

Rampion 2 Wind Farm
Category 4:
Compulsory Acquisition
Land Engagement Reports:
The National Trust for Places of
Historic Interest or Natural Beauty
Date: August 2024
Revision A

Application Reference: 4.6.88

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

Ecodoc Reference: 005279643-01



Document revisions

Revision	Date	Status/reason for issue	Author	Checked by	Approved by
A	09/07/2024	Deadline 5	Carter Jonas	RED	RED
B	01/08/2024	Deadline 6	Carter Jonas	RED	RED

LANDOWNER/ LAND INTEREST NAME:	The National Trust	URN on LRT:	046
AGENT:	Harry Broadbent- Combe	Relevant Rep Ref:	RR-390
PROPERTY NAME:	Washington Land (Jockeys Meadow and Land south of East Clayton Farm) Climping Covenant Land	Written Rep Ref:	REP1-166
LAND INTEREST:	Category 1 and 2 Works 05 - Extension ducts. Works 06 - Underground landfall connection works intertidal area. Works 07 - Underground landfall connection works onshore. Works 09 - Cable installation works. Works 13 - Temporary construction access.	PLOT No:	1b/3, 1b/4, 1b/5, 1/5, 1/6, 21/30, 21/32, 21/33, 21/34, 21/36, 21/37, 22/7
STATUS			
<p>The Applicant has consulted with the Landowner's Representatives and their Agent since November 2020.</p> <p>The National Trust has two interests affected by the proposed cable route. One being freehold land in Washington (Plots 21/32, 21/33, 21/36, 21/37, 22/7) and one being a Covenant over Land at Climping (Plots 1b/3, 1b/4, 1b/5, 1/5, 1/6).</p> <p>Washington Land:</p> <p>The majority of the freehold land in Washington that is impacted by the scheme is subject to a 99 year Farm Business Tenancy to the Lorica Trust. The National Trust has retained rights to grant the Applicant a cable easement, however a separate lease is required for the required rights to construct a construction access.</p> <p>The Lorica Trust has agreed key commercial terms in its capacity as the Landowner's long-term tenant of the land proposed to be used for a construction access.</p> <p>Heads of Terms were issued to The National Trust in March 2023. Further to extensive discussions through 2023 and 2024 regarding both the Proposed Development and the commercial terms, Heads of Terms have now been agreed with The National Trust for the land rights required for the cable installation at Washington (May 2024). Full draft documents for the Washington land have been issued to National Trust's solicitors for review and the Applicant has been informed that a response is expected shortly.</p> <p>Climping Land:</p> <p>The National Trust does not own the land at Climping and it is not inalienable.</p> <p>Further to extensive discussion at a significant number of meetings, full documents have been negotiated and agreed in principle for a "Covenant Deed of Release" in respect of the Climping land covenant.</p>			
NEGOTIATIONS FOR VOLUNTARY ACQUISITION OF RIGHTS			

- A meeting was held with representatives of the National Trust on **30 March 2021** to outline the project requirements associated with the land.
- On **13 April 2022**, following issuing of all relevant documentation to the National Trust on **19 January 2022**, Teams call to agree project interaction in connection with the covenant land and Washington land.
- **14 September 2022** Teams call to resolve a way forward in respect of the Climping covenant land and land at Washington, and provide a project refresh overview and update.
- A site meeting was held on **1 February 2022** with the Landowner's instructed agent following Covenant land principles sign-off by National Trust, and a review of the Covenant land Key Terms.
- Key Terms were issued via email to the Landowner's agent on **9 March 2023** in respect of the Washington Land.
- **A series of Teams meetings were held from June 2023 onwards** to work collaboratively on resolution of outstanding issues associated with form of Key Terms.
- Draft precedent Option and Easement documents issued for review – 29 September 2023
- Meeting to discuss form of draft documents - 3 October 2023
- Agreement reached with National Trust and the Lorica Trust to the granting of a compound lease over part of the land subject to a Farm Business Tenancy with associated consideration payable.

PROGRESS OF NEGOTIATIONS TO ACQUIRE LAND RIGHTS FOLLOWING CAH 1

- A letter was sent in July 2024 providing clarification on Agent's Fees
- The Applicant received an email on 25th July asking whether the DCO change request affected any land in which the National Trust was interested. The Applicant explained that NT land / covenant land is not impacted by the changes and that the majority of the changes were to bring the red line 'in' to avoid the buffer with ancient woodland (25m). There is a commitment to avoid this area in the DCO anyway so bringing the red line 'in' to avoid the buffer makes the commitment and the DCO red line consistent. The Applicant queried the progress on NT's response to the legal documentation and whether NT's solicitor's had received instructions from NT.

The Applicant sent an email to the National Trust in May 2024 setting out the latest position with regard to land rights agreed in principle between National Trust and the Applicant.

The Applicant and the National Trust have had detailed discussions regarding the following documents:

1) Climping covenant "deed of release":

Progress: this document is in an agreed form and ready for signing subject to the agreement of other land agreements required with the National Trust.

2) Key commercial terms for an option for a deed of easement for the cable installation at Washington:

Progress: On 1st May National Trust returned the key commercial terms document to Rampion 2 which had been subject to NT legal review. On 11th May 2024 Rampion 2 land team sent to National Trust their latest comments on the key commercial terms. The key terms are largely agreed between the parties and the Applicant's solicitor has now commenced drafting the formal legal documents.

3) Key commercial terms for a sub lease (with the Lorica Trust) and associated NT consent for a construction access at Washington which is proposed on National Trust land subject to a long term tenancy agreement with the Lorica Trust:

Progress: Terms agreed with the National Trust's tenant and National Trust (for the Lorica Trust agreement see below). Solicitors have now been instructed to commence document drafting.

LANDOWNER ENGAGEMENT (2022 to 2024)

- The Applicant has had detailed dialogue with the NT commencing from November 2020 for both the Climping and Washington land. The Applicant has liaised with different lead NT representatives for the different land interests.
- Written correspondence both via emails and letters have been issued to the Landowner and regular Teams calls held to discuss the Proposed Development programme and impacts, mitigation, construction works, and construction programme.
- Teams calls and emails during 2023 for the Covenant land focussed on agreeing heads of terms and the detailed deed of release between the Applicant, the NT and their respective solicitors
- Teams calls and emails from 2020 – summer 2023 focussed on Project details, requirements and NT objectives for the Washington Land

- Teams calls and emails from Sept 2023 – May 24 focussed on heads of terms for the Washington land (cable easement)
- Teams calls and emails from January 24 – May 24 focussed on heads of terms for the land required for the construction access to the south of East Clayton farm
A list of the key email correspondence and teams call is set out in the engagement tracker extract below.

IMPACT ON LAND INTEREST

- Washington:
 - The Land south of East Clayton farm used for sheep grazing will be impacted by loss of grazing for the construction period which is expected to be between 24 and 36 months
 - The Land east of the A24 “Jockeys Meadow” will not be impacted as the cable will be installed by trenchless crossing methods at this location
- Climping
 - The Proposed Development will result in a temporary loss of arable land but the NT’s interest relates to the protection of landscape openness. Therefore the impacts which will affect the Landowner are the temporary construction impacts from the landfall works and cable installation works running north of the landfall works and the haul road construction.

PROPOSED MITIGATION

- Washington:
 - Crossing points will be provided across the access to ensure land maintenance requirements can continue to be carried out;
 - Additional enhancement works have been agreed such as the installation of a new fence upon completion of the works. The fence will run the length of the northern boundary adjoining Storrington Road from Rowdell Lane to New Barn Copse and be cleft oak wooden post and rail fencing as exists today.
- Climping:
 - The Covenant Deed of Release controls a number of construction details such as road stone type, and fencing to minimise as far as possible the temporary landscape and visual impacts of the scheme. It also sets out requirements relating to the limited permanent infrastructure such as requiring the transition joint bay pits to be located in one group and for marker posts to be located next to field boundaries.

OUTSTANDING ISSUES DELAYING CONCLUSION OF VOLUNTARY AGREEMENT

- The Applicant has agreed the terms of a voluntary agreement, subject to a legal review.
- Negotiations and discussions are ongoing in relation to the legal documents

CJ Negotiations/Contact Summary	Date of Contact	Method of Contact
Introductory project letter from Carter Jonas Land Referencing.	24.11.20	Letter
Meeting with Andrew Shaw at National Trust (NT) and Richard Fearnall (RF) of Carter Jonas	30.03.21	Email
MS Teams call between Rebecca Marshall, James D’Alessandro (JDA), Simon Mole (SM), Will Gullett (WG) & Lucy Tebbutt (LT).	21.10.21	Telecom
RF emails Andrew Shaw the plans, FAQ document, cover letter, Request for Information document issued	19.01.22	Email

MS Teams call between Rebecca Marshall, Fru Kemenes (FK), JDA, Andy Bell, Glyn Price, LT & WG - discussion regarding project interaction at the coast and Lorica land near Washington.	13.04.22	Telecom
Covenant Land (Cov Land) - WG to RB - Meeting request to review Climping requirements	13.06.22	Email
Cov Land - WG to RB - Meeting request chasers Climping requirements	21.06.22	Email
Cov Land - WG to RB - Meeting request chasers Climping requirements	27.06.22	Email
Cov Land - WG to RB - Meeting request chasers Climping requirements referred to FS & JW	14.07.22	Email
MS Teams call with Rebecca Marshall, Jane Cecil, Andrew Shaw, Jane West, Andrew Shaw, JDA, VW, VP, SD, LT & WG regarding project overview, climping covenant and NT land at Washington.	14.09.22	Telecom
WG to RB - RED required targeted 6 week consultation	19.10.22	Email
WG and RB - RED consultation documents address issue clarification and RM requirements	21.10.22	Email
WG emailed Covenants Briefing Note to NT Fenella Stone (FS) for response comments re commitments that can be given at this stage.	26.10.22	Email
RB to CJ - Clarification on NT Lawyer contact details and issue	28.11.22	Email
RM confirmation Harry Broadbent-Coombe (HBC) instruction on Washington and contacts for Covenant land	29.11.22	Email
RM to CJ - Confirmation Governance procedure - NT	29.11.22	Email
Covenants Board Meeting (Wed 16th Nov 2022) / Comments Received back from NT.	07.12.22	Email
WG response to Covenants Board Meeting queries.	13.12.22	Email
WG chaser to FS re Covenants board discussion - HoTs reportedly to follow.	25.01.23	Email
WG email dialogue with HBC regarding instruction, fee rates and site meeting.	27.01.23	Email
Kick off site meeting with National Trust agent - Harry Broadbent-Coombe & Alistair Cameron. LT and WG attended o Walked the route – jockeys and field o Bus stop o Gateway o Electrical chambers – flagged with engineering	01.02.23	Other
Email to Mark Henry re bus stop at Lorica and services.	02.02.23	Email
Email chasers to FS re NT covenant and response with Heads of Terms for Climping Covenant. Full response to be provided.	22.02.23	Email
KEY TERMS ISSUED to Rebecca Marshall & agent HBC.	09.03.23	Email
Wash Land (Washinton Land) - WG to RM requesting meeting to discuss National Trust / Lorica land Washington	14.03.23	Email
WG Phone call to HBC re Key Terms stance and update.	12.04.23	Telecom
WG email follow up to HBC re phone call and request for feedback.	12.04.23	Email
Wash Land – Applicant & NT - consultation on accesses and wider project requirements	13.04.23	Call
Key Terms response received from HBC	24.04.23	Email
Key Terms response received from HBC	24.04.23	Email
Email response to HBC with project comments on Key Terms	25.05.23	Email
Wash Land - HBC Giles Lister (GL) Vicky Portwain (VP) - Meeting to review Key Terms	17.06.23	Email

FS to GL - Progress update	22.06.23	Email
GL to FS - Update meeting agenda and workstream split - Covenant and Washington Land	23.06.23	Email
Cov Land - Call to NT with update on project requirements, Construction methodology, Key terms	27.06.23	Call
Cov Land - VP to FS - Progress update	31.07.23	Email
Wash Land - GL to HBC - Issue spreadsheet with Key terms and comments	08.08.23	Email
Wash Land - HBC to GL - Issue spreadsheet with Key terms and comments	08.08.23	Email
GL email notifying landowner that the DCO has been submitted	14.08.23	Email
Cov Land - GL to FS & RM - Confirmation of DCO submission& review process	14.08.23	Email
Cov Land - Emails between FS to VP on Key Terms content / Extent of Covenant land	15.08.23	Email
Wash Land - HBC GL VP - Call to discuss Key Terms etc	15.09.23	Call
Cov Land - Between GL and NT proposals for Key Terms wording and revisions	29.08.23	Email
Cov Land - National Trust Covenants call with NT Fenella Stone, Andrew Shaw, Rebecca Marshall & Jane West. RWE Reps GL & VP	30.08.23	Call
Cov Land - Email VP to NT call note issue	31.08.23	Email
Cov Land - Email VP to NT Updated Key Terms	15.09.23	Email
Wash Land - VP to NT - Key Terms requirements and request that NT be on calls	18.09.23	Email
Cov Land - NT Fenella Stone, Andrew Shaw, Rebecca Marshall & Jane West. RWE Reps GL & VP	29.09.23	Call
Wash Land - HBC GL VP - Review and discuss Key Terms issues arising	03.10.23	Call
Wash Land - HBC to GL VP - Receipt Key Terms updated spreadsheet	03.10.23	Email
Wash Land - HBC to GL VP - Receipt Key Terms comments and proposed basis of consideration for review	03.10.23	Email
Cov Land - NT FS, Andrew Shaw, Rebecca Marshall & Jane West. RWE Reps GL & VP	12.10.23	Call
Cov Land - VP to NT forwarding updated Key Terms and plan	12.10.23	Email
Cov Land - Eversheds to NT updated version of Key Terms	20.10.23	Email
Wash Land - GL to HBC - Comments on Key Terms issues	24.10.23	Email
Wash Land - HBC to GL VP - Comments on Key Terms issues	13.11.23	Email
Wash Land - GL to HBC - Comments on Key Terms issues	22.11.23	Email
Wash Land - HBC to GL - Comments on Key Terms issues	27.11.23	Email
Wash Land - GL to HBC - Comments on Key Terms issues	28.11.23	Email
Cov Land - NT forwarded revised draft agreement incorporating proposed amendments by GL	06.12.23	Email
Wash Land - GL to HBC - Receipt of further comments on key terms and Teams call. Comments received on Easement document for lawyers to review.	12.12.23	Email
Wash Land - GL to HBC - Issue of revised key terms	13.12.23	Email
Wash Land - GL to HBC - Chaser on update on feedback following issue of revised key terms	11.01.24	Email
Email from VP to the NT setting out position on Wash heads of terms	17.01.24	Email
Wash Land - GL to HBC - Issue of revised Key terms plan and seeking clarification on land document structure and Lorica Trust Tenant Consent	06.02.24	Email

Wash Land - GL to HBC - Clarification on scope of DCO works within three referred to plots	07.02.24	Email
Wash Land - GL to HBC - Issue of revised Key Terms plan	08.02.24	Email
Wash Land - GL & HBC - Clarification sought on exclusive possession requirements by NT and clarified	09.02.24	Email
Wash Land - GL to HBC - Exclusive possession request for site meeting with Lorica Trust to review & discuss access requirements across working area	12.02.24	Email
Email AS – VP requests meeting to discuss requirements for Construction access lease	12.24.24	
Email to AS from Applicant including land plot plans/ teams call	16.2.24	Email/ Teams call
Email from Applicant to NT to AS, JW, FS with Progress update (Washington, Climping and Lorica)	16.2.24	Email
Teams call and email – VP/ AS	13.4.24	Email
Email from Applicant to NT re: Lorica progress	14.4.24	.Email
Teams call VP/AS – project progress	9.4.24	Teams call
Teams call VP/AS – project progress	10.4.24	Teams call
VP and AS – progress call	12.4.24	Teams Call
Email from Applicant to NT (AS) re: progress	29.4.24	Email
Email to NT (RM, AS & HBC re Lorica Trust	29.4.24	Email
Email to NT and teams call – update prior to CA Hearings	9.5.24	Email
Email from Applicant forwarding to NT Lorica Trust agreement	10.5.24	Email
Email setting out the position with regard to land rights agreement between the Applicant and National Trust	11.5.24	
Agent's Fees Clarification Letter Sent	03.07.24	Letter
Email VP- AS regarding DCO amendment and legal document update request	25.7.24	Email

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.