be minimal (around 1% of total construction costs) adding up to £30.1 million (2019 pricing)”. At the Scoping Stage, it was stated that scenarios would consider the use of local ports and project expenditure captured by local business would be developed. Therefore, it is requested that RED works with the County Council to ensure sufficient strategies are put in place to maximise benefits locally, as per the commitment made, with a view towards the percentage figure for Sussex increasing from a currently low base. Another key issue is the importance of tourism to the West Sussex economy, which has been significantly impacted by the COVID-19 pandemic. This requires further exploration and discussion with RED to ensure that any adverse impacts of Rampion 2 on the visitor economy are fully understood and satisfactorily addressed.”

The County Council is continuing to engage with the developer on these matters in the post-consultation/pre-submission period.

Question 11 from Christopher Lee (same as Question 6)

Why has the County so far refused to share the terms of reference (TOR) for its Local Impact Report (LIR) with local communities who would be the ones most impacted by the Rampion 2 proposal, should it be consented?

What is gained withholding the TOR from those with the most at stake? Do Councillors not agree that transparency is essential to gain public acceptance of the Developer's commercial proposal, and therefore the value of supporting community initiatives to better inform the decision process?

Sharing the TORs will specifically help community groups now preparing local impact submissions with their voluntary professional teams to identify how they may best inform and complement the District and County Council work.

Response to Question 11 (same as Question 6):

If an application for development consent is submitted by the developer and accepted, the County Council will be invited by the Planning Inspectorate to submit a Local Impact Report (LIR). A LIR is a technical document defined as “a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)”. Provided that it fits within this definition, the structure and content of the LIR is a matter for the relevant authority.

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relevant to a particular local impact which the local authority itself wants to highlight. Local authorities should therefore encourage such respondents to register with the Planning Inspectorate as 'interested parties' at the appropriate time so that their representations about the scheme will be considered by the Examining Authority."

The County Council has yet to commence preparation of the LIR, which is not required until the start of the examination stage (currently assumed to be in December 2022). Work on the LIR will start later this year following further engagement with the developer on technical matters.

With regard to the 'terms of reference' (a term used in Advice Note 1), all this means in practice is a statement at the start of the LIR that identifies the local authority, the role and remit of that authority, and the topics covered by the LIR.

As a supplementary question Mr Lee asked who will undertake the LIR and how much this would cost?

The Officer response to this is that the preparation of the LIR will be led by Amy Harrower, a Principal Environmental Consultant, who is acting as the County Council's project officer for the Rampion 2 project. As necessary, she will involve internal technical specialists in the preparation of the LIR. The specific cost of preparing the LIR is not known at this stage.

Question 12 from Priscilla McIntosh

With hindsight, does the Council still think that the only properties that would experience negative effects would be those within 100 metres of the shore? The proposed turbines could be over 300 metres tall, and the existing Rampion 1 turbines, which are less than half as tall, are readily visible from miles inland, and from nearly all the high points in the South Downs National Park.

Response to Question 12:

The developer is responsible for ensuring that it undertakes public consultation in accordance with the relevant legislation and it is responsible for determining who it consults, when, and how (as identified in its Statement of Community Consultation (SoCC)). With regard to the current re-consultation in Zone 3, RWE recognised that an error was made and it is taking steps to undertake the consultation in accordance with the SoCC. The developer is responsible for deciding how the consultation should be undertaken and the County Council cannot make any demands with regard to such matters.

Question 13 from Janet Crosley:

There have been many representations to councillors about the consultation process of the RWE new windfarm proposal. The Local Government Association, 2019 update, *Probity in Planning*, Chapter 5. *Predisposition and Predetermination or Bias* Members need to avoid the appearance of bias or having predetermined views, which is apparently a closed mind. As the information given by RWE to the public is woefully inadequate, and expects an adequate consultation with them based on this, it is better that they gather facts from scientists that have correct information, and then inform local people.

The rules also say that councillors with no pecuniary interest can vote on matters that they have researched. The rules also say that decisions cannot be made on a party-political basis.

Can the WSCC assure me that the members have gathered all the technical information that is freely available about the effects of the Rampion 2 windfarm, and that might not be within their planning application, as their present reports have many inaccuracies, and then be able to fully participate in the decision-making procedure.

And when is their Local Impact Report to be made public.?

Response to Question 13:

The County Council is only a consultee in the statutory Development Consent Order process and it does not have any decision-making powers.

The County Council's [formal response](#) to the consultation was approved by the Cabinet Member for Environment and Climate Change in September 2021.

If an application for development consent is submitted by the developer and accepted, the County Council will be invited by the Planning Inspectorate to submit a Local Impact Report (LIR). A LIR is a technical document defined as "a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)". Provided that it fits within this definition, the structure and content of the LIR is a matter for the relevant authority.

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Question 14 from David Warne

I am unable to attend the meeting but would welcome a written reply.

The Rampion 2 wind farm will be 8 miles offshore. Are Councillors aware that this breaches a Government Guideline. The guideline states that Turbines of the size to be used in Rampion 2 should be 25 miles from any National Park ie South Downs National Park. Will Councillors take account of this breach and the huge detrimental visual impact that results in their assessment of this project.

Response to Question 14:

Reference has been made by some third parties to the OESEA (UK Offshore Energy Strategic Environmental Assessment) stating that they are 'government guidelines' that recommend that wind turbines should be in offshore waters and should be more than 25 miles from a National Park. That is factually incorrect. OESEA documents are neither Government policy nor guidelines. The relevant paragraph in the OESEA document states "Reflecting the previous OESEA and the relative sensitivity of multiple receptors in coastal waters, OESEA2 recommends that the bulk of new OWF generation capacity should be sited away from the coast, generally outside 12 nautical miles. The environmental sensitivity of coastal areas is not uniform, and in certain cases new offshore wind farm projects may be acceptable closer to the coast. Conversely, siting beyond 12nm may be justified for some areas/developments".

Question 15 from Enver Visram:

Given that the Rampion 2 consultations are now re-opened till 11 April, can the County update and reconsider its stance on Rampion 2, including the case for an Objection? Non-virtual ways of conversation are now possible and make a big difference.

Can assurances also be given that the Council will talk to and meet with their counterparts at the Officer and Cabinet levels in the unitary County Council in Wales that recently objected to RWE's wind farm proposal there?

That Awel y Môr Offshore Wind Farm proposal has many parallel concerns with Rampion 2, plus the same developer RWE? The developer there was also proposing to site very large turbines in inshore waters close to shore and populous coastal communities with a tourism offer; against government safeguard advice

Response to Question 15:

The purpose of the re-consultation is to ensure that people within Zone 3 have the opportunity to comment on the scheme. No new information has been published and, therefore, the County Council will not be reconsidering or revising its [consultation response](#), which was approved in September 2021. The County Council will take account of any information that is relevant to its consideration of the scheme and its engagement with the developer.

Question 16 from Terry Ellis:

Has West Sussex County Council had briefings from oppositions experts such as Dr Colin Ross?

Response to Question 16:

Cllr James Walsh confirmed that the County Council briefing for members did not include opposition material and explained that as the County Council was simply a consultee this was not required. However, it was noted that many County Councillors had undertaken their own research or attended Parish Council meetings that had involved Dr Colin Ross.

Question 17 from Sarah Tyrell:

What is happening about the closure of Pier Road to traffic this summer?

Response to Question 17:

Cllr James Walsh confirmed that for the last 2 summers emergency powers introduced during the Covid pandemic were used to close Pier Road to traffic during the summer months. However, for this to happen this year a formal application is required, and Cllr Walsh is pressing for this to happen. He did state that due to the length of the process, including a consultation period, he feels it would be unlikely this year.