

Rampion 2 Wind Farm

Category 4:

Compulsory Acquisition

Land Engagement Report: Charles How

Date: August 2024
Revision A

Application Reference: 4.6.96
Pursuant to: The Infrastructure Planning (Examination Procedure)
Rules 2010, Rule 8(1)(c)(i)
Ecodoc Reference: 005279650-01



Document revisions

Revision	Date	Status/reason for issue	Author	Checked by	Approved by
A	01/08/2024	Deadline 6	Carter Jonas	RED	RED

TENANT NAME:	Charles How	URN on LRT:	064
AGENT:	Archie Cheevers (Batcheller Monkhouse)	Relevant Rep Ref:	RR-255
PROPERTY NAME:	Tenanted Land: Lower Chancton Farm (part) 31.94 acres potentially affected (currently within DCO Order Limits)	Written Rep Ref:	N/A
LAND INTEREST:	Category 2 Works 09 – Cable Installation Works Works 13 – Temporary Construction Access Works 14 – Construction and Operational Access	PLOT No:	23/2, 23/3, 23/4, 23/7, 23/16, 23/20, 24/1, 24/8

STATUS

The Applicant has consulted with the Land Interest since September 2021.

The Applicant understands that Charles How holds an AHA tenancy over Lower Chancton Farm (which extends to 396 acres), a farm forming part of the Wiston Estate.

The Land Interest is a farmer who has an AHA tenancy over Land affected by the potential cable route Works No.9 (Plot 23/2, and part of Plot 23/7). Rights of access along the driveway to Lower Chancton Farm (Plots 23/3) which is included within Works No.9, and is a Category 2 interest in Plots 23/4, 23/16, 23/20, 24/1 and Plot 24/8.

The Applicant has been in regular correspondence with the Land interest (and their landlord, Wiston Estate) with the Land Interest attending meetings with their Landlord in September 2021, and May 2023. The Land Interest has engaged with the process during consultation and appointed an agent in May 2024 to offer advice on the scheme.

The Applicant will mitigate the effect on the Land Interest through crossing points, accesses and fencing, and will also provide the services of an Agricultural land Liaison Officer (ALLO) to support the Land Interest throughout the process.

In July 2024 the Applicant had a meeting with the Land Interest and an Applicant ALLO in order that they could engage directly on any concerns on impacts to their farming and to answer any questions on the practical interfaces between the project and the Tenants farming business. This meeting aimed to provide comfort to the Land Interest that any physical impacts to their farming will be mitigated or compensated for. The Applicant received feedback from the Tenants Agent that the meeting was positive and useful.

NEGOTIATIONS

- The Applicant is not seeking to agree Heads of Terms with the Land Interest but has been working collaboratively with the Land Interest's landlord and has issued a **draft Tenant Consent document** to the Land Interest along with copies of the draft Option and Easement documents that are looking to be entered into with their Landlord.
- The Land Interest has been consulted and his views considered, but discussions are initially with the landlord because it is the landowner who has the legal capacity to grant the necessary rights required by the Applicant.
- A draft Tenant's Consent document was provided to the Land Interest's landlord, the Wiston Estate, on **19 March 2024**.
- On **31 May 2024**, the Tenant's Consent document was provided to the Land Interest via email, as well as confirmation on the position regarding recovery of professional fees and the offer of a meeting to progress negotiations.
- On **8 July 2024**, the Applicant emailed the Land Interest and their agent to suggest a site meeting with an ALLO on **18 July 2024**.
- Following a chaser for the site meeting on **15 July 2024**, the Land Interest confirmed.
- On **18 July 2024**, a site meeting was undertaken with the Land Interest and his agent. The ALLO attended and explained the following:
 - The practical steps the Applicant takes to minimize disturbance to farming the rest of the land.
 - How crossing points are designed/managed
 - How the Applicant manages the water during construction including pre and post construction drainage designs.

- Reinstatement methodologies of the land post construction.
- How strategies can be tailored for parties that are working the land directly and are concerned about direct impacts on livelihoods.

PROGRESS OF NEGOTIATIONS TO ACQUIRE LAND RIGHTS FOLLOWING CAH 1

- The Applicant is not seeking to agree Heads of Terms with the Land Interest, due to not having Freehold ownership of land affected by the route, but has been working collaboratively with the Land Interest's landlord.
- On **31 May 2024**, the Tenant's Consent document was provided to the Land Interest via email, as well as confirmation on the position regarding recovery of professional fees and offering a meeting to progress negotiations.
- On 8 July and **15 July 2024**, the Applicant sent a chaser email to the Land Interest to request a meeting and also to offer a meeting with an ALLO from another project who would be available to discuss how their role would help to minimise any impacts on farming operations.
- The meeting took place on **18 July 2024**, as detailed above.
- The Applicant will pick up the form of the Tenant consent document with the Land Interest's agent in due course.

LANDOWNER ENGAGEMENT (2021 to 2024)

- The Applicant has been in regular correspondence with the Land Interest since **September 2021** where they attended a meeting at their Landlord's property.
- A **site meeting** was held on the property the Land Interest occupies in **May 2023**, accompanied by the Land Interest's Landlord, to discuss impact on the farming business.
- The Land Interest appointed a new Agent in **May 2024**, and the Applicant has been working with the new Agent on issues.
- The Applicant sent an email to the Land Interest in **May 2024** confirming the fee position in respect of Land Interest's advice in relation to the project.
- The Applicant held a **virtual meeting on the 6 June 2024** with the Land Interest's Agent to discuss the scheme including the impact on the Land Interest. This was followed up by the Applicant through an email on the **10 June 2024** regarding occupier's loss and compensation claims to the Land Interest's Agent.

IMPACT ON TENANT

- The Land Interest is a tenant farmer who operates a farm which has pasture land affected by the cable route.
- **Temporary** loss of grazing/ crop loss.

PROPOSED MITIGATION

- The Applicant will seek to mitigate the impacts of the temporary works on farming operations where possible, including crossing points to minimise severance and engagement on suitable fencing required for the construction corridor. The Applicant is willing to engage and discuss mitigation and issues around the matter of compensation once details of the Land Interest's occupation of the land have been confirmed by the landowner.
- Crop Loss payments made directly to the Land Interest, in agreement with the landowner to compensation for any losses incurred during the Applicants occupation of the land.
- The Applicant will provide the services of an Agricultural and Land Liaison Officer (ALLO) in order to provide an interface between the Applicant and the Tenant farmer and to ensure that any mitigation during construction to the Land Interests farming is applied and managed accordingly.

In accordance with the Code of Construction Practice (Ref 7.2) submitted as part of the DCO application, An Agricultural and Land Liaison Officer (ALLO) (or person of similar title) will be employed to assist in the day-to-day liaison between the Land Interest, the Applicant and their contractor in advance of and for the duration of the project construction phase. They will oversee the works being delivered in compliance with legal agreements, consents and approved construction methodologies to mitigate disruption to agricultural operations particularly where they intersect with agricultural land or rural environments. Other duties to be conducted by the ALLO include the following:

- Liaison with the Land Interest to agree temporary, permanent and revised accommodation works.
- Engagement with the Land Interest to convey project plans, timelines, and potential impacts on property related issues and agricultural activities to identify and develop mitigation measures through mutually beneficial solutions to minimise disruption.
- Monitor that the project carries out works in accordance with the various regulations and standards and the effectiveness of mitigation measures for activities that may affect agricultural land or operations.
- Co-ordinate and oversee pre construction environmental, drainage and soil surveys and carry out pre and post construction condition schedules liaising with stakeholders with respect to field entrances and access and egress to construction strips;

- Contact details for the ALLO will be made available to the Land Interest, who will be contactable throughout the contractors working hours. Outside of these times and in the event of emergency, out of hours contact details will be provided.

OUTSTANDING ISSUES DELAYING CONCLUSION OF VOLUNTARY AGREEMENT

- The Applicant is not seeking to agree Heads of Terms with the Land Interest, due to not having Freehold ownership on land affected by the route, but has been working collaboratively with the Land Interest's landlord, and responding to the queries of the Land Interest's Agent.
- The Land Interest has requested clarity on how he will be compensated, the compensation provisions in the draft Option and Easement agreements are currently with their landlord for review and will be sent to the Tenant for comments in due course.
- Within the Key Terms, where the Land Interest can demonstrate a loss (such as crop loss and disturbance) that is substantiated and shown to be caused as a direct consequence of the temporary works, this may be considered as part of a disturbance compensation claim. The Applicant will pay reasonable fees where an evidenced claim is submitted.

CJ Negotiations/Contact Summary	Date of Contact	Method of Contact
LT sends licences and plans for tenancy with Chris How (CH)	16/06/2021	Email
LT sends chaser email to CH regarding licence	25/06/2021	Email
CH attended the first meeting at the Wiston Estate	01/09/2021	Site Meeting
LT emails the fully engrossed licence to CH with Wiston and RWE signatures on it and requests access details	21/09/2021	Email
LT emails CH regarding upcoming geophysical surveys and attaches engagement notes	20/10/2021	Email
LT emails CH regarding upcoming tree surveys	10/11/2021	Email
CH replies to LT setting out preferred survey days	11/11/2021	Email
LT emails CH re upcoming surveys	31/01/2022	Email
LT emails CH re delayed tree surveys	17/02/2022	Email
LT emails CH re hedgerow surveys	24/02/2022	Email
LT emails CH re hedgerow surveys	15/03/2022	Email
LT emails CH re delayed hedgerow surveys	18/03/2022	Email
LT invites CH to a Wiston Estate meeting on 29/04/2022. However he was unable to attend	13/04/2022	Email
CH confirms unable to attend meeting and requests confirmation of any cable route realignment	28/04/2022	Email
Site meeting with Rachel Patch (Knight Frank LLP) and CH on site	10/05/2023	Site Meeting
LT emails CH and Archie Cheevers (AC) on Fee Position in Respect of professional advice and attaches Tenant Consent Form	31/05/2024	Email
Virtual Meeting with Chris Tipping (CT) and AC with discussion on various issues arising	06/06/2024	Online Teams Meeting
LT email follow up from meeting providing commentary on discussions and actions arising being relevant points from the HOTs/ Option/ Easement documentation to be extracted (regarding occupier's loss/ compensation claims)	10/06/2024	Online Teams Meeting
Email from LT to CH suggesting a date for a site meeting with the ALLO on site on 18/07/2024	08/07/2024	Email
Email from LT to CH with a chaser for the site meeting with the ALLO on 18/07/2024	15/07/2024	Email

Site meeting with the ALLO present with CH and AC	18/07/2024	Site Visit
Online teams meeting with CT/ AC to discuss the positive feedback following the meeting with the ALLO and review next steps	26/07/2024	Online Teams Meeting
A brief online Teams meeting was held with AC	31/07/2024	Online Teams Meeting

All engagement correspondence referred to within this Land Engagement Report can be provided upon request. Please note: there may have to be redactions in order to comply with confidentiality between parties and GDPR legislation.