

Rampion 2 Wind Farm

Category 4:

Compulsory Acquisition

Land Engagement Reports:

Kevin Byrne and Lisa Marie Byrne

Date: August 2024

Revision A

Application Reference: 4.6.64

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

Ecodoc Reference: 005279609-01



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:	Kevin Byrne & Lisa Marie Byrne	URN on LRT:	115
AGENT:	Rowan Allan (HJ Burt)	Relevant Rep Ref:	N/A
PROPERTY NAME:	Batts, Ashurst 1.59 acres within DCO Order Limits (potentially affected by scheme)	Written Rep Ref:	N/A
LAND INTEREST:	Category 1 Works 09 – Cable Installation Works	PLOT No:	26/11, 26/12, 26/13
<p>STATUS</p> <p>The Applicant has consulted with the Landowner since February 2021 both via the Statutory process and via site meetings.</p> <p>The Landowner owns land impacted by a short section of cable route (43 metres) which is located at the south-eastern corner of his landholding, to the south of his main property. Following an alternative route that was assessed (and taken forward by the Applicant to final design) on a neighbouring landholding to the south, the cable route in this location was amended. The route of the cable over the landowner’s land was subsequently altered meaning a shorter section of the cable route affected his land and a new construction methodology was proposed to be implemented over the landholding, in order to horizontally directionally drill underneath the B2135 road. Following the October 2022 consultation, the Applicant introduced a trenchless crossing/ Horizontal directional drilling under the road, as the proposed cable installation method in this location, which has been communicated to the landowner.</p> <p>As a result, there is not intended to be any above ground impacts on the Property, as the horizontal directional drilling (HDD) will install the cable underneath pasture land owned by the Landowner. This means that the direct impact will be minimal.</p> <p>Heads of Terms were issued on 16 March 2023 and the Landowner has confirmed on numerous occasions that they do not wish to negotiate signed Heads of Terms (on 17 October 2023 verbally at a site meeting, on 3 April 2024 via email and 4 July 2024 via email). This is partly due to the ongoing construction of a residential dwelling on the Property and the landowner’s potential plans to sell the Property.</p> <p>Pursuant to conversations held with Landowner’s appointed agent (and feedback from the landowner himself) it is clear that the commercial terms offered are not acceptable to the Landowner in principle because they do not agree with the principle of the Proposed Development itself and do not wish to proceed with a voluntary agreement based on standard commercial terms. The Applicant has amended the construction methodology in this location (which indirectly minimises the impacts on the Property), however, the Landowner is unwilling to change their position, unless the Applicant removes the Property from the Order Limits entirely. The Applicant will continue to negotiate and hopes that a voluntary agreement could still be reached before the start of any works once CA powers have been granted and there is no longer any benefit to maintaining an ‘in principle’ objection to the inclusion of the Property in the Order limits.</p>			
<p>NEGOTIATIONS FOR VOLUNTARY ACQUISITION OF RIGHTS</p> <ul style="list-style-type: none"> • Heads of Terms were issued on 16 March 2023 with the amended route (subject to a proposed HDD underneath the landholding). • An email chaser was sent to the Landowner’s agent in October 2023 and December 2023. • Site meeting in October 2023, where Land Interest confirmed they did not want to progress discussions for the Heads of Terms. • The Option and Easement documentation was sent to the Landowner’s agent on 13 February 2024. • The Applicant sent the Landowner’s Agent an email in February 2024, requesting feedback on the Heads of Terms. • The Applicant sent the Landowner a Letter in March 2024 to confirm their position on the Heads of Terms discussions. • The Landowner responded restating their position (that they did not wish to negotiate Heads of Terms) via email on 3 April 2024 to which the Applicant responded in April 2024. • A further meeting was held with the Landowner’s agent on 12 June 2024 (in person at the agent’s office) and followed up with an email on 21 June 2024 • Revised Heads of Terms were issued on 28 June 2024. • On 28 July 2024 the Applicant received an email from the Landowner confirming that they did not want to progress discussions regarding the Heads of Terms. • Further online Teams meetings were held on 8 July 2024 and 24 July 2024. 			

PROGRESS OF NEGOTIATIONS TO ACQUIRE LAND RIGHTS FOLLOWING CAH1

- A letter was sent to the Landowner on 6 June 2024 to confirm the Applicant's position in relation to fees for professional advice.
- The Applicant sent revised Heads of Terms on 28 June 2024 with a commercial offer to progress discussions towards agreement.
- A meeting was held with the Landowner's agent on 12th June 2024 to discuss outstanding concerns and 'blockers' for progressing with the Heads of Terms'.
- However, as previously outlined, the Landowner does not want to discuss the Heads of Terms and responded via an email confirming this again on 4 July 2024.

LANDOWNER ENGAGEMENT (2021 to 2024)

- The Applicant has been in correspondence with the Landowner and their Agent since **February 2021**.
- **A Site meeting** was initially held in **February 2021**, where the Applicant introduced the scheme.
- **Subsequent meetings were held on 16 May 2022 and 5 October 2023**

ALTERNATIVE CONSTRUCTION METHODOLOGY

- A site meeting was held in **May 2022** (where the Applicant met with the Landowner's Agent, to explain how a route amendment to the south of the Land Interest's title amended the cable route and installation methodology over their land holding.
- As a result of this change trenchless crossing methodology has been employed meaning minimal impact is proposed on the Landowner's Property.

IMPACT ON LAND INTEREST

- The Landowner owns pasture land which is affected by the proposed Rampion 2 cable route. The proposed construction methodology in this location is by trenchless crossing method.

IMPLICATIONS OF IMPACT

- The Order Limits (owing to design changes either side of the property) mean **a trenchless crossing is proposed on the Property and therefore impact is minimal.**
- The saleability of the Property remains the primary concern of the landowner.

PROPOSED MITIGATION

- **Trenchless crossing.**

OUTSTANDING ISSUES DELAYING CONCLUSION OF VOLUNTARY AGREEMENT

- **The Landowner does not wish to progress Heads of Terms at this time due to concern over a potential sale of the Property and further as the Landowner considers the proposed compensation is not sufficient to cover this loss in any event. Please see email dated 4/7/2024.**

CJ Negotiations/Contact Summary	Date of Contact	Method of Contact
Introductory letter sent	24/11/2020	Letter
Email from Lucy Tebbutt (LT) of Carter Jonas (CJ) to Kevin Byrne (KB): Confirmation that Request for Information document returned. Request for consent for surveys and license forwarded. On Site Meeting request and concerns raised over asset value	18/02/2021	Email
LT emails KB - Proposed site visit Thursday 25th February	22/02/2021	Email
Email from KB: Survey license signed	23/02/2021	Email
SITE MEETING - RF and LT attended	25/02/2021	Site Meeting
LT sends payment form and survey schedule to KB	01/03/2021	Email
KB expresses concern regarding selling property and suggests route to be moved	03/03/2021	Email
LT requested payment form for licence, and has passed queries onto RWE	03/03/2021	Email
LT informs that payment has been processed and informs of surveys	19/03/2021	Email
KB states that he will instruct legal representation	19/03/2021	Email
LT informs KB of consultation in Sept and informs of surveys	26/03/2021	Email
LT sent KB survey schedule	15/04/2021	Email
Rowan Allan (RA) confirms acting for KB	06/05/2021	Email
LT responds to RA re Byrne licence	06/05/2021	Email
LT sent survey details to KB	21/05/2021	Email
LT sent survey details to KB	08/06/2021	Email
LT sent survey details to KB	17/06/2021	Email
KB responded to LT stating looking to stop Rampion from laying cables on his land	18/06/2021	Email
LT informs KB that tree surveys have been delayed	23/06/2021	Email
Statutory letter - section 42	14/07/2021	Email
LT sent survey details to KB	02/08/2021	Email
LT sent further details to KB	08/11/2021	Email
Response from KB stating he can't stop surveyors from surveying his land, however he will take legal action to stop cable route on his land	08/11/2021	Email
LT informs KB of further surveys	11/01/2022	Email
KB states the licence is close to run out and he does not permit surveys. LT confirmed that no surveys will take place after current license expired	11/01/2022	Email
LT sent survey request.	31/01/2022	Email
LT sent further survey licence to KB	23/03/2022	Email
KB states he will not sign the licence	23/03/2022	Email
LT requests meeting with KB to discuss route options, KB accepts and RA thanks	10/05/2022	Email
KB confirms to RA that he cannot attend meeting	16/05/2023	Email
RA informs KB that the route may be altered	16/05/2023	Email

KB provides foreman's details	16/05/2023	Email
SITE MEETING - KB did not attend - RA explained impact now that the route realigned	16/05/2022	Site Meeting
Survey licence sent via post to landowner	01/06/2022	Letter
TS sent survey licences to RA	08/06/2022	Email
KB sends response to letter to land referencing, addressed to James D'Alessandro (JDA) regarding concerns	07/09/2022	Email
Response from JDA stating all comments are documented and there has been an update	15/09/2022	Email
Further response from KB stating he wants no cable on his property	15/09/2022	Email
LT sent KB and JDA emails to RA and requested for him to call KB	15/09/2022	Email
Statutory letter - section 42	14/10/2022	Email
RA sent consultation response to Rampion 2	29/11/2022	Email
KEY TERMS ISSUED	16/03/2023	Key Terms Issued
KB requested meeting and stated he will not sign until the meeting has been had	16/03/2023	Email
WG call with RA regarding email from KB. Will Gullett (WG) offered further site meeting. RA (without prejudice) comment on Terms offer	17/03/2023	Via Land Agent
LT sent key terms to RA due to email address issue	04/04/2023	Email
LT sent email to update that DCO application has been submitted	14/08/2023	Email
LT requested meeting with KB	15/09/2023	Email
LT suggested site meeting with RA and KB for 04/10	20/09/2023	Email
LT sent meeting suggestion of 04/10 to KB	22/09/2023	Email
Statutory letter - section 56	25/09/2023	Email
LT sent chaser to KB re meeting	02/10/2023	Email
Further chaser from LT to KB re meeting	03/10/2023	Email
KB suggests 05/10, LT and RA confirm	04/10/2023	Email
Site meeting	05/10/2023	Site Meeting
LT sent meeting summary to KB and RA	17/10/2023	Email
Chaser Letter Sent	22/03/2024	Letter
Email received from KB - Requesting significant compensation due to development plans.	03/04/2024	Email
Email Sent to KB and RA - Acknowledging position on HoTs and outlining compulsory purchase powers and the current stage of the DCO	25/04/2024	Email
Agent's Fees Clarification Letter Sent	06/06/2024	Letter
Meeting with RA to discuss the Heads of Terms and understand outstanding 'blockers'	12/06/2024	Meeting at the agent's office
LT sent chaser to RA and updated table of proposed actions to RA	21/06/2024	Email
Further email chaser from LT to RA with updated actions	27/06/2024	Email
Updated Key Terms Letter Sent	28/06/2024	Key Terms Re-issued

KB states that he does not want to progress discussions/ negotiations on the Heads of Terms, requesting greater commercial compensation

04/07/2024

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.