

RAMPION 2 OFFSHORE WINDFARM DEVELOPMENT CONSENT ORDER
DEADLINE 1

Summary of Oral Representations made at Preliminary Meeting, Open Floor Hearing, and Issue Specific Hearing 1 on behalf of Susie Fischel of Sweethill Farm

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1. Preliminary Meeting – Tuesday 6 February

- 1.1** Mr Fischel explained that he was appearing in the examination on behalf of himself and his wife, Susie Fischel, the owner of Sweethill Farm, School Lane Ashurst. [REDACTED], the Fischels' land agent, was also present. At this hearing Mr Fischel only expected to speak to item three on the Preliminary Meeting agenda, being the initial assessment of the principal issues (set out in Annex C of the Rule 6 letter [PD-006]).
- 1.2** Mr Fischel noted that the list Annex C is not intended to be a comprehensive or exclusive list of the issues and that other issues will be considered, but that he wanted to ensure that site-specific environmental matters were addressed, including the onshore cable route construction and operational impacts on species. This is because the Fischels have concerns which relate to ecology, biodiversity, and the impact of the proposed onshore route, which don't seem to be covered clearly in any specific item in Annex C. Mr Fischel explained that he wanted to ensure that there was time allocated to consider these additional site-specific environmental and ecological matters at the appropriate point during other hearings.
- 1.3** [REDACTED] on behalf of the Fischels sought clarification regarding his request for an accompanied site visit to Sweethill Farm and if and when that request might be granted.

2. Open Floor Hearing – Tuesday 6 February

- 2.1** Mr Fischel explained that he has provided a Relevant Representation, and that he would give the Examining Authority an update on the status of engagement with the Applicant.
- 2.2** Sweethill Farm extends to 132 acres, and the Fischels ceased farming it intensively over 20 years ago. Since then, they have allowed it to rewild and it is effectively run as a nature reserve. There has been no agricultural production on the land, and no fertilisers or pesticides have been applied. No farm livestock has been on the land for several years, and the pasture is kept grazed down by roaming wild deer.

- 2.3** As is recognised by the Applicant, the farm is rich in biodiversity, and hosts a large variety of wildlife, including, for example, the most active bat site of all the sites tested by the Applicant along the route. The Woodlands, together with the three main watercourses passing through the farm, and the many ponds dotted around, provide key source habitats for a variety of wildlife. These are further enhanced by the many wetland areas in the species rich pasture, together with species rich hedgerows and mature oaks.
- 2.4** The dDCO proposes to install over 700 metres of cabling through the farm, which is approximately 2% of the entire route. The farm is only 132 acres, and the proposed development will sever a portion of the south-eastern part of the farm from the rest of the farm.
- 2.5** The Fischels' issues are twofold; they relate partly to the whole compulsory acquisition process of the DCO, but also to the environmental effects. In terms of environmental effects, the Fischels are concerned that there are inconsistencies between what is included in the DCO, and the onshore route plans submitted by the Applicant, versus what the Applicant commits to in the Environmental Statement and Commitments Register.
- 2.6** Mr Fischel then commented on the consultation process with the Applicant. The Fischels initially worked constructively with the Applicant to improve their route for them, and the DCO corridor through Sweethill Farm has significantly changed from the original proposal. The Fischels welcomed this initial cooperation, but over the last 18 months, the Applicant has essentially discontinued any constructive engagement. The Applicant informed the Fischels that neither they nor their advisors would engage with the Fischels on issues relating to the DCO, unless the Fischels sign the Heads of Terms in the Applicant's standard form for an option and easement.
- 2.7** Mr Fischel explained that the Fischels attempted to discuss these Heads of Terms with the Applicant but the Applicant would not negotiate: the terms were offered on a 'take it or leave it' basis. These issues were also raised with the Applicant by a group of agents on behalf of a wider group of affected landowners. The Applicant has not engaged with the comments provided by the Fischels on the Heads of Terms.
- 2.8** Mr Fischel acknowledged that compensation is not a matter for the examining authority, but that he wanted to stress that, for the Fischels, the key concern is not a matter of

compensation, but that it is the extent of the powers afforded by the DCO and the environmental effects on Sweethill Farm.

- 2.9** The Fischels' understanding is that the Applicant should be using its time before and during this examination to engage with interested parties, not to refuse to engage with them, or make it difficult to do so. For example, the Fischels understand that landowners affected by the Rampion 1 project found that to be a very different experience, with the Applicant keen to engage throughout the process.
- 2.10** The Fischels would welcome a firm commitment from the Applicant to start engagement with them on those matters, and on those that will be raised during the Issue Specific Hearing.

3. Issue Specific Hearing 1 – Wednesday 7 February – Thursday 8 February

Agenda item 5 – Construction Effects

- 3.1** Mr Fischel explained that Sweethill Farm, [REDACTED], is on the proposed cable route. The cable route is proposed to pass directly adjacent to an area called Lowerbarn Wood, which is an Ancient Semi-natural Woodland.
- 3.2** There appears to be an inconsistency between the Environmental Statement and the Commitments Register on the one hand, and how the red boundary line has been drawn on the other. This is because, despite the Applicant's commitment to maintain a 25 metre buffer, the red boundary line in the DCO for the cable corridor in fact touches the boundary of Lowerbarn Wood, without any 25 metre buffer.
- 3.3** Mr Fischel noted his concern that the 25 metre buffer set out in the Commitments Register should be treated as a genuine buffer. There is plenty of space on Sweethill Farm for the proposed cable corridor to go, that would provide a lot more than the 25 metre buffer from this woodland, but the Applicant has not taken that space.
- 3.4** In seeking authorisation for this nationally significant energy project, the Applicant should be seeking opportunities to contribute to and enhance the natural environment, and to enhance the provision of trees and woodlands. In this case it would mean the Applicant at the least giving a commitment to move the cable corridor more than 25 metres away from Lowerbarn Wood, which could be achieved both within the Fischels' land and within

the existing red line boundary. Surveys done by the Applicant show Sweethill Farm as being one of the most active bat sites of all the sites they surveyed, highlighting what a sensitive site it is.

- 3.5** Finally the Fischels are grappling with the fact that the DCO corridor has been drawn so widely in some locations along the cable route, and that the Applicant has given no credible explanation for this.
- 3.6** [REDACTED], acting on behalf of Mr Fischel, sought clarification from the Applicant as to why the red line boundary on Sweethill Farm has been drawn right up to Lowerbarn Wood, if the Applicant has committed to providing a 25 metre buffer from any Ancient Woodland. More generally, in terms of the width of the cable corridor, [REDACTED] questioned why, if the corridor needs to be that wide, the documents that the Applicant has issued to landowners state that the construction corridor will only be 40 metres wide. The Fischels recognise that the Applicant requires flexibility, but there appears to be little justification for the flexibility sought over the Fischels' land.

Agenda item 16 - Draft Development Consent Order

- 3.7** Mr Fischel requested that sheet 26 of the Onshore Land Plans [APP-007] was shared with the examination.
- 3.8** In response to a question from the Examining Authority, Mr Fischel explained that his concern was in relation to:
- (a) an inconsistency in the Environmental Statement and the Commitments Register on one hand, and what is provided for by the cable corridor in the DCO on the other; and
 - (b) the greater flexibility that the Applicant is seeking over the Sweethill Farm land in comparison to other parts of the cable route.

- 3.9** The Examining Authority requested that these be dealt with in writing or at the Compulsory Acquisition Hearings. A more detailed account of these issues is set out in the Fischels' Written Representation (provisional document reference SHF1).

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