

Rampion 2 Wind Farm

Category 4:

Compulsory Acquisition

Land Engagement Reports:

Charles Roderick Worsley

Date: August 2024

Revision A

Application Reference: 4.6.19

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

Ecodoc Reference: 005279376-01



Document revisions

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

LANDOWNER / LANDOWNER NAME:	Mr Charles Roderick Worsley	URN on LRT:	043
AGENT:	Robert Crawford Clarke (Henry Adams)	Relevant Rep Ref:	RR-059
PROPERTY NAME:	Land to the North East of Bolney (WSX22448) 5.27 acres potentially affected (currently within DCO Order Limits)	Written Rep Ref:	REP1-076
LANDOWNER:	Category 1 Works 19 – Onshore Works Connection	PLOT No:	34/18, 34/19, 34/20, 34/21, 34/22, 34/23

STATUS

The Landowner owns the freehold of the land north east of Bolney. The land is subject to an option agreement with Ancleggan Ltd who have submitted a planning application for a battery storage scheme the “One Planet scheme”.

The Applicant has been engaging in relation to the land north east of Bolney substation with the Landowner, who was first consulted by the Applicant about the Proposed Development in November 2020 and also with Ancleggan Ltd - the entity with the benefit of the Option Agreement in respect of the Property. The Landowner, who is one of the directors of Ancleggan Ltd first informed the Applicant of a potential solar array and battery storage scheme in May 2021 after the Applicant’s initial consultation and engagement.

The Applicant had on-site meetings in 2022 and 2023 with the Landowner and provided regular updates on the project. Later meetings were also held with Ancleggan Ltd representatives.

Heads of Terms were issued to the Landowner in November 2023 for an option for a 15m cable easement with an updated offer sent in July 2024.

The Applicant has exchanged emails with the Landowner in May, June and July 2024 and a Teams call was held on 10 June.

The Applicant has communicated to the Landowner that the Proposed Development’s design will largely be determined by 1) NGET’s finalisation of the Bolney Extension connection point design and subsequent cable design work; 2) cable route design refinement following pre-construction environmental surveys; and 3) agreed construction designs and methods to ensure the protection of existing infrastructure in the ground (some of which might move between now and construction of the Project). The Applicant is proceeding with targeted concept-level cable-design work utilising the survey data it has secured to date.

It is expected that this work will provide the basis for the alignment of the construction corridor design within the Property. The design work brief has included a requirement to reduce impacts on the One Planet scheme where practicable and subject to the requirements of the Proposed Development.

The Applicant will share the key design work outputs with Ancleggan Ltd and the Landowner and a detailed interface meeting with engineers and designers within 3 weeks of completion.

It is expected that this design work will result in a more detailed interim picture of potential cable design, potential protection provision measures and associated land requirements. The Applicant is at this later stage likely to be able to determine if some areas will be required for construction only and confirm the ability to release temporarily required land back to the freehold owner following construction. The Applicant has communicated this and the potential timeframes (September 2024) to the Landowner.

The Applicant has also been engaging with the neighbouring landowners and NGET in relation to their landholdings since 2020/2021. The engagement with these Landowners has demonstrated an ongoing uncertain picture of development proposals for energy projects in the vicinity of Bolney which add to the requirement for flexibility in the Applicant’s project to protect against undeliverability of the Rampion 2 Proposed Development.

The Applicant notified the Landowner of a Change Notification to the DCO Order Limits on 28th June 2024.

Please refer to the Ancleggan LER document for further details on engagement with Ancleggan Ltd.

NEGOTIATIONS FOR VOLUNTARY ACQUISITION OF RIGHTS

Key commercial terms were issued to Mr Worsley and his agent in November 2023, however given the option plan was not agreed commercial discussions did not progress. Updated key terms were issued to Mr Worsley and his agent in July 2024. The letter proposed an increase in the easement consideration offer from £74.13 per linear metre to £90.00 per linear metre and included associated payments for construction, construction and operational and or operational access (where applicable).

Discussions are anticipated to continue between the Applicant and the Landowner and Ancleggan Ltd to establish an agreed option plan further to the interim cable design work in September 24.

PROGRESS OF ENGAGEMENT FOLLOWING CAH 1

Only correspondence and communication directly with Mr Worsley and his land agent is included in this section with Ancleggan Ltd engagement set out in the Ancleggan Ltd LER doc ref 4.6.11.

A Teams call was held with Mr Worsley on June 10th. The Applicant communicated that it was reviewing the DCO order limits and that specifically works required on the Landowner's land were being considered further by the Applicant's engineers including a review of temporary and permanent rights required. It was noted that temporary works impacts from the Proposed Development would potentially be greater than the permanent cable easement which would involve a more refined area.

An Email dated 25/6/24 was sent to Mr Worsley to inform him about the review of DCO Order limits and an update on ongoing engineering work connected with the Applicant's attempt to refine the area required for Proposed Development works on the Works and option plans. The Applicant confirmed that further information on indicative temporary and permanent works would be shared following completion of the concept design study in September 24.

An email dated 28th June 2024 was issued Mr Worsley informing him of the potential DCO change request proposed by the Applicant and that one of these changes relates to land north east of Bolney NGET substation. The email stated that further to detailed engineering reviews of the proposed Rampion 2 Works Plans, The Applicant considers that there may be some locations within the Order Limits which could be subject to reduced scope of work classes and land rights or removed from the Order Limits altogether. The Applicant has therefore notified PINS of its intention to make a change request. A list of the proposed changes was set out in the letter attached to the email. The DCO Order limits were proposed be amended resulting in a reduction in the Order Limits of 0.14ha of land under option to Ancleggan, to exclude the far north easternmost corner of the land affected, north east of the National Grid substation at Bolney. The amendment would result in a reduced extent of land included within Plot 34/19 shown on the Land Plans. The rationale was explained in the attached letter dated 27th June to be:

"due to a number of factors including extensive buried services to the south and uncertainty around protective provision requirements associated with those, together with uncertainty over the proposed future land uses in this area, the Applicant requires flexibility within the Order limits in which to locate the cable corridor. However, the Landowner considers the flexibility to be too great. The Applicant has reviewed the area affected and considers that it is able to slightly reduce the extent of the Order limits, but that any reduction beyond this at this stage could prejudice the installation of the cable."

In making this change the Applicant stated that it is seeking to demonstrate that it is only seeking consent, and land rights, for the minimum area required to deliver the Proposed Development. Comments on the proposals were invited by 12 July 24.

Mr Worsley responded noting that the revised plan was a small improvement but not what he thought was recently discussed with the Applicant. He would like to refine the cable route and wanted clarification on whether changing the part of plot 19 to 'temporary use' is possible.

He stated his disappointment as a landowner in regards to the perceived lack of effort to save the group of mature oak trees, which he believes is contrary to the Rampion 2 ES statement and policies.

He has stated throughout the examination, that he would prefer to reach a negotiated agreement but believes the Applicant's approach to have been confrontational. However, he is seeking to try to reach an agreement with the Applicant.

The Applicant responded with a proposed document recording points for agreement. The Applicant communicated that the interim cable design work brief includes a requirement to reduce impacts on the One Planet scheme where practicable and subject to the requirements of the Proposed Development.

The document also offered a commitment for the Applicant to share the key design work outputs with Ancleggan and a detailed interface meeting with engineers and designers within 3 weeks of completion.

LANDOWNER ENGAGEMENT (2021 to 2024)

The Applicant has been engaging in relation to the land north east of Bolney NGET substation on a number of fronts: - With Mr Worsley, who was first consulted by the Applicant about the Proposed Development by letter dated 20th November 2020, and subsequently consulted on the Proposed Development in January/ February 2021 and again in July 2021.

The Landowner first informed the Applicant of a potential solar array and battery storage scheme in an on-site meeting with the Applicant on 14 May 2021, 6 months after the Applicant consulted the Landowner on the Proposed Development and after the Applicant had identified Bolney NGET substation as its grid connection point.

The Applicant has been engaging with Mr Worsley both separately and as a Director of Ancleggan Limited's One Planet representatives since 9th February 2022, shortly after Ancleggan concluded the Option Agreement with Worsley in December 2021.

Regular site meetings have taken place since that time, in September 2022, December 2022, February 2023, April 2023, June 2023 mainly to discuss the progress of the Proposed Development.

Mr Worsley was consulted by the Applicant on the Bolney NGET substation extension proposals to facilitate the National Grid connection on 26th April 23. Mr Worsley questioned whether the inclusion of the small area highlighted on the consultation plan had been intentional. The query arose because an existing hard track which had been built within the National Grid land ownership for a similar extension building which is approximately the same route as the track on the draft plan with the exception that the Applicant's proposal cuts through existing and replanted hedging in the corner of Mr Worsley's field. Mr Worsley noted that this hedging was replaced as a planning requirement of the Rampion 1 wind farm project and Mr Worsley considered inclusion of the land would result in an unnecessary destruction and a retrograde step given that it is now established. Mr Worsley proposed that it would be both environmentally desirable and perfectly feasible to utilise the same track route as previously used for Rampion 1 therefore not requiring to impinge on his land ownership. He attached a plan showing an alternative track route.

On 3rd July 2023, The Applicant amended the Works plans and communicated the following to Mr Worsley: *I can confirm that the access route will, in fact, follow an existing track across NGET land (and will not encroach upon your land).*

On 7th July 2023 the Applicant introduced the new Land Transaction manager working on the Proposed Development.

Key commercial terms were issued to Mr Worsley and his agent by post in November 2023, however given the option plan was not agreed commercial discussions did not progress.

On 26th February 2024 the Applicant requested confirmation from Mr Worsley with regard to any restrictions there were on negotiating and signing a voluntary agreement with the Applicant. Mr Worsley responded confirming that entry into any agreement on the land subject to the Ancleggan option would need to be with prior written consent of the option holder. Mr Worsley communicated a wish for everyone to work together to find a compromise that would work for all parties, and that this would surely be the best outcome to reaching a voluntary agreement (email dated 15/3/24).

30th April emails were sent by the Applicant to the Examiners to provide details of the Examiners site visit.

ALTERNATIVES / REFINEMENTS – REVIEWED AT THE LANDOWNER'S LAND

The removal of a very small area of land proposed to be included in the DCO order limits (Works Plans) was actioned in July 2023 further to consultation with Mr Worsley on the Bolney NGET extension for the Proposed Development connection works.

An option plan with an indicative cable routeing 'blue line' within the Development Consent Order (DCO) order limits for the onshore connection works was shared with Mr Worsley in July 2023. The cable routeing shared was indicative only. One of the purposes of sharing the plan was for calculating likely indicative easement payments and it was communicated to Mr Worsley that it is highly likely to change due the constraints and features within the DCO Order Limits which were the subject of ongoing Environmental Assessment.

Mr Worsley communicated at a site visit on 19th July 2023 that a cable route through the existing gap in the hedgerow would have the least impact on the One Planet scheme. The applicant explained that the Rampion 2 indicative cable route showed by the blue line did not represent the Applicant's current preferred route and that some further constraints mapping work could be carried out and might help with communications.

Mr Worsley repeated the above preference for a cable route in his relevant representation (LI45.1 of document ref REP1-019). Further environmental work through the Environmental Assessment demonstrated that there are merits to Mr Worsley's preferred Rampion 2 cable "green route" in terms of minimising tree loss. This was communicated to Mr Worsley in the later

Teams meetings in January 24 in the context of the notable lack of activity from the adjoining early stage energy development scheme.

The Applicant's latest position with regard to the proposed Rampion 2 cable refinement is set out in the Applicant's response to Affected Parties Written Representations (REP2-028). The Applicant agrees with the assessment of effects of the proposed cable route described by Mr Howell. **Appendix 22.16: Arboricultural Impact Assessment, Volume 4** of the Environmental Statement [APP-194] identifies the potential loss of several mature trees in that location. The potential effects of cable installation through the belt of trees have not been downplayed, the trees were considered by the Applicant to be of high quality (Category A) in accordance with BS 5837 due to their collective landscape contribution (Sub-Category 2).

The Applicant notes that in Mr Howley's assessment the same trees (those that would be removed to facilitate the proposed cable crossing) are considered to be of moderate quality (Category B). The Landowner states that "*high arboricultural impacts for the sites arboricultural resource could easily be avoided by utilising an alternative cable route.*" The cable route is shown green on the plans and photo. The Applicant notes that what is described as an 'alternative' cable route is within the DCO order limits. It is therefore not considered by the Applicant to be an 'alternative' but a potential refinement to the DCO red line and as such will be referred to as the "refined route". The Applicant notes that the blue route shown on the plan and photo is a previous draft indication of cable route refinement but it currently carries no more weight by the Applicant than the green route identified by the Landowner. The Applicant is therefore not at this stage putting forward a case that this route is undeliverable or unsuitable, indeed the Applicant considers there to be merits to the proposed refinement in terms of lesser impacts on tree removal. However the Applicant is not in a position to refine down the construction corridor for the electrical connection works at this stage. The reasons for this are set out in the **Applicant's Response to the Relevant Representations [REPO59]** Table L LI45.1 Applicants Response to Mr Worsley [RR-059] These reasons have been updated in REP4 – 074: CA 1 hearing actions as set out below.

With regard to NGET, NGET have been progressing the design for the Bolney Extension on behalf of the applicant and have confirmed the location to the east of Bolney substation for the AIS infrastructure. NGET has now shown the Applicant a working draft 'base design' drawing for the extension area. NGET are expecting to have a finalised design in the last quarter of 2024. Whilst the final design is not yet completed, the Applicant is now able to utilise the known elements to progress interim cable design work for the Proposed Development from the edge of the Bolney extension area to (and including) the Worsley land over which Ancleggan has an option. This design work is expected to be prepared by September and the consultants have been instructed to consider options that reduce the impact on the land owned by Mr Worsley where practicable.

An amendment to the DCO order limits is to be submitted by the Applicant. The details and rationale are set out in the above section "Engagement since CA hearing 1".

IMPACT ON LANDOWNER

- The Landowner owns pasture land which is affected by the cable route.
- The Applicant understands that the Landowner has an agreement with Ancleggan Ltd for the promotion of a battery storage scheme.
- The DCO order limits in this location impact on approximately 40% of the land subject to the One Planet battery storage scheme, albeit the working corridor through the land is likely to be 30-40m and permanent easement 15m.
- If the battery storage scheme "The One Planet battery storage scheme" is granted planning consent and constructed ahead of the Applicant's start of construction, the Applicant would require some parts of the One Planet development to be removed to facilitate construction of the Rampion 2 cable.

PROPOSED MITIGATION

Crossing points can be placed along the construction corridor if required. No crossing points have been requested to date.

The extent of the DCO order limits and flexibility is required in this location due to the location being characterised by a greater number of in particular physical and engineering constraints and features.

The Rampion 2 cable route will be designed in this location to minimise the impact on the land subject to the One Planet scheme subject to consideration of these constraints which include:

- the existing Bolney NGET substation and proposed connection point within Bolney extension
- Buried services owned by NGET, multiple high voltage electricity overhead transmission lines
- UK Power Networks (UKPN)
- Other utilities running east-west to the south of the Ancleggan land and through the Ancleggan land e.g. Rampion 1 OFTO

The Applicant has requested corresponding mitigation from Ancleggan's design.

OUTSTANDING ISSUES DELAYING CONCLUSION OF VOLUNTARY AGREEMENT

- The outstanding matters preventing the progression of negotiations of a voluntary agreement are centred on the current design conflict between the Applicant's scheme and the One Planet scheme. Design refinements by both parties are required in order to result in a voluntary agreement.

CJ Negotiations/Contact Summary	Date of Contact	Method of Contact
TEAMS Call with the Landowner and Ancleggan/ One Planet representatives Charles Worsley, Michael Campbell (One Planet on behalf of Ancleggan), David Peill (One Planet), James D'Alessandro (RWE), Simon Mole and Nigel Abbott (CJ).	09/02/2022	Other
Notes from TEAMS call on 9th/ Feb Attendees included: Charles Worsley (Landowner), James D'Alessandro (RWE), Simon Mole and Nigel Abbott (Carter Jonas) •Charles Worsley and One Planet have established a new company – Ancleggan Ltd. <i>*Please see doc ref 4.6.11 for all further engagement correspondence for Ancleggan / One Planet from this date onwards</i>	09/02/2022	Other
CONSULTATION RESPONSE from One Planet	05/04/2022	Letter
EM from Charles Worsley re One Planet Update Call	01/12/2022	Email
EM to Charles Worsley re One Planet Update Call	01/12/2022	Email
EM to Charles Worsley re One Planet	13/02/2023	Email
MEETING NOTES of One Planet Meeting on 19 04 23	19/04/2023	Other
EM to Charles Worsley re One Planet Notes from Call of 19 04 22	26/04/2023	Email
EM from Charles Worsley re Cable Route Survey Data	07/11/2023	Email
EM from Robert Crawford Clarke re Cable Route Survey Data	08/11/2023	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.