

Rampion 2 Wind Farm  
**Category 4:**  
**Compulsory Acquisition**  
**Land Engagement Reports:**  
**Fischel**  
**Date: August 2024**  
**Revision B**

Application Reference: 4.6.7  
Pursuant to: The Infrastructure Planning (Examination Procedure)  
Rules 2010, Rule 8(1)(c)(i)  
Ecodoc Reference: 005265879-02

A photograph of an offshore wind farm with several white wind turbines on yellow foundations in the ocean. A small boat is visible near the base of one of the turbines. The background shows a coastline with hills under a clear blue sky.

## 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

<b>7LANDOWNER NAME:</b>	Susie Clare Fischel (WSX136427)	<b>URN on LRT:</b>	039
<b>AGENT:</b>	Robert Crawford Clark (Henry Adams)	<b>Relevant Rep Ref:</b>	RR-378
<b>PROPERTY NAME:</b>	Sweethill Farm, Ashurst (extending to 131.74 acres in total) Pasture land – private nature conservation	<b>Written Rep Ref:</b>	REP1-163, PEPD-103, PEPD-104, REP1-161, REP1-162, REP1-163, REP3-132, REP4-128
<b>LAND INTEREST:</b>	Category 1 Works 09 – Cable Installation Works (20.3 acres with Order Limits) Works 13 – Temporary Construction Access (0.012 acres within Order Limits) Works 14 – Construction and Operational Access (0.64 acres within Order Limits) Works 15 – Operational Access	<b>PLOT No:</b>	25/12, 25/13, 26/2, 26/3, 26/4, 26/5, 26/6, 26/8, 26/9, 26/10, 26/11
<p><b>STATUS</b></p> <p>The Applicant has consulted with the Landowner since 2021 and assessed 4 alternative routes and construction methodologies (some of which were proposed by the Landowner and some by the Applicant in attempt to reach agreement). These have formed part of the negotiations, demonstrating meaningful consultation and engagement. The Applicant understands the alternative route taken to DCO submission was accepted by the landowner as preferable to the original route proposed, as detailed within Table 2-30 (2.1.2) of REP4-070. For example, a letter was from received from the Landowner’s agent dated 25 January 2022 commenting that <i>‘this variation is an improvement on the original cable route’</i>.</p> <p>Although the Landowner found the new proposed route preferable, when the proposals were presented to the Fischels at site meetings in early 2022, the landowner raised further concerns about the route, as their preference is for a route to exit their land on the eastern boundary (Option B) rather than heading northwards on their land and exiting at the northern trenchless crossing TC-14. Whilst it has not been possible to adopt every suggestion and revision of the route put forward by the Landowner, that does not of itself mean that the Applicant has not given proper consideration to alternative options. The Applicant has engaged with the various requests put forward by the Landowner and made commitments where possible.</p> <p>The Landowner does not currently accept the selected route alignment and has communicated that they are not happy with the outcome of the Applicant’s consideration of the alternatives proposed by the Landowner, but it cannot be rationally concluded that the Applicant has failed to give sufficient consideration to those alternatives.</p> <p>As at Deadline 5, the Applicant is awaiting detailed feedback on the contents of the Heads of Terms. However Since CAH1, the Applicant has been engaging directly with the Landowner via on-site meetings and emails in May, June, and July. Constructive discussions regarding the Heads of Terms plan, project information regarding hedgerow loss and key principles and commitments have taken place at those meetings. Subsequent to the meetings, a revised plan and a proposed schedule of “principles” to be appended to the Heads of Terms further to requests made by the Land Interest has been forwarded to the Landowner and their agent. Emails were exchanged with the Landowner on 5<sup>th</sup> and 8<sup>th</sup> July 2024 with regard to the detailed wording of the design and construction “principles” schedule which is expected to be reflected in the voluntary documentation.</p> <p>Subsequent to Deadline 5, the DCO order limits have been amended to exclude the area of ancient woodland buffer in the Fischel landownership. This will be reflected in the voluntary documentation plans.</p> <p>Solicitors have been instructed for both parties and a fee undertaking provided to progress legal documents for a voluntary agreement. The Applicant anticipates concluding an agreement in the near future.</p>			
<p><b>NEGOTIATIONS FOR VOLUNTARY ACQUISITION OF RIGHTS</b></p> <ul style="list-style-type: none"> <li>• Heads of Terms were issued on 16 March 2023 (with revised Heads of Terms planned to be issued on request /further to agreement of the Heads of Terms plan.</li> </ul>			

- **On 23 October 2023, the Landowner's agent confirmed (via email) that the Landowner would like to work collaboratively with the Applicant to agree terms.**
- The Heads of Terms were issued on the basis of a revised cable route which was consulted upon in 2022 (ACR-06) on page 60 and 61 of the Consultation Booklet), with a total 4 alternative routes having been assessed, and the most suitable route being taken to consultation. As previously detailed, Option B was incorporated within the design as this was this considered the most appropriate route by the Applicant further to the EIA work and consultations.
- The Applicant is committed to obtain all the rights it requires for the project by voluntary agreement and discussions are ongoing with the Landowner.
- The negotiations with the Landowner need to be seen firstly through the lens of the consultation and alternative routes that have been assessed, which began in early 2021. The consideration of reasonable alternatives as part of the engagement forms part of the journey to seeking voluntary agreement. Secondly, through the discussions around the specific impacts of the DCO Order limits on the land which have been progressed from February 2024 onwards.
- Comments from the landowner on the heads of terms have now been provided to the Applicant at the end of July 24. Draft documents reflecting the specific requirements for the Fischel land are in preparation and will be circulated further to review of heads of terms comments from the Landowner.

### Engagement (January 2021 to February 2023)

- On 29 January 2021, Mrs Fischel confirmed that Robert Crawford-Clarke was acting for her.
- On 15 February 2021, the Applicant arranged for a site meeting at Sweet Hill Farm with the Landowner's agent.
- As a result of the meeting, the Applicant took back feedback that there were some concerns with the route and alternatives would need to be considered.
- A meeting was subsequently arranged for 14 May 2021 which was attended by members of the Rampion 2 project team to walk the route and understand the Landowner's preference for a re-route (Option C).
- Following the two prior site meetings, the Applicant arranged for an engineer to visit the site on 8 July 2021 to walk the route and discuss the issues with the proposed route with the Landowner.
- On 22 July 2021, the Landowner attended a consultation event – the Landowner Surgery in Henfield. Following this meeting, an additional site meeting was held on the same day (22 July 2021) to walk the route.
- Subsequent to the 4 meetings that took place in 2021, the Applicant undertook some detailed assessments of alternative routes in the area, having considered the Landowner's concerns about environmental and ecological impacts on the land.
- Option C was the Landowner's suggested route which enabled the cable route to bypass their land almost entirely, running to the south and east of Calcot Wood before heading northwards to re-join the cable corridor.
- Site Visit on 21 January 2022 where engineers from the project team and members of the Rampion 2 project team attended. This was in response to receiving the Landowner's consultation response dated 2 February 2021 (which requested an alternative route be assessed, including Option C) and following site meetings in February 2021, May 2021, July 2021 and a Landowner Surgery in July 2021 to engage with and understand concerns. The Applicant's project team subsequently considered an alternative route and showed a map of a proposed route and walked the route with the Landowner who outlined their concerns. Of particular note were the mature oak trees on the south-western boundary of the property (where the Landowner requested the HDD be extended to include an additional hedgerow), they queried whether Calcot Wood was designated ancient woodland, and raised concerns about the stream to the north east of their property and suggested another alternative route (Option A), albeit no map was provided.
- Letter received from the Landowner's agent dated 25 January 2022 commenting that *'this variation is an improvement on the original cable route'*. Nevertheless, they maintained that *'their original proposed route (coloured yellow on the plan) remains a far better solution.'* Concerns were also raised about the mature oaks on the southern boundary of the farm.
- Site Visit in April 2022 to present the proposed alternative route (Option B), an initial iteration of which was presented at the meeting in January 2022. The reasoning behind the decision to move forwards with Option B was presented verbally at this meeting, as well as additional mitigation measures the Landowner had requested and that the Applicant had included within design, such as extending the HDD to avoid another mature tree line at the south-west corner (TC-13) and proposing an HDD under the stream and road to the north-eastern of the land holding (TC-14). The Applicant also committed to including a wider boundary in this location, so that there is flexibility for avoiding mature trees in two treelines crossed by micro siting individual cables to run through gaps where possible (Plot 26/3). The wider boundary also allows for hedgerow notching to take place during cable installation in the least impactful way. The Applicant walked the proposed re - route with the Landowner and listened to their comments on the proposed re -route. The Landowner confirmed Option B is clearly preferable to the original route within their formal letter/ consultation responses (dated 25 January 2022 and 28 November 2022).
- Letter received from the Landowner's agent dated 11 April 2022 which stated *'my clients acknowledge that this variation is an improvement on the original cable route.'*

- Formal Letter sent from the Applicant to the Landowner dated 19 July 2022, in response to their 2021 Consultation response and subsequent engagement meetings. This Letter was included at Appendix 17 within Applicant's Responses to Relevant Representations [REP1 -017 ].
- Letter received from the Landowner's agent dated 21 September 2022 which stated '*we acknowledge that your revised route is an improvement on your original proposal*' as well as other requests and queries.
- Telecommunications on 13 October 2022 regarding the upcoming consultation.
- Statutory Consultation Material sent to the Landowner on 14 October 2022
- Telecommunications and email to the Landowner on 4 November 2022
- Landowner Surgery Consultation event on 12 November 2022 in Washington Village Hall, where discussions were held with Rampion 2 representative, Rob Gully. The Landowner commented on ACR -06 and requested the proposed HDD (TC -13) was extended to avoid a further field boundary within their land holding.
- Formal Consultation response received from the Landowner dated 28 November 2022 which stated '*the proposed revised route is clearly preferable to the original route*' as well as raising other concerns.

**Engagement (March 2023 to September 2023) - General queries received from the group of agents within an excel document (but no specific points received on the Landowner's landholding from Robert Crawford-Clarke).**

- Emails regarding surveys in January to March 2023 and chaser email regarding the consultation response,
- On 16 March 2023, Heads of Terms were issued to the Landowner and their agent.
- On 24 April 2023, a group of agents (with clients affected by the project) responded collectively with comments on the Heads of Terms included within an excel table.
- On 27 April 2024, the agent re-submitted the consultation response via email and requested feedback. In response to this, the Landowner requested a site meeting in June 2023 to discuss the consultation response and present the reasoning for the rejection of Option A, however, this meeting was rejected by the agent.
- On 15 May 2023, an updated spreadsheet with Carter Jonas' comments on the issues raised was then circulated by Carter Jonas via email, to the same group of agents for comment.
- No further responses were received from the agents specifically relating to the spreadsheet.
- On 7 June 2023, Carter Jonas emailed the same group of agents, where it was confirmed that on the basis no response had been received on the issued responded to on 15 May 2023, as set out within the spreadsheet, going forward there would be ongoing dialogue with individual agents in relation to specific landowner queries.
- Subsequently, Carter Jonas began discussions with various agents in relation to landowner specific details within the Heads of Terms, but did not receive formal feedback from Mr Robert Crawford-Clake in respect of Mrs Fischel.
- On 14 August 2024 the Applicant emailed the Landowner detailing that the DCO had been submitted and the agent requested a formal response to the consultation.
- 25 September 2023, Section 56 letter sent to the Landowner.
- On 17 October 2023, the Applicant issued a Formal response summarising the detailed considerations for the various route Options reviewed at this location. The Formal letter from July 2022 was also attached as an Appendix as it provided context on the routes assessed in this location.

**Engagement (October 2023 to April 2024)**

- On 4 October 2023 Mr Robert Crawford-Clarke responded and requested further information relating to the Heads of Terms and other queries. However, no specific queries were raised in respect of the offer pertaining to this Landowner.
- On 17 October 2023, Carter Jonas sent a letter to Mr & Mrs Fischel with answers to their various questions about the routing of the cable route. This followed a Letter dated 19 July 2022 which also provided feedback on the routing decisions.
- On 23 October 2023, Mr Robert Crawford Clarke confirmed via email that his client would like to work towards signing the Heads of Terms.
- On 24 October 2023, the legal documentation relating to the Heads of Terms was sent to Mr Robert Crawford-Clarke.
- On 12 December 2023, Carter Jonas chased for feedback on the Heads of Terms documentation.
- On 30 January 2024, Carter Jonas requested feedback on the Heads of documentation (via email).
- On 6 and 7 February 2024, Carter Jonas had a conversation with Mr Robert Crawford-Clarke at the DCO Hearings and requested specific feedback on the Heads of Terms.
- On 16 February 2024, Carter Jonas requested feedback on the Heads of Terms documentation and requested a date for a meeting (via email).
- On 27 February 2024, RWE requested feedback on the Heads of Terms documentation and requested a date for a meeting (via email)
- On 24 October 2023 the Landowner's agent confirmed that the Landowner would like to progress discussions on Heads of Terms.
- On 24 October 2023, the Option and Easement documentation was sent to the Landowner's agent.



- On 21 December 2023, the Applicant sent a chaser email to the Landowner's agent requesting feedback on the Heads of Terms and Option and Easement documentation.
- On 30 January 2024, the Applicant responded to the Landowner's agent's request for solicitors details, before any comments had been received back on the Heads of Terms.
- On 6, 7, 12 and 15 February 2024 the Landowner's agent requested the Applicant provide details from the Planning Inspectorate website in order that he could include these within his relevant representation, to which the Applicant responded.
- On 27 February 2024 the Applicant emailed the Landowner's agent, following an in person meeting at the first Open Floor Hearing and requested a date for meeting.
- On 6 March 2024, the Landowner's agent responded to state that a meeting would not be possible until April 2024, given their current commitments.
- On 18 March 2024, the Landowner's agent responds, suggesting 3 April 2024 as a suitable meeting date.
- On 25 March 2024, the Applicant confirmed the site meeting date.
- On 3 April 2024 the Applicant had a meeting at the Landowner's property to review the Heads of Terms and the draft precedent option and deed of easement documents. In addition, the Applicant walked the proposed cable route. At this meeting various queries were raised verbally by the agent. On 3 April 2024, an extensive number of points on the option and deed of easement were discussed, some of which the Applicant agreed in principle to consider amendment to in light of the Landowner's specific circumstances at the legal stage. The meeting that was held on 3 April 2024 was organised to progress discussions on the Heads of Terms. After the Applicant and the Landowner walked the route on the farm, the Applicant listened to the Landowner's concerns regarding the impact on the farm and the variation of Option A which the Landowner wanted to be scoped as an alternative option (Option D). The Heads of Terms were then discussed in detail, however, the Landowner and their agent maintained that a plan with various commitments was produced before any detailed discussions could be progressed.
- A written response to comments on the key terms plan and next steps was provided to the agent and land interest by the Applicant following the meeting on 3 April 2024. At the meeting the Landowner noted that it was difficult to progress negotiations before a suitable plan was agreed.
- On 14 April 2024 the Landowner provided further amendments to the meeting notes from 3 April 2024.
- On 22 April 2024 the Applicant summarised the details within the plan that was being prepared by the Applicant.
- On 22 April 2024 the Landowner provided further comments on the meeting notes from 3 April 2024.
- On 8 May 2024 the plan requested at the meeting on 3 April 2024 was provided to the Landowner via email.
- On 10 May 2024 the Landowner responded and commented that the map did not satisfy their requirements.
- On 10 May 2024 the Landowner confirmed the exact route of the cable alternative, as drawn by the Applicant in response to the Landowner's comments (Option D – a variation of Option A) was correct. This Option will not be progressed by the Applicant for most of the same reasons as the very similarly route (Option A), an earlier alternative proposal put forward by the Landowner. The Applicant will present the reasoning to the Landowner in a letter week commencing 3/6/2024.
- On 18 May 2024, the Applicant emailed the Landowner and their agent regarding solicitor's fees.

## **PROGRESS OF NEGOTIATIONS TO ACQUIRE LAND RIGHTS FOLLOWING CAH 1 (22 May 2024 onwards)**

### **The Applicant has had detailed discussions with the Landowner since Compulsory Acquisition Hearing 1 (CAH1).**

- On 29 May 2024, the Landowner's agent requested clarification on the Works areas at the southern boundary of the Landowner's freehold title.
- On 29 May 2024, the Applicant responded to the Landowner's agent to clarify points from his earlier email.
- On 31 May 2024, the Landowner's agent responded requesting further clarification on the extent of the 'cutting back' along the visibility splay.
- **In June 2024, a letter was sent to the Landowner and their agent confirming the Applicant's position in respect of fees for professional advice.**
- **A full response on the Landowner's proposed "Option D" was provided via email on 7 June 2024 and via letter on 5 July 2024.**
- **Site meeting 20 June 2024 to discuss next steps for agreement of the plan, buffers from ancient woodland and pond in the north west corner of the land and visibility splays.**
- **A follow up visit with the Applicant's land transaction manager and engineer to discuss visibility splay requirements on 25 June 2024.**
- **Further to the discussions at site meetings with the Landowner in June 2024, a list of principles the Applicant is prepared to commit to has been prepared and sent to the Landowner and their agent together with an updated key terms plan.**
- **The Applicant has reviewed the works proposed within 25m of the ancient woodland. The Applicant's proposed change request in relation to amending the DCO order limits to exclude all areas within 25m of ancient woodland will ensure that there is no risk of harm to ancient woodland.**

- In July 24, the Applicant submitted the DCO change request excluding the ancient woodland buffer from the DCO red line boundary on the Fischel land and communicated this to the landowner
- In July 24, the Applicant offered to issue a legal undertaking to Winckworth Sherwood to address the matters raised by the Landowner (not solely those raised by Winckworth Sherwood) as far as practicable without risk to the Project. This undertaking was intended to give weight to the Applicant's commitment given that key terms may not be agreed by the end of the Examination.
- The Applicant has also confirmed it is willing to also include these commitments within the Heads of Terms which will in turn be included in a legal option agreement for construction of the cable and a deed of grant.
- The Applicant has confirmed an undertaking for legal fees (19<sup>th</sup> July)
- Comments from the landowner's solicitor have been received on the Heads of Terms and the Applicant will discuss these with the landowner prior to preparing the voluntary documentation.

## **LANDOWNER ENGAGEMENT (2021 to 2024)**

The engagement with the Landowner needs to be considered in context of engagement from early 2021 through to the present (2024). This includes ten site meetings (as well as one which was turned down by the agent in June 2023, and the ASI which took place on 14 May 2024), the review of three alternative routes (plus an additional route known as Option D) and three formal letters in response to their consultation responses. These are detailed within the 'Negotiations' section (above) and within the Engagement summary (below)

As well as seeking to alleviate the Landowner's concerns about the original route, the project team included a number of additional measures within the final design to further deal with their concerns/ mitigate the impacts: The benefits of the route taken to DCO (Option B) are as follows:

- Avoiding a rewilded area to the west of the Property, thereby reducing amenity impacts and environmental impacts.
- Avoiding various ponds and watercourses.
- Including a trenchless crossing under Calcot Wood.
- Minimising impact on mature boundary oak tree lines/ field boundaries to the south of the Property abutting Spithandle Lane, including extending the HDD.
- Trenchless crossing proposed for the north eastern corner of the Property, under the water course.

## **ALTERNATIVE ROUTES CONSIDERED**

In total, four alternative route proposals have been investigated in respect of this Landowner, one of which was taken forward to DCO final design. The Applicant has carried out extensive consultation on numerous alternative routes and options, more than is typically carried out for this type of Proposed Development. The Applicant has spent nearly 4 years engaging with the Landowner, communicating the proposed development results and assessing and consulting on alternatives.

### **ALTERNATIVE ROUTE (Option C) – REVIEWED AT THE LANDOWNERS REQUEST**

- A site meeting was initially held in February 2021, followed by subsequent representation letters where the Landowner expressed concerns about the environmental/ ecological sensitivities of the proposed cable route. The Landowner's views were also reiterated within further site meetings in May and July 2021 and various consultation responses. Subsequently, the route was amended to take a route further to the east, away from the environmental/ ecological constraints. The new proposed route was initially presented at a meeting in January 2022 and again in April 2022. The rationale for the route amendment and decision-making process was summarised verbally in January and April 2022 and in a letter dated 19 July 2022.
- Subsequently, a change request was progressed and the route was amended to take a route towards the edge of the farm on the eastern boundary (Option B).
- The Landowner proposed an alternative route (in conjunction with neighbouring landowners) at site meetings throughout 2021 and early 2022. This route went to the south of the farm and avoided the Landowner's title. The letter dated 19 July 2022 provided the rationale for not taking this route forwards.

### **ALTERNATIVE ROUTE (Option A) – REVIEWED AT THE LANDOWNER'S REQUEST**

- The Landowner proposed an additional alternative route 'exiting the farm further south down the B2135' which was formally presented to the Applicant in representations in September and November 2022, as a response to the Applicant's proposed re-route on their land. The Landowner submitted a representation on 28 November 2022, which required detailed engineering and environmental considerations. The Applicant requested a site meeting in June 2023 to discuss the points raised in the consultation response, but the request was declined as the Landowner invited a written response.
- The route was fully researched as an option and the rationale and decision-making process for not progressing with the additional route amendment to consultation was communicated formally in a letter dated 17 October 2023.

## ALTERNATIVE ROUTE (Option D) – REVIEWED AT THE LANDOWNERS REQUEST

- At a site meeting on 3 April 2024, the Landowner walked the route and requested that another alternative route was investigated. The Landowner did not provide a plan on 03 April 2024 and simply pointed towards a hedgerow, indicating they would prefer the cable to leave their land on the eastern boundary. Subsequently, on 02 May 2024, the Applicant's agent sent a plan to the Landowner (with a rough drawing of a cable route) to obtain clarification on this alternative route they wanted to be assessed. On 10 May 2024, the Landowner confirmed that the cable route drawn by the Applicant's agent on the map was the route they wanted assessed.
- The Applicant advised on site that the alternative route (Option A), which crosses the B2135 in this direction, had already been assessed and rejected for reasons already explained to the Landowner. The Applicant commented that the route was a variation of Option A and was likely to have many of the same constraints.
- On 7 June 2024 the Applicant presented the assessment of Option D via email and followed up with a formal letter on 05 July 2024.

Option B was taken forward as the most suitable Option within the DCO Order Limits.

## IMPACT ON LAND INTEREST

- The Applicant understands the pasture land is used for private nature conservation and is not actively in agricultural use.
- There are areas of ancient woodland within the land holding, but these will be avoided as per the Commitments Register [APP-254].

## IMPLICATIONS OF IMPACT

- **Temporary** severance of pastureland that is not occupied or in actively in agricultural use.

## PROPOSED MITIGATION

The Applicant has meaningfully listened to the Landowner's concerns as part of these negotiations and sought to provide mitigation where possible.

- **DCO Order Limits Width** - Regarding concerns about the cable corridor width, at the site meeting on 3rd April 2024, the Applicant explained the constraints to identifying the location of a 40m construction corridor location at this stage but stated that the Applicant could commit to locating the cable as far south and east as possible subject to engineering and environmental requirements.
- **Minimising Hedgerow / Tree Loss** - As detailed within the letter dated 17 October 2023, the Applicant confirmed that 'Hedgerow and tree lines crossed by the cable route will be *'notched' to reduce habitat loss and landscape impacts wherever possible*'.

**The DCO commitments within the Commitments Register [REP3-049]** also seek to minimise hedgerow and tree loss where possible and this has been explained to the Landowner. Following feedback received from the Landowner these commitments will be included within the voluntary legal documents. Additional 'in principle' commitments have also been offered to be secured in a legal undertaking as set out below.

- **Crossing Points** - Gated crossing points across the cable construction corridor can be provided to ensure access is maintained for land maintenance and other land use requirements during the temporary works. The Applicant discussed the principle of crossing points and fencing at the site meeting on 3 April 2024 and confirmed that details can be included in key terms upon request.
- **Buffer adjacent to Lowerbarn Wood** – The Applicant has made a non-material change to reduce the Order Limits adjacent to the Ancient Woodland at Sweethill Farm to be 25m or more from Lowerbarn Wood.
- **TC-13 has already been extended (at the Landowner's request) in order to avoid an additional hedgerow/ mature tree line on the property.**

**The Applicant has put forward suggested design and construction "key principles" for the Applicant to commit to which it intends to form the basis of a letter of legal undertaking and to be included in the key terms/ voluntary land agreements:**

- The cable route construction corridor will be located as far to the south and east as practicable taking into consideration engineering and environmental requirements\*
- A buffer of 25m will be retained between the ancient woodland and the cable route construction corridor. This area is proposed to be excluded from the DCO Order limits. This buffer will be increased if detailed design work demonstrates it is feasible in line with commitment 5.
- Ecological mitigation is likely to be required at "Pond 78" as identified in the Environmental Statement. The Applicant will consult with the Landowner on those mitigation requirements prior to construction.
- Tree and hedgerow loss will be minimised as far as possible taking into account engineering and project requirements.
- The Applicant will use reasonable endeavours to maximise distances between the cable corridor and the ancient woodland in the west and the pond to the north west corner of the land subject to engineering and project requirements.
- Treeline removal at the construction access will be a maximum of 5m.



- Vegetation removal will be kept to the minimum necessary for RED to gain access and secure approvals from Local Highways Authorities (LHA). Equally, vegetation management will be kept to the necessary minimum in order to retain the required visibility splays as per the construction access design which is approved by the LHA.
- The Applicant will keep the Landowner fully informed and consult with us in respect of the access works and vegetation management and the timing thereof
- The Applicant will provide security measures to prevent unwanted third party access in a form to be agreed with you as landowners. The construction access will be monitored (i.e. by CCTV or security guards) for security and health and safety purposes.

## **OUTSTANDING ISSUES DELAYING CONCLUSION OF VOLUNTARY AGREEMENT**

- **Concerns about the route** - A suitable cable route has been put forwards to alleviate the Landowner's main concerns, which they have previously confirmed they welcome (when compared with the original proposals). However (although this is the most suitable route for reasons explained in various letters and representation responses), the Landowner is not happy with the route as it is not the 'exact' route that they have requested (Option A being their favourite route). The Applicant and the Landowner are attempting to reach agreement by establishing some key design and construction principles for the Applicant to commit to with the general aim of using reasonable endeavours to meet the Landowner's requests as far as practicable. The Applicant has explained that flexibility for the cable route within the land identified is required to ensure there is not material risk to the project and therefore the commitments from the Applicant must be subject to the essential engineering (and environmental) requirements.
- **Concerns about the DCO Order Limits** –The Applicant has explained the need for flexibility within the Order Limits, within which the 40m working corridor will be sited, and the permanent 20m easement will then be located within that corridor. The Applicant has provided a detailed explanation in relation to the process for refining those land requirements and how this will be communicated to landowners in response to CAH1 Action 1 (see Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70). The 20m easement is expected be the standard width of easement but there will be locations where a greater width is required, such as at crossings. It is not therefore possible to include a restriction that the easement corridor shall be no more than 20m. The Applicant's response to CAH Action 6 (see Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) further explains why permanent rights cannot be limited to the linear corridor.
- **Concerns over the Construction Corridor** - As discussed at the meeting on 3 April 2024, the Applicant is not in a position to carry out an informed detailed design of the cable construction corridor at this stage but it will, subject to a full understanding of ground conditions and final survey results commit to meeting the Landowner's requested micro-siting preference within the DCO limits when that detailed design happens (see first bullet point above). There is no lack of willingness on the part of the Applicant to address concerns and it is prepared to agree to appropriate commitments in a voluntary agreement which seek to address landowner concerns whilst also ensuring that the Applicant has sufficient rights to construct the Proposed Development. The Applicant looks forward to progressing these discussions.
- **Concerns about the Heads of Terms** – To date, the Applicant has not received a formal detailed response from the Landowner's agent on the Heads of Terms. These were originally provided in March 2023 (16 months ago), with the Applicant struggling to obtain feedback, despite repeated attempts to engage. The revised Heads of Terms are prepared ready for issue to the with an enhanced commercial offer to progress discussions and reach agreement pending agreement on the plan and key design and construction principles.
- **Concerns about the form of the Option and Easement documentation** – As of 1 July 2024, the Applicant received a tracked changes Word document of both the Option and Easement documentation from the Landowner's agent in respect of the other clients he represents (albeit a specific document has not been received from the Landowner's agent in respect of the Landowner).
- **Concerns over TC-14 which is under a watercourse** – The Applicant has provided reassurance to the Landowner that the construction methodologies are appropriate in this location. Firstly, when the Landowner first raised their concerns about this, the Applicant arranged for project engineers to visit the site on 21 January 2022 to consider the Landowner's concerns regarding this specific area and take photos to aid with engineering considerations in the future. Secondly, as stated in paragraph 5.10.9 of the Outline Code of Construction Practice [REP3-025], detailed drainage investigations and hydrological assessments will determine potential location specific risks and appropriate mitigation measures developed accordingly as part of the Construction Phase Drainage Plan. In addition, paragraph 8.2 of Appendix 26.2: Flood Risk Assessment, Volume 4 of the Environmental Statement [APP-216] outlines provisions for the Emergency Response Plan covering flood risk from fluvial, groundwater, and surface water sources.
- **Legal fees** – The Applicant has communicated to the Landowner that key commercial terms are usually agreed before instruction of solicitors as the Heads of Terms present an agreement in principles of the intention of both sides to reach a voluntary agreements. The Applicant has however confirmed it is willing to provide an appropriate legal undertaking for the Landowner's solicitor to provide advice to the Landowner in an attempt to progress matters and has requested details from the Landowner/ the Landowner's representatives.

- **Agreement of Construction and Design “Key Principles” schedule to form basis of legal undertaking letter and appendix to Heads of Terms (see above under “Proposed Mitigation”).** This document has been the subject of emails between the parties on 5 July 2024 and 8 July 2024.
- **Plan** - The Applicant has provided a map including the indicative 40m working construction corridor and with a reference to the above commitments as discussed with the Landowner at recent meetings. This was provided on 5 July 2024.
- **Solicitors for both parties have been instructed to progress discussions on draft documents**
- **Comments on the Heads of Terms have been received by the Applicant and will be discussed with the Landowner prior to update of the draft documents**

CJ Negotiations/Contact Summary	Date of Contact	Method of Contact
Introductory letter	24/11/2020	Letter
Email confirmation from Mrs Fischel that RCC is acting for her	29/01/2021	Email
Email from Richard Fearnall confirming receipt of email	01/02/2021	Email
<b>Site Meeting (RF &amp; RCC attended). RCC issued representation following this visit dated 15/02/2021</b>	15/02/2021	Site Meeting
<b>Representation letter sent from RCC to Vaughan, Eleri, with Richard Fearnall in CC.</b>	15/02/2021	Representation Letter
Email from Richard Fearnall with documents attached - Licence, survey access FAQs, Covid letter and land plans	16/02/2021	Email
Email response from RC to RF requesting more fees	16/02/2021	Email
Email response from RF to RCC	16/02/2021	Email
Chaser email to RCC from RF	02/03/2021	Email
Response from RCC saying the agents are considering their options	02/03/2021	Email
Email response from RF to RCC	03/03/2021	Email
Chaser email from RF to RCC	08/03/2021	Email
Further chaser from RF to RCC	09/03/2021	Email
Email from RF to RC re surveys and commercial agreements.	16/03/2021	Email
Final survey licence sent to RCC for Fischels with accompanying information	10/05/2021	Email
Email from RCC to Vaughan	10/05/2021	Email
Email from Vaughan to RCC	10/05/2021	Email
Email from RCC to Vaughan arranging a time for site meeting - various emails on DMS - Emails to JDA too	10/05/2021	Email
Email from LT to RCC with updated survey licence plans	10/05/2021	Email
<b>Site Meeting (SM, JDA &amp; RCC attended). RCC issued representation following this visit. SM walked the current route</b>	14/05/2021	Site Meeting
Updated survey documents sent to RCC upon his request for changes	20/05/2021	Email
Licences signed by landowners returned to CJ by RCC. Payment information forms sent back on 26.05.2021	25/05/2021	Email
Survey licence signed. This was followed by regular e-mail correspondence in relation to the surveys.	27/05/2021	Email

Email from RCC to Vaughan with James in CC. Requesting another site meeting	01/06/2021	Email
Vaughan responds to RCC	01/06/2021	Email
LT emails Fischels for the first time directly with survey licence attached and details of upcoming surveys	02/06/2021	Email
Regular email correspondence re Fischels and surveys during June/ July / August	17/06/2021	Email
Email from LT to Fischels apologising for rescheduling of tree surveys	23/06/2021	Email
<b>Site Meeting (NM, VW &amp; EW attended). Discussions on site centred around how the route was not viable.</b>	08/07/2021	Site Meeting
Statutory Letter Section 42	14/07/2021	Letter
<b>Landowner Surgery - Simon and James met with David Fischel and Susie - See Meeting notes from 22.07.2021</b>	22/07/2021	Landowner Surgery
<b>Site Meeting (following the landowner surgery) (SM, EW, JDA, NA attended). RCC issued representation following this visit.</b>	22/07/2021	Site Meeting
Email from NA to David Fischel attaching the Minutes from the site meeting of 22.7.21	16/09/2021	Email
Email from David Fischel to Nigel Abbott detailing amendments to be made to the minutes provided from the 22.07.21	27/09/2021	Email
Email from LT to Fischels requesting access for geophysical surveys and providing FAQ doc	08/11/2021	Email
Email from DF to Eleri requesting an update on everything regarding the alternative route. Eleri forwarded to LT	12/11/2021	Email
Email from EW to Fischels with Fru, Vaughan and JDA in cc with a response - NB this was not forwarded to LT until 30.3.2022	25/11/2021	Email
Email from SF to LT requesting that both proposed routes are surveyed at the farm 'as advised by Eleri Wilce' - follow up email from RCC on same day.	29/11/2021	Email
Phone call with SF to request that geophysical surveys commence on a certain date	11/01/2022	Telecom
Email from LT to Fischels regarding upcoming surveys and proposing a date for the next site meeting	14/01/2022	Email
<b>Site Meeting (LT, JDA, AB, NM &amp; RCC attended).</b>	21/01/2022	Site Meeting

Email from JDA to RCC attaching plans brought along to the meeting. RCC replies	25/01/2022	Email
RCC issues Formal Representation dated 25/01/2022 (but technically issued it on 26.01.22)	25/01/2022	Formal Representation Letter
Email from JDA to Fischels	28/01/2022	Email
LT emails SF re surveys	31/01/2022	Email
LT sends chaser regarding surveys and dates	02/03/2022	Email
Email from SF to LT outlining that soil surveyors turned up, without calling and to request that both routes are surveyed	04/03/2022	Email
Email from SF to LT - re-iterating that she was not happy that the surveyors said they were only going to survey one route.	07/03/2022	Email
LT emails Fischels re Bat surveys (these were subsequently delayed).	15/03/2022 and 18/03/2022	Email
Email forwarded by DF to LT - summarising that EW had committed to both routes being surveyed	30/03/2022	Email
SF forwarded email with a plan that EW had sent her, detailing that both routes would be surveyed	30/03/2022	Email
Upset email from SF complaining of confusion regarding the surveys that were due to take place	30/03/2022	Email
Email from SF requesting an update given the little time left in the consultation period	31/03/2022	Email
Email from LT to SF summarising all the surveys that have taken place, and the future surveys and the consultation	01/04/2022	Email
Email from RCC to LT summarising that the Fischels are concerned about the lack of surveys on their land and in particular the alternative route. They requested a summary of what surveys had happened	11/04/2022	Email
RCC issues an additional Formal Representation dated 11/04/2022 - direct to JDA with SM in cc	11/04/2022	Formal Representation Letter
Email from LT to Fischels to arrange another site meeting to explain alternative route proposals	20/04/2022	Email
Email re bat surveys	22/04/2022	Email
Site Meeting (LT, WG attended). Explained re route - and walked the fields and through the agent woodland. Took notes of remaining concerns.	25/04/2022	Site Meeting
Email re bat surveys, further chasers on 05/05, 10/05	03/05/2022	Email
Email re bat surveys and doormouse	18/05/2022	Email



Email from RCC to Vaughan and James with Fischels and LT in CC. Contains a number of complaints about their requests, alternative routes and formal consultation responses.	01/06/2022	Email
Chaser to Vaughan from RCC	15/06/2022	Email
Email to RCC from LT - holding email for Vaughan's response	16/06/2022	Email
Email from NA to RCC requesting access for surveys and RCC responds by requesting a plan. NA responded with plan which shows requested area to be surveyed	21/06/2022	Email
Email from RCC to NA, requesting a detailed response to the latest representation letter before allowing any further surveys to take place	28/06/2022	Email
LT issues response to RCCs representation via Formal Letter	19/07/2022	Letter
Email response from RCC with questions	20/07/2022	Email
Email from LT to RCC with responses to questions	21/07/2022	Email
Email from WG to RCC requesting access for surveys	26/07/2022	Email
Email from RCC to WG summarising that he will enable surveys in the spirit of cooperation. He is due to discuss letter with his clients	29/07/2022	Email
Email correspondence to issue a new licence. New survey licence was refused	21/09/2022	Email
Fischels/ RCC respond to LT's letter dated 19/07/2022 - and consent to surveys on a verbal basis	21/09/2022	Email
Email to Fischels re bat surveys AND confirmation of receipt of their response letter dated 21.09.2022	12/10/2022	Email
Phone call to remind the Fischels that the consultation is opening. LT left VM	13/10/2022	Telecom
Email to Fischels re consultation material and upcoming surveys	17/10/2022	Email
Email outlining dates for remaining surveys and a date for collecting the equipment from site	25/10/2022	Email
Email from RCC re fees, chaser on 02/11/2022	26/10/2022	Email
JDA emails RCC re fees	03/11/2022	Email
Email from LT to RCC with licences and meetings notes for the Fischels	04/11/2022	Email
Email to RCC from LT with licences attached and previous email from June attached	14/11/2022	Email
Landowner Surgery (Washington Village Hall) - RG discussed route with the Fischels	12/11/2022	Landowner Surgery

<p>Formal representation letter sent from RCC to Rampion 2 mailbox with representation attached</p>	<p>28/11/2022</p>	<p>Letter</p>
<p><b>FORMAL CONSULTATION RESPONSE</b>          Response to potential onshore cable route changes          SUSIE CLARE FISCHEL,          SWEETHILL FARM, SCHOOL LANE, ASHURST,          BN44 3AY          TITLE NUMBERS WSX136427          I refer to the latest proposals and current consultation process commenced on 14th October, and write with my client's formal response to that process.          1. My client is Mrs Susie Fischel who has been formally consulted as the owner of Sweethill Farm, Ashurst, which lies on both the original and proposed revised cable route. The relevant map in the consultation documents we received is page 18 of 23. This is also referred to as area 6b: South of Ashurst in the public consultation document on display at the open days.          2. In respect of the second round of public consultation , we are specifically asked for comment on what is referred to as Alternative Cable Route ACR-06 and trenchless crossings TC-13 and TC-14.          3. With my client , we have been actively engaged in discussions with Rampion 2 since the original proposed cable route was first published, involving numerous meetings with Rampion senior management on site and extensive correspondence .          4. Most recently, we received a letter from Carter Jonas dated 10 July 2022 outlining a proposed revised route which was the product of further reviews of the original route by Rampion 2 instigated by their engagement with us. We responded to that letter on 21 September 2022.          5. The proposed Alternative Cable Route ACR-06 and Trenchless Crossings TC13 and TC-14 follow that outlined in the Carter Jonas</p>	<p>01/12/2022</p>	<p><b>Consultation Response</b></p>

letter of 10 July 2022.

We reproduce below the relevant plan from your 'Second Round of Statutory

Consultation : Potential Onshore Cable Route Changes' document to better

illustrate these points

6. The comments on the consultation set out below largely follow points made by

us to Carter Jonas in our response of 21 September 2022.

7. In summary , we agree with Rampion 2 that the original route was very

unsatisfactory both for Rampion 2 and ourselves for both environmental and

engineering reasons and change was necessary. The proposed revised route is

clearly preferable to the original route. However, we believe the proposed

revised route, while better than the original route, still contains aspects which

are sub-optimal and could be improved upon, mostly in the interests of

Rampion 2 themselves.

8. The improvements we seek are twofold - (a) extending the tunnelling of TC-13

further eastwards under one further line of mature oaks and (b) exiting Sweethill Farm further South to meet the B2135 Steyning Road further South

thereby both better distancing the route from the Ancient Semi- Natural Woodland Lowerbarn Wood and avoiding the engineering complexities of TC14.

9. In respect of point (a) above, we agree with the need for TC-13 but would

consider the marginal cost of extending the tunnelling a small distance

Eastwards under one further line of mature oak trees would be justified and

ultimately more straightforward for Rampion 2 than attempting a conventional

cable approach under that line of oaks. This amendment would minimise

environmental damage.

10. In respect of point (b) above, the green area in the map of area 6b (orange area in the page 18 map) has been drawn very widely and the red line is, we understand, illustrative only at this stage with the prospective final route still to be drawn exactly. We have a number of concerns. Firstly that the cable could pass too close to Lowerbarn Wood, and secondly that the TC-14 trenchless crossing has picked a particularly complex point to exit the farm, as detailed in the following point.

11. The TC-14 point is where all the water sources of Sweethill Farm exit towards the River Adur and can range from a trickle in the Summer to a torrent in winter, flooding the B2135 on occasion and making it impassable. So we don't understand the reason why the proposed alternative route takes an unnatural northern, even north-westerly, swerve within Sweethill Farm to exit at the most difficult point rather than continuing in a more easterly direction and exiting the farm at more favourable points further South across the B2135. This would also minimise the footprint of the cable skirting Lowerbarn Wood. Given that this point has previously been raised by us throughout the dialogue with yourselves over the last 2 years, in our view Rampion 2 should have been consulting with other parties potentially impacted by such change, and has had and indeed still has sufficient time to do so rather than trying to chisel the whole route of the relevant 6b area into Sweethill Farm alone.

12. We attach 2 photographs. The first is of the exit point which illustrates the complexity of the proposed exit point for TC-14 with a deep tributary and extensive vegetation including mature trees. The B2135 is visible beyond the

railings through the trees and this tributary is prone to flooding right over the road at times of excessive rainfall. The second photograph is from the same point looking approximately south west back towards Lower Barn Wood and shows how undulating the ground is at this point. From here there is a pronounced drop in levels down to the tributary, although this has been hard to capture in the photo. This would indicate a much greater degree of difficulty at this point than at potential crossing points further South across the B2135 where the ground is much more level.

13. Additional mitigation measures were proposed by Carter Jonas in their letter of 19 July 2022 which we believe should be incorporated in any final planning approval. Specifically :-

- (i) adopting a special technique to weave the cable routes between gaps in lines of mature oaks to minimise damage to roots
- (ii) reducing working width at these points
- (iii) using existing field access routes to avoid the need to cut a gap for a haul road.

14. On various occasions, both we and our client have been promised the results of the various environmental surveys your consultants have undertaken on her land, but to date these have not been received. We assume your current proposals on the cable route take into account these results, and wish to place on record that it is unreasonable to expect our client to engage in this consultation process without this information.

15. It is very difficult to comment fully on the latest proposals when the red line on the plan is drawn to cover such a wide area. This leaves the actual proposed cable route open to very broad



<p>interpretation. If all the data you have gathered to date has been properly analysed by you, then we see no reason why a more accurate indication of the proposed route options cannot be shown on the map.</p> <p>Again, it is unreasonable to expect our client to comment fully on your latest proposals without this information. We remain open to further discussion with Rampion 2 on the points raised above.</p> <p>Yours faithfully,  <b>ROBERT CRAWFORD CLARKE,</b>          BSc Agric, MRICS Director</p>		
LT emails RCC regarding fees and RCC responds	19/12/2022	Email
Email re surveys followed by email from RCC requesting a plan	10/01/2023	Email
LT sends further survey request	14/02/2023	Email
RCC agrees to surveys	21/02/2023	Email
Email from RCC requesting a response to their consultation letter from Nov 2022	21/02/2023	Email
<b>KEY TERMS ISSUED</b>	16/03/2023	Key Terms Issued
Email chaser from RCC summarising their concerns, re attaching the formal consultation response - saved on DMS	27/04/2023	Email
Holding email sent to RCC re the consultation response	30/05/2023	Email
Another holding email to RCC and requesting a site meeting to discuss the other points further	05/06/2023	Email
Email from RCC refusing another site meeting answers have been provided to all their queries within the consultation response from Nov 2022	06/06/2023	Email
LT issues response to the prior email	06/06/2023	Email
Email from RCC suggesting there has been ample time to respond to their queries	07/06/2023	Email
Email to landowner detailing that the DCO has been submitted	14/08/2023	Email
RCC sends chaser regarding response, LT responds stating it is in final review	25/08/2023	Email
S.56 Letter sent to Fischels	25/09/2023	Letter
<b>Email to RCC and landowner with S.56 documents attached and response to their queires raised.</b>	<b>17/10/2023</b>	<b>Email</b>
Formal Letter response to Fischels regarding their queries about the the Alternative route (also sent via post).  Email also confirmed the following:	17/10/2023	Letter

We have been following statutory process and the documentation has been sent directly to all land interests identified within the book of reference under Section 56 of the Planning Act 2008. However, as requested, please see copies attached.

I also attach our response to various queries that you have raised. I will also send a hard copy in the post.

Please advise if your client would like to work towards signing the Key Terms document, and we will provide the Option and Easement documentation. As previously outlined, reasonable fees are offered to cover landowners' costs should the landowner, in this case Mr & Mrs Fischel, wish to progress discussions on key terms. Reasonable fees are paid on an hourly rate, to be agreed, there being a requirement upon yourself to inform Carter Jonas where fees are to exceed the figures stated in the key terms, so that a decision can be made as to how to proceed.

We understand, however, that Mr & Mrs Fischel might decide to progress positive discussions but receive advice which leads them to decide they do not want to continue negotiations. In this instance, any reasonable abortive costs would be covered up to the figure as referred to within the key terms on the basis above.

**Email from RCC: Confirming the Fischels would like to progress discussions on HOTs/ Option and Easement sent**

Thank you for your email of 17th October below.

I confirm that my client would like to work towards signing the option and easement documentation with your client, and I'd be grateful if you could forward the draft documentation for our consideration as soon as possible.

Indeed it has always been my client's position that they wished to cooperate with your client and deal with matters by agreement if at all possible, however, as advised at the time, the Key Terms document previously provided was far too lacking in detail to provide the degree

24/10/2023

Email

<p>of clarity and protection they seek in the legal documentation. Hence the need for the option and easement document so this detail can be scrutinised and their concerns addressed.</p> <p>I look forward to receiving the documents shortly.</p>		
<p>Chaser Email from LT to RCC - requesting feedback on the HOTs</p>	<p>21/12/2023</p>	<p>Email</p>
<p>Response from RCC – Regarding requesting an email response from other members of the team.</p>	<p>22/12/2023</p>	<p>Email</p>
<p>Email from RCC: Dear Lucy and Vicky, I would be grateful if you could let me have the contact at Eversheds who is dealing with the easement documentation to enable my client to instruct their solicitor to make contact with them to obtain the necessary costs undertaking for the above. Regards,</p>	<p>26/01/2024</p>	<p>Email</p>
<p><b>Email from LT explaining process for signing HOTs</b> Dear Robert,</p> <p>Please see the process below regarding Key Terms.</p> <p>Process for Signing Key Terms</p> <ol style="list-style-type: none"> <li>1. Agent provides comments on Key Terms, for consideration and discussion/ review by RWE.</li> <li>2. Once agreed, signed Key Terms are sent to CJ.</li> <li>3. CJ uploads these to the Eversheds portal.</li> <li>4. This then provides the instruction for Eversheds to instigate the discussions with your client's solicitors (following sign off from RWE).</li> </ol> <p>In essence, Eversheds cannot give an undertaking associated with your client's solicitors fees until they have received agreed and signed Key Terms. Please could you therefore provide your comments on the Key Terms, for consideration and discussion/ review by RWE, before you return them on behalf of your client.</p> <p>Please note, that signing key Terms</p>	<p>30/01/2024</p>	<p>Email</p>

<p>is Without Prejudice and Subject to Contract.</p>		
<p>Email from RCC: Dear Lucy, I'm struggling to find answers to some queries I've got which are relevant to this week's proceedings, and whether or not we wish to raise anything on these topics.</p> <p>Please can you urgently clarify, in respect both the Fischel's property, Sweethill Farm, and the Facer's property, Cratemans Farm,:-</p> <p>1. What ecological surveys were undertaken? It became nigh on impossible to keep track of what was and wasn't completed, given the constant changing of survey timetables etc. 2. And where can I find the results of these surveys within the documents?</p> <p>In particular, I'm trying to establish what was established in terms of the species richness or otherwise of the pastureland on the farms.</p>	<p>06/02/2024</p>	<p>Email</p>
<p>LT emails RCC with links to the environmental assessments:</p>	<p>06/02/2024</p>	<p>Email</p>
<p>Email from RCC: Thanks Lucy</p> <p>I've had a good look through these but still can't find what I'm looking for.</p> <p>Can you confirm where I can find the specific results for the surveys on the pasture through both Cratemans and Sweethill Farms.</p> <p>We need to understand what your ecologists recorded in terms of extent or otherwise of species rich grassland</p> <p>Very worryingly the plans at the back of the Extended phase 1 habitat survey show all of the Cratemans pasture and most of the Sweethill pasture as being improved grassland, which we all know is completely untrue.</p> <p>Regards,</p>	<p>07/02/2024</p>	<p>Email</p>

<p>Email from RCC: Dear Lucy, Please can you get back to me on this. You'll appreciate the need for urgency, given the 28th Feb deadline for written reps</p>	<p>12/02/2024</p>	<p>Email</p>
<p>Email from LT to RCC:</p> <p>All available survey data is within the links sent last week (and within the email thread below). Phase 1/ NVC surveys are the ones to review, however, I provide further detail from the ecological team below.</p> <p>Confirmed that some survey information was not available as survey access was not permitted by the Fischels at that point time.</p> <p>Further specific information included about Sweethill Farm and another along the route.</p> <p>Kind regards,</p> <p>Lucy</p>	<p>15/02/2024</p>	<p>Email</p>
<p>Email from LT regarding HoT comments</p>	<p>16/02/2024</p>	<p>Email</p>
<p><b>VP emails RCC post the OFH:</b> Dear Robert I hope you are well. I understood from our conversation at the OFH that you (and Mr Fischel) would like to engage to progress discussions on the voluntary agreements. I would be grateful if you would provide some dates per Lucy's request below. All the best</p>	<p>27/02/2024</p>	<p>Email</p>
<p><b>Response from RCC:</b> Dear Vicky, Now that the initial round of hearings and representations period is over, the diary is clearing. We are keen to engage on this and will get back to you with some dates, probably in April given current commitments. Regards,</p>	<p>06/03/2024</p>	<p>Email</p>
<p><b>LT informs RCC and Fischels of Accompanies Site Visits:</b> Dear Robert, Susie and David,</p> <p>Further to your relevant representations, the Examining Authority is requesting 14 May 2024 as a date for an accompanied site visit to Sweethill Farm.</p>	<p>11/03/2024</p>	<p>Email</p>



<p>The Examining Authority is visiting other locations this day, with detailed timescales being provided in due course. Please could you confirm this visit will be possible?</p> <p>Kind regards,</p> <p>Lucy</p>		
<p><b>David Fischel responds:</b> Lucy The date is fine. Thanks David</p>	<p>12/03/2024</p>	<p>Email</p>
<p><b>Email from RCC:</b> Dear Vicky, We would like to meet with you at Sweethill to go through the draft documentation. It would also provide a helpful opportunity for you to see the farm and fully understand the impacts of the cable laying. My clients would be available either on Wednesday 3rd April or late morning onwards on 5th April. Are either of these convenient? If not please can you propose other times and dates.</p>	<p>18/03/2024</p>	<p>Email</p>
<p><b>Email from NA to RCC/ Fischels:</b></p> <p>Dear David &amp; Susie,</p> <p>My apologies for the late nature of this request, but RWE would like to undertake a non-intrusive site visit walk over on Tuesday, 26th March 2024 (next week), on the back of your request, in advance of the Examining Authorities Accompanied Site Visit (ASI) to prepare the itinerary for the ASI and to have a look at the cable route through your land.</p> <p>I would be grateful if you could confirm that this request is acceptable, and please let me know if there are any restrictions, we should be aware of and or whether there will be any livestock / horses in any of the fields.</p> <p>If you have any queries, please do not hesitate to give me a call.</p> <p>I look forward to hearing from you shortly.</p>	<p>22/03/2024</p>	<p>Email</p>

With kind regards Nigel		
Email from David Fischel to Nigel Abbott:  Nigel We sent an email to Vicky Portwain on Monday providing some dates for the meeting we have talked about and ideally a walk around as well . As yet we have not had a response and it would be positive if we could get said meeting organised. Having said that , your request for a site visit next week on Tuesday 26 March is acceptable. There are no livestock/ horses in the places you are likely to be going but it is extremely wet so make sure you have wellies. I would recommend parking either at Sweethill itself and walking down or somewhere on Spithandle Lane where you can find hard standing. We , or at least one of us , are likely to be around and available to answer any questions or provide other assistance as necessary. Maybe you could let us know beforehand likely timings and then notify us when you are on site. Best contact is probably my mobile <b>REDACTED.</b> Regards David	22/03/2024	Email
Chaser from David Fischel and NA response	25/03/2024	Email
Email from VP to RCC: Dear Robert Many thanks for your email. I confirm that I am free on 3rd April. Lucy is away at the moment but I have copied in Nigel and Giles at Carter Jonas so they can put into her diary. Please could we go for a later time say 1pm so Lucy has time to get down here? All the best Vicky	25/03/2024	Email
Email from RCC to VP: Noted Vicky Let's confirm for 2pm on 3rd	25/03/2024	Email
SITE MEETING - Oliver Kirkham went to site with Nick Coombes	26/03/2024	Site Meeting

<p>Email from RCC to Fischels: Dear David, Vicky has just phoned to ask if the meeting on 3rd can be brought forward to 11am I've said that's fine with me but please confirm Ok with you</p>	<p>26/03/2024</p>	<p>Email</p>
<p>Site Meeting - LT, VP, RCC, Fischels</p>	<p>03/04/2024</p>	<p>Site Meeting</p>
<p>LT sends summary note following meeting with the Fischels: The email is Without Prejudice and has therefore been redacted.</p>	<p>08/04/2024</p>	<p>Email</p>

<p>Email from RCC to LT Dear Vicky and Lucy,</p> <p>At our meeting with the Fischels last week we agreed that you would provide the plans to go with the option/easement to enable us to put our detailed responses on the documents to you.</p> <p>Please can you also provide plans for all my other clients, following which we will be able to engage with you on their behalf as well:-</p> <ul style="list-style-type: none"> <li>-Artemis/Scott</li> <li>-Griffiths</li> <li>-Kempley</li> <li>-Facer</li> <li>-Cooke</li> <li>-Worsley</li> </ul>		
<p>Email from David Fischel to LT:</p> <p>Thanking LT for notes of the meeting, but clarifying a few further points.</p> <ul style="list-style-type: none"> <li>- Creation of a revised map (with commitments)</li> <li>- Request to assess the 4<sup>th</sup> alternative route (Option D)</li> <li>- Requesting legal fees ahead of responding on the Heads of Terms</li> <li>- RWE to undertake a review/ cross-reference of the Option/ Easement documentation.</li> </ul>	12 04 2024	Email
<p>VP emails David Fishel to confirm:</p> <p>Follow up after the meeting – Summarises details of the plan being prepared as a result of the discussions.</p> <p>Re-iterating that project would be looking for confirmation of key commercial and in principle terms such as the headline cable easement payment figure.</p> <p>Rampion 2 commitments could be recorded in the key terms as could the other points in the legal documents which you considered important such as those you refer to in your email.</p>	14/04/2024	Email
	22/04/2024	Email

<p>I look forward to progressing matters with you further to the production of the plan to aid onward discussions.</p>		
<p>Email from Susie Fischel to LT:</p> <p>Hi Lucy In response to your 'notes' on our recent meeting, I have been away, but would just like to reiterate David's sentiments expressed in his email of 14th April. In addition to his comments, I would like to point out that we also discussed at some length our concerns regarding the proposed route of the cable prior to exit when there is a disproportionately wide sweep out into our north east field. So please can you also make mention of this in your 'notes'. Many thanks Regards Susie Fischel</p>	<p>22/04/2024</p>	<p>Email</p>
<p>Email from LT to RCC As per the plans attached to the key terms, these outline the option and ownership details.</p> <p>Case specific discussions associated with the Fischels were discussed at the meeting on 3 April 2024 and a supplementary plan will be issued in due course. What extra detail to do you require to be shown other than what is already shown on the Key Terms plans, specifically associated with those landowners detailed below?</p>	<p>25/04/2024</p>	<p>Email</p>
<p>Email to landowner detailing status of plans and requesting clarification on alternative route</p>	<p>02/05/2024</p>	<p>Email</p>
<p>Email from VP to Fischels with updated plan attached:</p> <p>Dear David Please find attached the plan referred to in my email below. I look forward to any comments you have on this at this stage. With regard to the alternative cable route option put forward at the site visit, I note that you have not come back on Lucy's indicative plan she sent over on 2nd May and therefore Rampion 2's consideration of the route will be done on the basis of this plan. . Many thanks and all the best Vicky</p>	<p>08/05/2024</p>	<p>Email</p>

LT emails Fischels with Itinerary for site visit	09/05/2024	Email
Email from David Fischel to VP: Hi Vicky Thanks for the email. Am I missing something , the attached map looked just like an unedited version of the DCO map , was that what you meant to send? You may have seen , I have replied to Lucy's email this morning. Regards David	10/05/2024	Email
Email from David Fischel to LT: Confirming route of Option D is correct and commenting on the delayed response of the Applicant to a Consultation letter.	10/05/2024	Email
PINS Accompanied Site Visit	14/05/2024	Site Visit
LT emails RCC Hi Robert,  Please could you come back to us on the below?  Many thanks,  Lucy	29/05/2024	Email
Email from RCC to LT Dear Lucy,  For clarification and given that my clients fully intend to respond on the draft option and easement documents with agent level comments in the coming weeks, please can you reissue them with the appropriate plan attached to each one clearly illustrating all matters on each plan which are referred to in the documentation, so there are no misunderstandings and wasted time about what is being referred to.  Regards,	29/05/2024	Email

<p>Email to Robert Crawford-Clarke: -Attaching Cable Corridor Plan and Key Terms Plan</p> <p>Dear Robert,</p> <p>As per the attached Fischels plan (attached), I will prepare updated plans for the landowners with indicative HDD locations.</p> <ul style="list-style-type: none"> <li>- Artemis</li> <li>- Griffiths</li> <li>- Facer</li> </ul> <p>I will await your feedback as to what you require illustrating on the remaining key terms plans.</p> <p>Kind regards,</p> <p>Lucy</p>	<p>30/05/2024</p>	<p>Email</p>
<p>Email from RCC to LT Please can you issue a plan to go with each landowner which reads with the easement and option so there's no confusion when looking through the documents as to how their contents affect each client on the ground</p>	<p>31/05/2024</p>	<p>Email</p>
<p>Email from VP to RCC</p>	<p>05/06/2024</p>	<p>Email</p>
<p>Email from RCC to VP Hi Vicky,</p> <p>All I'm asking for, so there's no confusion, is what plan the HOTS and draft option and easement documents are to be read in conjunction with in respect of each client, to ensure that there's no confusion.</p> <p>I will be starting the process of meeting clients to go through all these docs and submit comments to you next week so it would be helpful to have all the plans before then</p> <p>I appreciate you have sent various plans before, but the whole point is that, given the number of plans we've seen for various clients, it's</p>	<p>05/06/2024</p>	<p>Email</p>



<p>important to ensure we're looking at the correct ones.</p> <p>Thanks,</p>		
<p>Email from VP to RCC Hi Robert</p> <p>You have all the plans we have proposed to go with the options and leases. For some landowners you have asked for extra detail of indicative routeing for specific reasons. Please confirm which landowners require the extra detail of the indicative HDD's / routeing. I am not aware that Mr Worsley for example has asked for such a plan to be included as he has seen our early stage indicative routing before and it is not something he wants to progress key terms on the basis of – therefore we will not be forwarding that plan.</p> <p>Please confirm the position with regard to the other landowners – do they want the indicative working corridor shown now even though it is highly subject to change and the eventual corridor may be wider?</p> <p>Vicky</p>	<p>05/06/2024</p>	<p>Email</p>
<p>Agents Fee Clarification Letter Sent</p>	<p>06/06/2024</p>	<p>Letter</p>
<p>Response from LT sent to Fischels regarding Option D</p>	<p>07/06/2024</p>	<p>Email</p>
<p>Email from RCC to VP Sorry Vicky I missed this.</p> <p>I am currently in the process of meeting all clients to go through the draft option and easement and the HOTS, so that I can let you have agent level comments and responses thereon.</p> <p>What I need to know is what plan applies to all of these documents – is it the one originally issued with the</p>	<p>11/06/2024</p>	<p>Email</p>

<p>HOTS for each client, or the DCO plan, or something else?</p> <p>I appreciate any route plan is indicative and may be subject to change, but if you are prepared to enter into the option agreement at this stage, it follows that you must be prepared to commit to a plan to go with the document.</p>		
<p>VP responds to RCC Hi Robert</p> <p>Please see some comments below in green</p> <p>Vicky</p>	<p>11/06/2024</p>	<p>Email</p>
<p>Email from the Applicant to Mr and Mrs Fischel setting out “next steps”</p> <ol style="list-style-type: none"> <li>1) VP to clarify vegetation removal assumptions for the visibility splay and where this is recorded in DCO documentation.</li> <li>2) VP to put forward proposed buffers from ancient woodland and pond to the engineers for consideration</li> <li>3) VP to forward Rampion 2 property lawyer details to DF/ SF : Ellis Cleverley – Eversheds property Cleverley, Ellis</li> <li>4) DF/ SF to forward their property lawyer details to VP or Ellis and VP to pick up re: fee undertaking</li> <li>5) VP to consider wording for security measures to be included into draft documentation</li> <li>6) VP to prepare a list of “points of agreement” to go into the legal documentation</li> <li>7) VP to communicate time of engineering visit on Tues 25<sup>th</sup> June</li> </ol>	<p>20/06/2024</p>	<p>Email</p>
<p>Site Meeting with VP (The Applicant’s Land Transaction Manager) and the Fischels on 20th June 2024 to discuss, next steps for agreement of the plan, buffers from ancient woodland and pond in the</p>	<p>20/06/2024</p>	<p>Site Meeting</p>

north west corner of the land and visibility splays.		
Site Meeting with VP (The Applicant's Land Transaction Manager), RTR – the Applicant's Engineer and the Fischels to discuss visibility splay requirements on 25 June 2024. An offer of in principle commitment relating to visibility splay vegetation removal at Spithandle Lane put forward verbally by the Land Transaction manager and engineer – which it was agreed to be followed up by the Applicant by email and included within the key terms as agreed with the Land Interest.	25/06/2024	Site Meeting
Email regarding Site meeting details	24/06/2024	Email
Email from the Applicant to the Land Interest <i>"We can offer a legally binding commitment in line with the commitment made in my previous correspondence/ on the plan, (and depending on timing/ engineering) further commitments, however we cannot guarantee to 'hug the existing field boundary'. Please can you confirm if you are still seeking this undertaking as a separate (but related) workstream to the ongoing key terms/ key terms plan discussions as it did not come up at our recent meetings. If so please do forward on a legal contact to whom we should send the draft undertaking. "</i>	28/06/2024	Email
Email from the Applicant to Mr and Mrs Fischel regarding its intention to make a change request. A list of the proposed changes requesting proposed changes and a request for a response by 12 July.  In addition the Applicant stated she would revert with regard to the further buffers requested by the Fischels from the ancient woodland and pond which are currently being considered by the engineers and consents team. We may be able to commit to a "reasonable endeavours" type clause to keep to agreed buffers, however the engineers are concerned about engineering requirements on the 'bend' near the ancient woodland and for the trenchless crossing alignment to the north.	28/06/24	Email

<p>The pond of concern to you is referred to in the Rampion 2 documentation as Pond 78 in the GCN survey and our surveys showed that it was negative for great crested newt eDNA (i.e. they weren't present). However our ecologist has advised that it is about 250m from other ponds on the Fishels land (71, 72, 73, 75 and 76) that were positive. Therefore, it is possible it is used by GCN in some years. Commitment C-214 ensures that further survey of this pond will be delivered prior to construction. This will inform if a GCN license will be required and if so the required mitigation which might include buffers or GCN fencing or a combination of the 2.</p> <p>The Applicant states that she will revert with more on the buffers and an updated plan next week and stated that revised key terms would be issued further to agreement of the plan as discussed with the Fischels.</p>		
<p>Letter with associated attachments sent to the Land interest to clarify the commitments possible with the Option plan and confirm position in respect of Option D</p>	<p>05/07/2024</p>	<p>Letter &amp; Email</p>
<p>Email from VP to Fischels and RCC</p>	<p>05/07/2024</p>	<p>Email</p>
<p>Email from VP to David Fischel as respond to David Fischel's email from 04/07/2024. Attaches the 'key principles for a voluntary agreement' summary. Requesting further comments on the documents.</p>	<p>10/07/2024</p>	<p>Email</p>
<p>Email from VP to Fischels and RCC with Revised Heads of Terms attached (following feedback received from their legal advisors)</p>	<p>19/07/2024</p>	<p>Email</p>
<p>Applicant's solicitor speaks with Landowner's solicitor regarding undertaking and confirmed voluntary agreements sought</p>	<p>19/07/2024</p>	<p>Telephone</p>

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.