

Rampion 2 Wind Farm

Category 4:

Compulsory Acquisition

Land Engagement Reports:

Dan and Emily Ball

Date: July 2024

Revision A

Application Reference: 4.6.1

Pursuant to: The Infrastructure Planning (Examination Procedure)
Rules 2010, Rule 8(1)(c)(i)

Ecodoc Reference: 005262812-01



Document revisions

Revision	Date	Status/reason for issue	Author	Checked by	Approved by
A	09/07/2024	Deadline 5	Carter Jonas	RED	RED

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LANDOWNER NAME:	Daniel Ball and Emily Mulcare-Ball	URN on LRT:	036
AGENT:	N/A	Relevant Rep Ref	RR-113
PROPERTY NAME:	██████████ - WSX424385 0.01 acres potentially affected	Written Ref:	REP1-097 REP3-100 REP3-102 REP4-108
LAND INTEREST:	Category 1 landowner - Works 13 – Temporary Construction Access	Plot No:	33/6 33/4

STATUS

The Applicant has consulted with the landowners since 2021. The Applicant understands the landowners purchased a plot of land (Title WSX424385) in May 2021 but were not aware of the Rampion 2 proposals when they purchased the land as it had not been identified as part of the conveyancing process. When the Applicant was advised by the vendor that part of the land had been sold, the Applicant contacted the landowners immediately and sent the relevant consultation material to the landowner.

At the time of purchasing, the Applicant understands there was a barn on the land, but not a residential dwelling. Planning permission was obtained in 2017 for part demolition of existing agricultural building and proposed conversion of remaining building to single 2 storey dwelling to include first floor balconies and associated residential curtilage and parking areas (DC/17/0902).

The landowner is impacted by a temporary construction access as part of the works along Kent Street. A map indicating this impact is at Appendix D of [REP4-070].

Following the decision to take forward the Oakendene substation location, this was communicated to the landowner via a letter in July 2022. In August 2023, the decision was taken by the Applicant to proceed with the northern link connection between the proposed Oakendene substation location and the existing Bolney substation, meaning the landowner's land would no longer be affected by the proposed cable construction works.

The Applicant sent the landowner Heads of Terms for an Option for a Lease for the proposed temporary construction access in April 2024. The Applicant has not received feedback specific to this.

NEGOTIATIONS FOR VOLUNTARY ACQUISITION OF RIGHTS

- In April 2024, Heads of Terms were sent to the landowner in respect of an option for a temporary construction access lease (Works No.13) to enable the construction to take place along Kent Street. The Heads of Terms are for a visibility splay/ construction access within Works No.13 which are temporary works and comprise Plot 33/6 as detailed within Appendix D of REP4-070.
- Heads of Terms for relatively minor works (such as visibility splays) were not issued at the same time as those for works on the cable construction corridor.

PROGRESS OF NEGOTIATIONS TO ACQUIRE LAND RIGHTS FOLLOWING CAH 1

- The Applicant has not received any feedback from the landowner on the Heads of Terms sent on 16 April 2024.
- The Applicant understands the landowner considers the property to be blighted by the proposed development.
- The Applicant has discussed with the Land Interest on 9 May 2024 (via telephone and email) the qualification requirements and eligibility for the submission of a blight notice

under s.150 of the Town and Country Planning Act 1990. No part of the landowner's property is proposed to be subject to compulsory acquisition power (only temporary possession powers) therefore the statutory criteria for a blight notice are not met. It is open to the landowner to take their own professional advice on this matter and the Applicant has made that suggestion.

- The Applicant has clarified the position in respect of potential routes to claim, should there be an effect of construction or operation of the proposed developed on property values.
- As no permanent rights are currently proposed to be acquired over the property (nor is any permanent acquisition of any part of the property proposed), at present it is unlikely to meet the tests for service of a successful blight notice in accordance with the relevant legislation.
- There are, however, other forms of compensation that the landowner may be entitled to in due course. The Applicant has advised the land interest to seek professional advice if it transpires that the property is in fact blighted and/or otherwise in respect of any claim for compensation which the landowner may be entitled to bring.

The landowner has requested compensation for the perceived blight on the property. The Applicant has advised that it is for the landowner to take professional advice about the routes to claim. The Applicant has not been able to progress discussions on the Heads of Terms as a result.

LANDOWNER ENGAGEMENT (2021 TO 2024)

- **24/06/2021 - Email** – Confirmed land had been sold by the vendor to the landowner.
- **26 July 2021** - Landowner Surgery
- **30/07/2021** - The Applicant emails Dan Ball (DB) regarding the project.
- **03/08/2021** - LT emails survey licence and PEIR works plans
- **04/08/2021** - LT emails consultation documents and RFI
- **27 August 2021** - LT Telecom with DB
- **02 September 2021 - SITE MEETING** – **The Applicant met with the landowner on site, which was a construction site at the time. The landowner expressed desire for the alternative substation location (known as Wineham Lane North). This view was further expressed within his Consultation response.**
- **15/09/2021** - Objection Letter / Formal Consultation response received from DB.
- **21/10/2021** - LT emails Engagement Meeting Notes
- **12/07/2022** - Letter and Call to DB re substation decision
- **29/11/2022** - DB re-submitted his objection letter.
- **10/08/2023** – Cable link decision communicated to landowner, therefore no cable on his land.
- **20/12/2023** – Applicant provides answers to queries.
- **09/05/2024** – An email was sent to the landowner confirming the position regarding compensation and routes to claim for parties with temporary impacts of the project.

Further detail within the table below.

IMPACT ON LAND INTEREST

- Dan & Emily Mulcare-Ball are residents who live to the east of Kent Street in a property known as [REDACTED] <https://search.savills.com/property-detail/gbhhrshys230005>.
- The landowner has recently finished construction of the property and the Applicant understands it was put on the market for sale in February 2024 with an asking price of £3,975,000.

- The landowner has a Category 1 interest as a small strip of the landowner's property (Plot 33/6) which abuts Kent Street, is within the Order Limits as a proposed construction access/ visibility splay. Please see map at Appendix D within [REP4-070].
- In addition, the landowner is a presumed owner of subsoil of Kent Street which is unregistered and adopted highway.

IMPLICATIONS OF IMPACT

- A proposed construction access/ visibility splay will affect a small strip of the landowner's property. Construction A.61 drawings were submitted at Deadline 4.
- **As detailed within RR-113, works will be carried out in line with Code of Construction Practice.**
- If, following grant of the DCO, compulsory powers were utilised to acquire the rights (temporary access for construction, namely a visibility splay) then the landowner may have a route to claim under the compulsory purchase code.
- The Applicant understands that the most important issue to the landowner is maintaining access to the property, and the Applicant.

PROPOSED MITIGATION

- As detailed within RR-113, works will be carried out in line with Code of Construction practice, which includes details of mitigation. The Applicant will ensure that landowner will have access to his property throughout the temporary construction period.

OUTSTANDING ISSUES DELAYING CONCLUSION OF VOLUNTARY AGREEMENT

- Concerns over blight, to which the Applicant has provided a response via email on 9 May 2024.
- The Applicant has discussed with the Land Interest on 9 May 2024 the qualification requirements and eligibility for the submission of a blight notice under s.150 of the Town and Country Planning Act 1990. No part of the Land Interest's property is proposed to be subject to compulsory acquisition powers (only temporary possession powers) therefore the statutory criteria for a blight notice are not met. It is open to the Land Interest to take their own professional advice on this matter and the Applicant has made that suggestion.
- The Applicant has clarified the position in respect of potential routes to claim, should there be an effect of construction or operation of the proposed development on property values.

CJ Negotiations/Contact Summary	Date of Contact	Method of Contact
Email from Martin Page (Mr Dickson's agent) confirming that the land had been sold in part to Mr Ball.	24/06/2021	Email
Landowner Surgery - Jenn Bryden discussed issues with DB and followed up with an email.	26/07/2021	Landowner Surgery
Email from D Ball to Jenn Bryden and JDA: Requesting consultation material, the discussions with Highways England, the indicative substation layout diagrams, and requesting a site meeting.	29/07/2021	Email

JDA respond with the following answers: CJ to send a survey licence, JB to send information regarding Highways England discussions and a summary of approaches with West Sussex County Council regarding Kent Street and that layout plans are not yet available. Suggested a date for a meeting.	30/07/2021	Email
LT emails DB: With survey licence attached and requesting details of his proposals for developing/building on the land	03/08/2021	Email
DB confirms receipt of documents and LT responds to Key point: DB had previously been missed off the consultation list as Vendor had sold the land and land registry had not yet been updated	03/08/2021	Email
LT sends an email to DB with a copy of the PEIR 2021 works plans attached	03/08/2021	Email
LT sends various documents to DB: Works plans, consultation letter, engagement invitation letter, blank RFI, and S48	04/08/2021	Email
RFI received from Mr Ball	05/08/2021	Letter
Phone call with LT and DB	05/08/2021	Telecom
DB sends an email to LT: Attaches plan of where they are about to build a lake, requesting the cable to be moved so that it may avoid the lake. Also requests the substation to be enclosed in buildings so that people driving will see it as another barn. Also requests the substation to be located close to the current industrial estate to improve views from people driving along Kent Street. Requests confirmation on the location of the permanent access for the substation.	05/08/2021	Email
Phone call with LT and DB	27/08/2021	Telecom
LT emails DB: Suggesting 2 nd September as a meeting date	27/08/2021	Email
Email from DB: Great - let's meet then I will speak to residents and confirm location	28/08/2021	Email
Site Meeting (LT & RWE attended - CT, VW, FK). Record of Engagement created by CJ.	02/09/2021	Site Meeting
Various phone calls between LT and DB. No survey licence was signed.	Late 2021	Telecom
Email from DB - Objection Letter attached: Objecting to the substation location at Oakendene.	15/09/2021	Email
Object Letter received from DB following on from the email correspondence above.	15/09/2021	Letter
JDA sends email to DB: Thank you for submitting this document explaining your initial objections to the Kent Street Substation location. I can confirm that we have officially received this document, and that it will be put into the Rampion 2 consultation process.	16/09/2021	Email

LT emailed DB and attached the engagement meeting notes	27/10/2021	Email
Call and Letter to discuss substation decision - update letter from RWE	13/07/2022	Telecom/ Letter
Telecom with DB	13/07/2022	Telecom
Courtesy call before the start of the consultation	13/10/2022	Telecom
Statutory letter Section 42 sent out	14/10/2022	Letter
<p>Dan Ball re-submitted his Objection Letter from 2021, but also included a summary within his email: Hello</p> <p>Ref Objections / Comments [REDACTED] (Oaklands) [REDACTED]</p> <p>I am submitting this email before the deadline date quoted of 7th December - due to lateness of arrival of your documentation</p> <p>I refer to my comments in the document attached sent on the 15/9/22 of which the facts still stand</p> <p>The confirmation of the sub station in Oakendene has been very upsetting for us and has caused us a lot of anxiety and stress in both a personal and professional capacity</p> <p>We are currently building a luxury Sustainable home with a current GDV of £3.95m on our site and we are very worried how your proposals will affect us both financially and mentally</p> <p>If your proposed plans go ahead we would be looking for substantial compensation for</p> <ul style="list-style-type: none"> • Pipe routes through our land and effects on new 50m x 75m lake to be constructed along with amended access route to the new dwelling from the field (as discussed with Lucy previously) through your proposed field • Property diminution for loss of value and blight when we sell in a few years time due to views, access and amenity loss • Early and adequate landscaping mitigation along Kent Street to be part of a pre-commencement planning condition (depending if sub station site works are part of a DCO or a commercial lease arrangement). Details of which are enclosed in the attached word document <p>I would also advise you that no fee has been paid by yourselves or permission has been granted to date for access onto my land which is described in your drawings as 'Previous PEIR Assessment Boundary'</p> <p>Also can you please tell me why our property is not part of your PEIR SIR 2022 especially due to views from it towards your proposed cable routes and the sub station construction</p> <p>Such matters would be finalised in the time ahead but I wanted to lay down my initial markers and thoughts for</p>	29/11/2022	Email

your perusal I look forward to hearing from you in due course		
LT called DB and advised that the northern link between the substation and Bolney is being taken forwards confidentially. DB re-iterated that he wants advanced planting to screen the substation at the beginning of the project and outlined his intent to claim for compensation.	19/04/2023	Telecom
Email to DB with Letter attached re the route decision/link landowners removal. This resulted in the removal of cable installation works from the subject land/Mr Bal's land.	10/08/2023	Email/ Letter
Email to landowner detailing that the DCO has been submitted	14/08/2023	Email
Phone call with Dan Ball re the letter we sent in August consultation. DB outlined his concerns which were passed to VP via email	30/08/2023	Telecom
Email response to Dan Ball with a DCO screenshot Dear Mr Ball, I am drafting responses to your queries raised in our call last week (summarised below for ease), I hope to get back to you as soon as possible. •Where is the main traffic going around Kent Street/ what are the plans around Kent Street? •Please provide another screenshot showing the substation area and how far the DCO boundary reaches down Kent Street. Actioned •What is the shaded blue area on the plan you sent – is that a construction access? •Kent Street is bordered by soft verges and deep swales – how are the engineers proposing to deal with this? •What is the status on compensation? •What landscape mitigation is confirmed around the substation? In the meantime I attach a screenshot of the DCO boundary around the Kent Street area.	04/09/2023	Email
Statutory Letter Section 56	25/09/2023	Letter
Chaser email received from Dan Ball	20/12/2023	Email
LT responds to Dan Ball's queries as follows: <i>I have passed your queries onto the engineers and the project team and have the following comments (included in green below).</i> • <i>Where is the main traffic going around Kent Street/ what are the plans around Kent Street?</i> • <i>Kent street is flanking the area east of the planned onshore substation to which we will connect our export cable coming from landfall at Climping Beach and from where we will construct our cablecorridor to connect into National Grid's Bolney substation. Kent street is planned to be used for access to both cable corridors during construction, however the cable construction to Bolney will cross underneath Kent street using trenchless crossing methods to minimise disruption.</i> • <i>There will be construction related traffic on Kent Street</i>	20/12/2023	Email

(coming from the A272) to support construction of the cable corridor between Cowfold Stream, the Oakendene substation and the Bolney substation. Construction traffic for Oakendene substation will be coming off the designated access from the A272.

- *Please provide another screenshot showing the substation area and how far the DCO boundary reaches down Kent Street. Actioned*
- *What is the shaded blue area on the plan you sent – is that a construction access?*
- *Works Area 14 / Blue shading is for land that could be used for a construction and/ or operational access. Construction traffic is permitted to travel within this area up to the A272 Cowfold Road.*
- *Kent Street is bordered by soft verges and deep swales – how are the engineers proposing to deal with this?*
- *Where temporary road upgrading along Kent street is required to facilitate the construction it will be undertaken prior to any works commencing. Detailed planning of the accesses is planned post DCO grant. RED is cognizant of residents along Kent street and their access requirements.*
- *What is the status on compensation?*
- *Affected land interests will be compensated for use of their land/rights.*
- *Compensation will be paid in accordance with the provisions of the Compulsory Purchase Compensation Code. Claims such as crop loss and disturbance will be paid where reasonable, substantiated and shown to be caused as a direct consequence of the temporary use of the land, the works, and/or the acquisition of the cable easement in accordance with the relevant legislation.*
- *What landscape mitigation is confirmed around the substation?*
- *Landscape mitigation will be agreed with the local council; we have an indicative drawing of it in our Design & Access Statement (page 55 of Rampion 2 Design and Access Statement (planninginspectorate.gov.uk))*

Please let me know if you have any further questions or queries.

Telephone call from Dan Ball – To confirm that the House (Ridglands) has been put on the market at £3,975,000

09/02/2024 Telecom

Email from Dan Ball: Requesting answers to aspects he has not yet heard back from LT on.

I am currently looking into compensation and a blight claim as my property is currently on the market with little interest as discussed with you previously

2
 Could you please call me to discuss
 Many thanks
 Regards
 Daniel

19/04/2024 Email

<p>LT responds to Dan Ball's Email: Dear Daniel, Thank you for your email, would tomorrow work for a call or a Teams meeting. Thanks, Lucy</p>	24/04/2024	Email
<p>Email from Dan Ball to LT: Lucy Thank you for coming back to me I am out of the office and mostly in the car so yes please do call when convenient Regards Daniel</p>	24/04/2024	Email
<p>Email from LT to Dan Ball: Dear Daniel, I have just left you a voicemail. I will try again either tomorrow or early next week, but please feel free to give me a call back when you have time. Kind regards, Lucy</p>	25/04/2024	Email
<p>Key Terms issued for construction access</p>	16/04/2024	Email
<p>Email from Dan Ball to LT: Lucy Further to my phone call to you on the 25/4/24 you said you would be sending out information on compensation with regard to my house sale and the ExA written questions LR1.3 and LR 1.2 I have not heard back from you since Please could you send on the information for a claim for loss of value in my home as discussed many times on the phone and by email from the onset. Many thanks Regards Daniel</p>	07/05/2024	Email
<p>LT responds to Dan Ball: Confirming that no permanent rights are currently proposed be acquired over his property and therefore at present it is unlikely to meet the tests for service of a successful blight notice in accordance with the relevant legislation. There are, however, other forms of compensation to which you may be entitled to in due course. Please see below a link to the land compensation manual, and in particular a link to Guide 4 of the manual which provides a helpful guide to the compulsory purchase process and the rights to compensation which are available for residential owners and occupiers. As discussed, to serve a valid blight notice, certain statutory tests must be met in respect of the relevant land and we would recommend that you seek advice from a qualified RICS Surveyor who will be able to advise and assist you in the process if it transpires that your property is in fact blighted and/or otherwise in respect of any claim for compensation which you may be entitled to bring.</p>	09/05/2024	

Carter Jonas

RICS Find a Surveyor - Search (ricsfirms.com)

Thanks,

Lucy

Agent's Fees Clarification Letter Sent

06/06/2024

Letter