

**Rampion 2 Wind Farm
Category 4:
Compulsory Acquisition
Land Engagement Reports:
The King's Most Excellent Majesty
In Right Of His Crown
Date: August 2024
Revision A**

Application Reference: 4.6.42

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

Ecodoc Reference: 005279561-01



Document revisions

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

LANDOWNER / LAND INTEREST NAME:	The Crown Estate	URN on LRT:	086
AGENT:	n/a	Relevant Rep Ref:	RR 388
PROPERTY NAME:	Foreshore at Climping Beach	Written Rep Ref:	N/A
LAND INTEREST:	Works 6. Underground landfall connection works intertidal area.	PLOT No:	1a/1, 1a/2, 1b/1, 1b/2, 1/1, 1/2, 1/3, 1/4

STATUS

Transmission Asset Agreement for Lease

The Applicant is in discussion with The Crown Estate (TCE) with regard to the agreement of terms for a lease for an area of foreshore within the Land Interest's ownership, which is subject of a regulating lease to Arun District Council (ADC) and a number of coast protection work consents.

TCE has confirmed to the Applicant on 29.06.23 that the rights required for the foreshore area (subject to ADC lease) will be covered fully in the Transmission Asset Agreement for Lease ("TAFL"). TCE subsequently confirmed via their solicitors (Hogan Lovells) on 11/07/24 that the foreshore will be included in the TAFL as it is under TCE ownership and that Arun DC's consent (to the TAFL grant) will not be required but the Applicant is required to notify them ahead of starting any works. TCE had provided a copy of the ADC lease (which was not publicly available) and their confirmation is in accordance, in our view, with the rights reserved to TCE in that lease.

Section 135 Consents

The Applicant has been corresponding with TCE as the "appropriate Crown authority" for consent to the making of the DCO in accordance with sections 135 (1) and (2) of the Planning Act 2008.

TCE confirmed in January 2024 that Town Legal has been instructed in relation to the s135 consents and that they will seek to work collaboratively with the Applicant. Documents have been exchanged with TCE and a legal undertaking provided for this consent.

NEGOTIATIONS FOR VOLUNTARY ACQUISITION OF RIGHTS

TCE also owns the majority of land below the mean low water mark which is needed for the Proposed Development, as can be seen on the Offshore Crown Land Plan (Document Reference: APP-010). (The exception being Plot 1b/5 which is in private ownership). The offshore wind farm array area and offshore cabling will be situated within seabed owned and managed by TCE and no compulsory acquisition is proposed in this area. The Applicant has signed two Agreements for Lease with the Crown Estate (one in September 2020, the other in February 2021), for seabed areas and for the wind farm array. A third Agreement for Lease (TAFL) is currently under discussion regarding rights required for Transmission Assets, which is proposed to include land up to the foreshore, as set out above. This is at an advanced stage of drafting and is expected to complete very shortly. The Applicant will inform the Secretary of State when the agreement has been entered into.

The Order Land does include land which is owned by the TCE in the intertidal area (which is shown on Crown Land Plans sheets 1a, 1b, and 1 Document Reference: 2.8) in which there are interests held otherwise than by TCE and over which compulsory acquisition powers are sought to compulsorily acquire new rights over that land. This engages the requirement for consent from The Crown Estate pursuant to section 135(1) of the PA 2008 for the authorisation of compulsory acquisition powers in respect of those privately owned interests in Crown land. It also engages the requirement for consent for the inclusion of provisions in the draft Order which apply in relation to Crown Land.

The Order Land also includes land which is not owned by the Crown but in which there is a right benefitting the Crown. The requirement for consent pursuant to section 135(2) of the PA 2008 is also engaged in relation to this land because the draft Order includes provisions applying to land in which there are rights benefitting the Crown. The Applicant is using all reasonable endeavours to liaise with the relevant Crown bodies for their consent to the making of the proposed Order pursuant to section 135(1) and/or section 135(2) as appropriate.

PROGRESS OF ENGAGEMENT FOLLOWING CAH 1

TCE confirmed in July 2024 that the foreshore will be included in the TAFL area as it is under TCE ownership and that Arun DC's consent will not be required but the Applicant will need to notify the Council ahead of carrying out any works. This requirement will be referred to within the documentation accordingly and as standard (Schedule 1 to the TAFL). There was a query as to whether additional specific drafting was to be added but this was determined not to be required.

LANDOWNER ENGAGEMENT (2021 to 2024)

From early 2021, the Applicant's Project Team has held regular meetings with The Crown Estate in order to keep them updated on the overall progress of the Rampion 2 Project.

Additionally, the following engagement between the Applicant and The Crown Estate has concerned the specific matter of onshore and landfall cable rights:

- On 7th January 2021, the Applicant wrote to The Crown Estate to provide a summary of the Project. The Crown Estate replied to explain that none of its onshore land interests were affected by the Project, and that it would look to address any foreshore land matters in a Transmission Asset Agreement for Lease.
- During July and August 2022, Carter Jonas and The Crown Estate discussed, by email, the question of how the Crown Estate foreshore land interests would be addressed in the Rampion 2 Land Agreements. The Crown Estate confirmed its preference for using separate agreements, rather than including these rights within the Transmission Asset Agreement for Lease.
- During February and March 2023, the Applicant and The Crown Estate exchanged emails during a discussion of which areas of Crown Estate property at the cable "landfall" were considered to be onshore and which were considered to be offshore. The Crown Estate explained that the Transmission Agreement for Lease will include land from the windfarm up to the mean high-water mark; and that they are not the owners of land above that point.
- In March 2023, The Applicant also made contact with Arun District Council requesting confirmation of the Council's position regarding the regulating lease if rights from the Council are required. No response has been received to date and the Applicant (as noted above) now understands that The Crown Estate has retained the rights required by The Applicant in any event.

ALTERNATIVES / REFINEMENTS– REVIEWED AT THE LAND INTEREST'S REQUEST

The DCO order limits and Works No. 6 for the underground landfall connection works intertidal area (as shown on Works Plan Sheet 01 Doc ref PEPD-005) are wider than the general DCO Order limits to allow for the most appropriate cable corridor from the offshore array to foreshore area and into the Landfall area north of Climping beach to the Transition Joint Bays (TJBs) located onshore (Works no.8). There are currently two alternative locations for the TJB's shown on the Land Plans Plots 1/9 and 1/17 which results in the requirement for flexibility through Work No. 8. The flexibility in this location is required to allow for ground investigation to be undertaken to inform the selection of the final location and account for the detailed design of the related offshore works. As stated in para 6.8.6 of the Statement of Reasons (Doc ref APP-01), prior to any construction, further survey works and site clearance will be undertaken, this includes geotechnical, topographical, Unexploded Ordnance (UXO) and environmental surveys to inform detailed design decisions. No concerns regarding this flexibility have been raised by TCE to the Applicant.

IMPACT ON LAND INTEREST

- The Crown Estate owns the foreshore which is open to access by the public
- The Proposed Development is proposed to be drilled under the beach and foreshore area and the impacts are outlined in the Statement of Reasons (Doc ref APP-01) as follows:

12.2.40 The installation works underneath Climping Beach are to be implemented using HDD construction techniques and as the cables will be directionally drilled underneath the beach there will be little or no impact on the beach and no direct interruption to the public's access for recreational purposes during the works however there may be some temporary reduced amenity during construction.

12.2.41 No above ground works are proposed which will permanently affect the public recreational use of the land or its physical appearance. Once the underground cables have been installed and the Proposed Development is operational, there will be no impact on the public's enjoyment of this land.

PROPOSED MITIGATION & ENHANCEMENT

In order to mitigate impacts on public access, it is proposed to install the cable by way of trenchless crossing methods through the TCE owned foreshore

OUTSTANDING ISSUES DELAYING CONCLUSION OF VOLUNTARY AGREEMENT

- None that the Applicant is aware of / has been brought to the attention of the Applicant
- **The Crown Estate has issued draft documents to progress agreement for the necessary consents. It is understood that any such consent will not be provided by the Crown Estate until after the close of the Examination.**
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CJ and Rampion 2 Negotiations/Contact Summary	Date of Contact	Method of Contact
The Rampion 2 Team wrote to The Crown Estate to provide a summary of the Rampion 2 Project.	07/01/2021	Letter
The Crown Estate replied, to explain that none of its onshore land interests were affected by the Project, and that it would look to sweep-up any foreshore land matters in a future Transmission Asset Agreement for Lease.	04/03/2021	Email
Carter Jonas requested from The Crown Estate confirmation of the treatment of any cable rights required on the onshore element of the beach within the TCE interest as a whole, and that those rights could be swept-up into the Transmission Asset Agreement for Lease.	11/07/2022	Email
The Crown Estate responded to the 11/07/2022 Carter Jonas email, confirming that this email was under review and that a response would be provided in due course.	19/07/2022	Email
The Crown Estate provided a substantive response to the Carter Jonas email of 11/07/2022; suggesting its preference for using separate agreements, rather than including these rights within the Transmission Asset Agreement for Lease.	02/08/2022	Email
The Crown Estate wrote to Carter Jonas requesting "Shapefiles"; to enable proximity checks, and an assessment of what agreements were already in-place and potentially interfacing with the proposed Rampion 2 works.	04/08/2022	Email
The Rampion 2 Team wrote to The Crown Estate, requesting clarification of which areas of Crown Estate property at the cable "landfall" were considered to be onshore (and therefore to be included in onshore property agreements) and which were considered to be offshore (and therefore to be included in the Transmission Asset Agreement for Lease).	17/02/2023	Email
The Crown Estate responded to Rampion 2's email of 17/02/2023, to explain their understanding that the Transmission Asset Agreement for Lease will include land from the windfarm up to the mean high-water mark; and that The Crown Estate are not the owners of land above that point. They also explained that there is a Regulating Lease to Arun District Council, which allows for conduits to be placed. The Crown Estate also offered to look further into an area of seabed, marked as outside Crown Estate ownership, below the mean low-water mark.	22/02/2023	Email
The Rampion 2 Team wrote to The Crown Estate, thanking them for their email of 22/02/2023 and expressing the intention to confer with their land agents before providing any further questions on the matter.	01/03/2023	Email

Carter Jonas

The Rampion 2 Team wrote to The Crown Estate, further to the email of 01/03/2023, reporting that they had consulted with their land agents. Rampion 2 confirmed that their land agents were confident that the offshore land ownerships indicated on the plan for the Bairds and for Arun District Council were correct.	03/03/2023	Email
The Crown Estate confirmed to Carter Jonas that the foreshore area that is subject to the regulating lease to Arun District Council will be wrapped up in the Transmission Asset Agreement for Lease	29/06/2023	Email

