

Rampion 2 Wind Farm
Category 4:
Compulsory Acquisition
Land Engagement Reports:
Alan David Llewellyn Griffiths &
Janice Elizabeth Griffiths

Date: August 2024
Revision A

Application Reference: 4.6.15
Pursuant to: The Infrastructure Planning (Examination Procedure)
Rules 2010, Rule 8(1)(c)(i)
Ecodoc Reference: 005279372-01



Document revisions

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

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|---------------------------------------|--|--------------------------|---|
| LANDOWNER/ LAND INTEREST NAME: | Alan David Llewellyn Griffiths & Janice Elizabeth Griffiths | URN on LRT: | 024 |
| AGENT: | Robert Crawford-Clarke (Henry Adams) | Relevant Rep Ref: | RR-003 |
| PROPERTY NAME: | Merrion Farm 24.03 acres within DCO Order Limits (potentially impacted by the proposed works) | Written Rep Ref: | REP1-063 |
| LAND INTEREST: | Category 1 and Category 2 9. Cable installation works. 14. Construction and operational access. | PLOT No: | 27/15, 27/16, 27/17, 27/18, 27/19, 27/20, 27/22, 27/24, 27/25 |

STATUS

The Landowner owns and operate a dairy farm to the north east of Ashurst. The farm extends to over 150 acres. The driveway to the Landowner's residential property, and farmland is affected by a proposed Rampion 2 construction and operational access and cable route. The Landowner also operates a holiday unit and x2 glamping units close to the DCO order limits.

Engagement with the Landowner has taken place since November 2020. This has included the assessment of an alternative cable route to avoid a slurry pit that was under construction within the DCO Order Limits.

Limited discussion has taken place on key commercial terms due to a lack of engagement on these terms from the Landowner who has been focussed on the impacts from the Proposed Development as opposed to the commercial terms. However, there has recently been detailed discussions on construction works, programme, and potential compensation directly between the Applicant and the Landowner. The latest detailed construction information has been provided to the Landowner and revised heads of terms sent together with updated detailed precedent documents further to comments from the Landowner's land agent. The Applicant awaits further comments back from the Landowner's agent in order to progress a voluntary agreement.

NEGOTIATIONS FOR VOLUNTARY ACQUISITION OF RIGHTS

- Heads of Terms (HOTs) were issued in **March 2023** with the amended cable route further to the consultations and movement of the cable route away from the slurry pit.
- Formal Letter dated 20 September 2023 was sent to the landowner in response to consultation response. This has been included within the responses to the relevant representations.
- Agent confirmed in November 2023 that the Land Interest would like to work collaboratively with the Applicant to agree terms. Applicant sent **Option and Easement documentation on 8 November 2023**.
- The Applicant requested feedback from the landowner and their agent on the Heads of Terms **via a Letter in March 2024**.
- Following the issuance of the letter the Applicant received an email from the land interest on 28 March 2024 saying they would be happy to meet.
- **On 4 April 2024** the Applicant responded to the email saying they would be in touch with some dates and requesting feedback on the Heads of Terms.
- The Applicant requested a site meeting to discuss the HOTs on 4 April 2024.
- On 9 April 2024 the land interest responded saying '*Please could you send through the Heads of Terms again as I am unsure what they are*'. Her land agent was within the email chain.
- **On 9 April 2024 the land interest's agent responded saying he required the relevant plans**.
- The Landowner's Agent further clarified the previous email requesting additional plans on **12 April 2024**, and the Applicant **responded on 25 April 2024 and 29 May 2024** requesting detailed responses. An additional plan indicating the indicative trenchless crossing areas was sent to the landowners' agent on **30 May 2024**.
- The Landowner's agent responded verbally in May 2024 and in writing in July 2024 to the detailed option and lease precedent documents.
- A response was received from the land interest's agent on **5 June 2024** with the agent commenting that '*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*'.

- A response was then received via email from the land interest's agent on **11 June 2024**. '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.' Further queries regarding the plans were also raised.
- The **Applicant attended a site meeting on 24 June 24 and discussed perceived impacts which are preventing the agreement of Heads of terms.**
- Applicant sent by post **revised HOTS on 28 June 2024.**
- Applicant sent an email with construction details and offer of **incorporating any commitments relating to the ALLO section of the Code of Construction practice document directly into the key terms on 24 July 2024**
- Applicant **sent a response to the Land Agent on 30 July 2024 setting out the Applicant's response to the detailed points raised on the precedent documents.**

PROGRESS OF NEGOTIATIONS TO ACQUIRE LAND RIGHTS FOLLOWING CAH1

- Immediately following CAH1, the Applicant spoke to Mrs Griffiths after the hearing to talk through the process for fees. A number of concerns were raised by Mrs Griffiths and the Applicant explained the process of signing Heads of Terms.
- The Applicant also sent a Letter to the Land Interest to clarify the position in respect of fees for professional advice in June 2024.
- Following the CA Hearing the Applicant contacted the landowners agent to try and progress engagement and a response to the key commercial terms (email dated 25/5/24).
- In **early June 2024 the Landowner's agent informed the Applicant that he was in the process of meeting all clients to go through the draft option and easement and the HOTS, so that he could let the Applicant have initial comments/ responses from an agents perspective.** He queried what plan applies to all of these documents. The Applicant responded on 11 June 2024 stating that the Plan issued with the HOTS is the "Option Plan". This shows the DCO red line. The Applicant noted that it can also provide further indicative plans to be referred to in the Option as appropriate on a case by case basis.
- **On 13 June 2024 the Applicant emailed the land agent noting that the Landowner did not seem to be clear on the cable routing, trenchless crossing proposals etc and suggested that representatives from the Rampion 2 team (engineer and land transaction manager) attend a meeting on site to update the Landowner on the DCO proposals.** Given the land agent was due to be on holiday, this site meeting could be followed up with a comprehensive heads of terms discussion with the land agent. The Landowner also acknowledged receipt of the letter from the Applicant providing clarity on fees.
- **On 17 June 2024,** the Applicant phoned the Landowner to arrange a site meeting.
- **On 20 June 2024** the Applicant emailed the Landowner to fix the time and attendees for the site visit. The site meeting was arranged for the 25th June 2024 and the Landowner's family, land agent, and land transaction manager and engineer attended. Discussion focussed on construction methods, construction programme, impacts on x2 seasonal glamping units and how programme communication and compensation would minimise impacts as far as possible.
- The Applicant's response to the discussion items and provision of information is set out in its email of 24/7/24 which is attached to this LER. The email states that "*At our recent site visit meeting we discussed a number of construction and programme related items and I set out information from our Engineers in response to the questions and discussion points raised below. We also discussed some commitments regarding communications relating to construction programme and compensation measures. Please refer to the new Agricultural & Land Liaison Officer section in the Code of Construction practice section 2.6: [EN010117-001825-7.2 Outline Code of Construction Practice Rev E \(clean\).pdf \(planninginspectorate.gov.uk\)](#). If you would like any of this incorporated directly into the key terms please do let me know*".
- **The Landowner sent an email to the Applicant on 23 July 2024 requesting another date for a site meeting with the ALO from Sofia wind farm (as they were not available on the date of the ALO visit on 18th July). A date of 7 August 2024 has been agreed with the Landowner and ALO.**

LANDOWNER ENGAGEMENT (2021 to 2024)

- The Applicant has been in regular correspondence with the Landowner and their agent since November 2020. Correspondence about the project, formal consultation material and a site meetings took place in 2021, where the focus was on site surveys and a proposed slurry pit.
- The Applicant **met with the Landowner on site in August 2021 and at a Landowner Surgery in September 2021** where the Landowner expressed concerns about the proximity of the proposed cable route to their proposed slurry pit and disruption to the dairy farm business.
- **In 2022 engagement was focussed on:**
 - the amendment to the cable route,
 - impacts on the farm business
 - requirements of the Proposed development

- potential impacts on holiday let and seasonal glamping
- In 2023 some discussions took place with regard to HOTs however, the Landowner was of the view that “detail was too lacking” to enter into discussions on commercial terms

The Applicant’s response to Deadline 1 Submission (8.24) – REP1-017 Appendix 16 included the Applicant’s response **letter to Mr and Mrs Griffiths dated 20/9/23**

SURVEYS

1 - Environmental Surveys Extract from Consultation response dated 28th November 2022: *“As you are aware the cable route is over 40km long and survey data is largely digitised for the whole stretch. The Preliminary Environmental Information Report (PEIR) and supplementary report set out information on surveys carried out and findings, for example, relating to habitats and protected species along the cable route. This information has now been taken from raw survey data, drawn together and analysed by our EIA consultants. and the most up to date results presented in the Environmental Statement (ES) in accordance with the relevant guidance and legislation from organisations such as Natural England. This ES has been submitted with the DCO application material ... Rampion 2 has been advised by its environmental consultant that forwarding the raw data is unlikely to be informative due to its abstract form. We would be happy to provide information from the ES relevant to specific survey areas of interest the Griffiths have..”*

2. – In relation to the lack of detail on the proposals the Applicant stated: *“Please see below plan of the proposed cable route area shown coloured brown and accesses coloured blue to be included within the DCO boundary. The DCO boundary is wider than the construction corridor and permanent cable easement which are anticipated to be in the region of 40m wide and 20m wide respectively. However further surveys and ground investigations will be required prior to construction to determine the exact route to be taken within the corridor. Land use constraints can be factored into this detailed routeing, and we would welcome further discussion about this in the context of the holiday uses”*

3 – The Applicant confirmed that crop loss and disturbance will be paid where reasonable, substantiated and shown to be caused as a direct consequence of the temporary use of the land, the works, and/or the acquisition of the cable easement in accordance with the relevant legislation. Although it is the Landowner’s responsibility to mitigate their losses, where additional feed is sourced, any subsequent financial impact and its cause should be evidenced, as per the above. It is appreciated that supply and demand will always fluctuate, with compensation being paid benchmarked against the market price at that point in time.

4. With regard to the holiday uses the Applicant confirmed that “compensation will also be paid in accordance with the provisions of the Compulsory Purchase Compensation Code. In principle, claims for severance and injurious affection may arise but it is not possible to comment on the detail or quantum of such claims now because that will depend on the circumstances that give rise to a valid claim at the time, and the basis of the claim presented by your clients, including taking into account the net impact after mitigation/accommodation works are implemented by the project. Claimants are also under a duty to mitigate their own losses. Where valid claims arise, interim claims will be considered and as appropriate interim payments will be made. In any event, for the reasons given below, it is not anticipated that the project will have significant impacts upon your clients’ businesses.

The Applicant noted that the holiday letting business - Witherbridge Cottage is located to the west of the cable route and guests will not have to cross the cable route to access to the property. The Shepherd’s hut and 2x wild tent camping sites are located to the east of the cable route with access across the proposed cable strip. During construction, there may be a period of time where access is reduced due to construction corridor fencing and health and safety management associated with the construction apparatus. However, crossing points can be agreed prior to construction if required. The period of time subject to noise generating works will be more limited, once the construction is finished, the construction corridor will be reinstated and returned to its previous use for grazing, with no restrictions on access. Regular information regarding project programme would be communicated to Mr and Mrs Griffiths in advance of and during the construction to provide a more detailed understanding of the limited time when the trenching and/ or drilling will take place.

The Applicant explained the original search corridor for the DCO and explained the process of assessing available environmental data, including flood data and ancient woodland data, as well as an understanding of engineering constraints in the area. At this location, the farm is bounded to the east by floodplain and the River Adur, and the B2135 to the west. The Applicant explained that a different exit point of the cable route from the farm compared with the original (PEIR) proposals was now proposed, as identified by a plan included in the letter. The exit point has been moved further to the north-west of the farm, which is a different exit point to the original (PEIR) proposals subject to consultation in 2021. This change was made further to consultation responses including the response from the Griffiths and further engineering and environmental assessment work, as well as to avoid the slurry lagoon and gas main. The entry point into the farm was chosen because it would have a lesser impact overall on the above mentioned environmental constraints, including ancient woodland and the water environment. A different entry point would involve routing through a more constrained area and it is considered that it would have a greater environmental impact

- In early 2024 the Applicant attempted to pick up discussions on HOTs with the Landowner’s agent

- Further site meeting and engagement took place with regard to engineering and project requirements, construction impacts and programme in Spring/ Summer 2024

ALTERNATIVES – REVIEWED BY THE APPLICANT

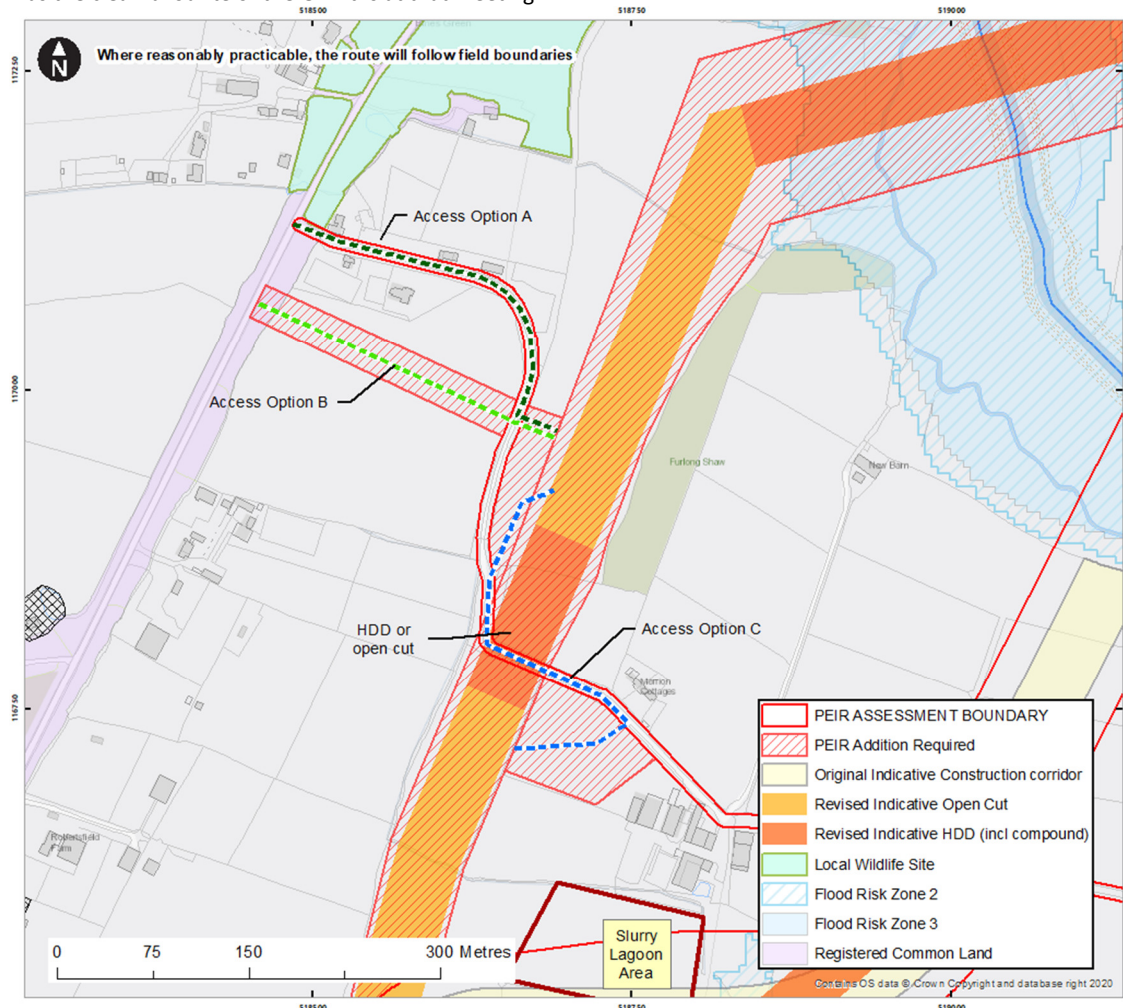
Cable Route

- The proposed cable route was amended to avoid the slurry pit (and other major constraints nearby) taking a route to the West of the farmstead. The amended route was presented to the Landowner at a site meeting in March 2022, subsequent engagement notes and a letter dated 20 September 2023.

Construction Access

- In March 2022 – The Applicant also presented the need for the inclusion of a new construction access within design – with 3 options being presented (Options A, B and C). Option C was taken forward to consultation.
- Options comprising a new access OR utilisation of the existing access were discussed. The Applicant has included a diagram below for ease of reference:
- Option A – Using the existing farmyard access track for light construction
- Option B – Creation of a new access from Bines Green, across a field previously untouched by the proposals
- Option C – Using the haul road alongside the cable corridor for construction, and a small section of the farm track in order to move the trenchless crossing equipment from one side to the other.
- Use of the existing access, with a trenchless crossing proposed underneath the track was communicated as the preferred option of the Landowner (Option C) at the meeting.
- Option A access was acceptable to the Landowner – (which also utilised the existing road) but less preferred to Option C.
- Option B – The Landowner was firmly against Option B, largely as it would take more land for construction, cause greater disruption and have a greater impact on their business as well as noise/ visual impact on nearby homes.

The Applicant has reviewed the engineer's meeting notes, and they concur with the response received that Option C was the clear favourite of the Griffiths at that meeting.



Other Factors

- Minimise hedgerow loss – Option B caused the most ecological impacts to mature treelines.

IMPACT ON LANDOWNER

Circa 20 acres of (circa 13%) of land used for grazing cattle and silage/ hay is affected by the cable route and construction area. There will be some disruption during the temporary construction works.

This has been summarised in the Letter to the Landowner dated 20 September 2023 and response to RR-003 and are set out below:

A - Dairy Farm

1. Loss of grazing / loss of land for fodder production

Crop loss and disturbance will be paid where reasonable, substantiated and shown to be caused as a direct consequence of the temporary use of land, in accordance with the compensation code.

Where additional feed is sourced, any subsequent financial impact and its cause should be evidenced. Supply and demand will fluctuate – compensation being benchmarked against the market price at the point in time.

In principle, compensation claims may arise, but it is not possible to comment on the detail or quantum of such claims now because that will depend on the circumstances that give rise to a valid claim at the time, and the basis of the claim presented by the land interest, including taking into account the net impact after mitigation/ accommodation works are implemented by the project.

2. Access for logistics associated with milking will be maintained during the construction period.

B - Holiday Let

- Located to the west of the cable route. Guests will not have to cross the cable route to access the property.
- COMPENSATION - Demonstrate and evidence a loss, there is a route to claim for disturbance via the compensation code.
- There is a statutory provision for an advanced payment of compensation, following analysis of business losses, should compulsory powers be exercised.

C - Shepherds Hut

- The Applicant's cable routing does not go directly through any campsites or shepherds hut locations.
- However, the Applicant understands that the Shepherds hut's planning status was under review and it does not have consent to be used as holiday accommodation.
- The lawful development certificate has now been refused
- We do not know what that would mean in terms of any enforcement action.
- We do not know whether the local authority will take any further authority action.
- There may be a period of time where access is reduced due to construction corridor fencing – however, crossing points can be agreed.

Construction timescales

- The period of time for which the Property is subject to construction works is expected to be 42 weeks as shown in the attached email to the Griffiths dated 25th July further to the site visit with the Applicant's engineer and land transaction manager. It was noted that the noisiest activities being the trenchless crossings are proposed to be 42 days for each of the 2 crossings. .
- Once the construction is finished, the construction corridor will be reinstated and returned to its previous use for grazing.
- Regular information regarding project programme will be communicated to the Griffiths in advance of and during the construction to provide a more detailed understanding of the limited time when the trenching and/or drilling will take place.

Campsite Use

The Applicant understands that the glamping and camping use is operated under permitted development rules and therefore is time restricted to a limited period in any year. It is anticipated therefore that impacts will be limited to summer holiday season if the construction programme results in significant activity at this time.

PROPOSED MITIGATION

- The Applicant is seeking to discuss mitigation measures with the Landowner to minimise disruption to the dairy business

- Mitigation to be included where possible with crossing points/ accesses/ fencing
- Route to a compensation claim – likely for crop loss and potentially for holiday/ glamping use depending on construction programme
- Programme communication by the Applicant early in the year important in order that the Landowner can manage bookings

OUTSTANDING ISSUES DELAYING CONCLUSION OF VOLUNTARY AGREEMENT

- Commitments relating to mitigating impacts on glamping to be integrated into HOTs e.g. project communications early in the year
- Progress on HOT's key commercial terms
- The Applicant requires feedback from the Landowner's agent to be able to progress the above

| CJ Negotiations/Contact Summary | Date of Contact | Method of Contact |
|--|-----------------|-------------------|
| Introductory Letter sent | 24.11.2020 | Letter |
| Email from the Griffiths sent to Richard Fearnall summarising that they have appointed Robert Crawford Clarke (RCC) (Henry Adams) as their agent | 28.01.2021 | Email |
| RCC confirms instruction | 28.04.2021 | Email |
| Lucy Tebbutt (Applicant's land agent) sent licences and plans to RCC | 01.05.2021 | Email |
| RCC sent queries and amendments for plans | 05.05.2021 | Email |
| LT sent finalised survey access licence | 07.05.2021 | Email |
| Comms re signing the licence - finalised licence that RCC was happy with provided to Griffiths. RCC | 07.05.2021 | Telecom |
| Updated licence sent to RCC | 10.05.2021 | Email |
| RCC confirmed licence has been signed | 12.05.2021 | Email |
| LT sent survey schedule and requested payment forms and licence | 20.05.2021 | Email |
| Landowner (Griffiths) passed on their contact details to us via RCC | 26.05.2021 | Email |
| Full signed licence sent to the Griffiths via email | 01.06.2021 | Email |
| First schedule of surveys sent to the Griffiths | 03.06.2021 | Email |
| Schedule of surveys sent | 07.06.2021 | Email |
| RFI reminder letter sent | 10.06.2021 | Letter |
| Sent further survey schedule | 16.06.2021 | Email |
| LT informed of survey delay | 23.06.2021 | Email |
| Statutory Letter - Section 42 sent | 14.07.2021 | Letter |
| LT sent survey details | 02.08.2021 | Email |
| Site Meeting - Walked the route with RCC and Will Gullett (WG) (Applicant's land agent) and LT | 17.08.2021 | Other |
| Landowner requested appointment at surgery | 19.08.2021 | Email |
| LT thanked for meeting and will send notes, requested time slot from landowner, landowner requests time and location, LT responds on 23/08 with info | 20.08.2021 | Email |
| Landowner requested site meeting notes | 31.08.2021 | Email |

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| Meeting notes from site meeting in August 2021 sent to Griffiths and RCC, RCC responds commenting on layout | 02.09.2021 | Email |
| Landowner Surgery. Applicant's land agent Nigel Abbott (NA) wrote up these notes which are saved on file | 03.09.2021 | Other |
| LT requested diagram of the slurry pit from the Griffiths, Landowner sent | 17.09.2021 | Email |
| Engagement summaries sent to RCC for all his clients | 24.09.2021 | Email |
| LT sent survey details | 11.01.2022 | Email |
| LT sent further survey details | 31.01.2022 | Email |
| LT requested site meeting | 17.02.2022 | Email |
| LT sent possible dates for meeting | 24.02.2022 | Email |
| Response from RCC on 28/02 and JG on 27/02 regarding meeting time | 25.02.2022 | Email |
| Landowner sent request for meeting time, RCC asks LT to confirm, LT confirms meeting time | 02.03.2022 | Email |
| Further correspondence on 04/03 and 08/03 to arrange meeting | 08.03.2022 | Email |
| Site Meeting - LT and Nick Waple (engineering) attended. We presented the new route proposals to avoid the slurry lagoon and gas main. We also discussed the need for a construction access in this location and presented the two options, with Option C being chosen. | 09.03.2022 | Other |
| Chaser email from LT requesting a response re the common land letter sent by Nigel Abbott | 21.03.2022 | Email |
| Nigel sent a letter to the Griffiths to confirm whether they are still exercising their commoners rights on Bines Green. | 01.03.2022 | Email |
| LT sent survey details, JG confirms | 10.05.2022 | Email |
| JG requested meeting minutes and maps | 11.05.2022 | Email |
| Chaser emails from the Griffiths for maps | 24.05.2022 | Email |
| Chaser emails from the Griffiths for maps | 30.05.2022 | Email |
| JG requested contact for neighbors to discuss scheme | 30.05.2022 | Email |
| JG requested meeting minutes and expressed concerns, LT responds with holding email | 07.06.2022 | Email |
| RCC queries if new licences have been sent, LT confirms they have been sent, RCC expresses concern that he has not been sent them | 07.06.2022 | Email |
| Mrs Griffiths advised their property is called Merrion Lodge not Merrion House Also chaser email to get the meeting notes | 14.06.2022 | Email |
| RCC emailed RWE regarding concerns with meeting notes and survey licences | 15.06.2022 | Email |
| Meeting notes from site visit in 2022 sent to RCC and Griffiths | 17.06.2022 | Email |
| LT sent RCC update on meeting notes, updates, licences and farmers time | 17.06.2022 | Email |
| Mrs Griffiths confirms electronic version of licence is fine | 21.06.2022 | Email |
| New licence sent to Griffiths electronically | 22.06.2022 | Email |
| AG sent correct property name | 23.06.2022 | Email |
| Amended licence sent to landowners | 27.06.2022 | Email |
| Chaser from LT regarding licence signing | 09.08.2022 | Email |
| RCC requested same payment and terms as previous licence | 15.08.2022 | Email |

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| LT confirms she is happy to agree 12 month licence and pay more with timesheets | 18.08.2022 | Email |
| Requested licence to be returned | 22.08.2022 | Email |
| RCC sends email to RWE reagrding survey licence request | 23.08.2022 | Email |
| LT sent explanation for licence | 24.08.2022 | Email |
| Email from RCC disagreeing with the 12 month licence and requesting a 6 month one | 24.08.2022 | Email |
| RCC provided comments back to LT | 24.08.2022 | Email |
| Mrs Griffiths requested conversation regarding surveys | 31.08.2022 | Email |
| Mrs Griffiths sent an email confirming she had posted back the up to date licence | 31.08.2022 | Email |
| LT sent survey details and access details | 02.09.2022 | Email |
| Mrs Griffiths sent query regarding bat survey | 05.09.2022 | Email |
| LT sent further comments to RCC | 07.09.2022 | Email |
| Statutory consultation Letter - Section 42 sent | 14.10.2022 | Letter |
| Ashurst Village Hall Drop In Session | 11.11.2022 | Other |
| LT advised RCC via email that we could not survey the original route any longer as it had already been deemed unviable | 14.11.2022 | Email |
| Griffiths sent in their own personal response - saved on file. | 26.11.2022 | Letter |
| Formal Consultation Response sent on behalf of the Griffiths by RCC | 28.11.2022 | Letter |
| <p>FORMAL CONSULTATION RESPONSE</p> <p>Alan David Llewhellin Griffiths and Janice Elizabeth Griffiths, Merrion Farm, Bines Green, Partridge Green, Horsham,</p> <p>Firstly, I make the following general points:-</p> <p>1. On various occasions, both we and our client have been promised the results of the various environmental surveys your consultants have undertaken on his 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.</p> <p>2. It is very difficult to comment meaningfully 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 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. Again, it is unreasonable to expect our client to comment meaningfully on your latest proposals without this information.</p> <p>Secondly, I make the following specific points:-</p> <p>IMPACTS OF THE PROPOSED AMENDED ROUTE</p> <p>The farming business</p> <p>Given that the total land take for the working area appears that it may be similar to the original route, and the fact that it will be cutting across fields and through hedgerows, the impact on the farming business is likely to be similar to that stated in our response of 29th September last year. Other enterprises affected</p> <p>In our previous submission, we mentioned the other</p> | 01.12.2022 | Other |

enterprises on the farm:-

The holiday letting business There is a purpose built cottage, approximately 12 years old, used as a holiday let located where marked on the plan. The shepherd's hut used for glamping type holidays, located where marked on the plan. Wild camping sites located where marked on the plan. It will be noted that all 3 of these locations are very close to the proposed amended route. The main selling point used for all of them is their location in tranquil rural surroundings, and it will not be possible to continue letting the properties throughout construction of Rampion 2 due to the noise, disturbance and visual impact. They are all thriving holiday enterprises, with in the case of the cottage approximately 90% occupancy right through the year, which is likely to take years to build up again if they are forced to close down for the 3 years or so of construction.

These enterprises taken together provide a substantial proportion of overall farm profits, and given the current uncertainty of the farming industry, due to spiralling energy, fertilizer and feed costs and removal of subsidies, these enterprises are likely to play an increasing role in keeping the farm profitable in future years. Whilst we acknowledge that, in theory, any loss of profits is a claimable sum, in practice it may be difficult to fully compensate my clients for the true impact of

shutting down these enterprises for the duration of the construction project, as it will be very hard to predict how long it will take to build them back up to the preconstruction levels of occupancy and profitability. This could be exacerbated by unknown external factors, such as additional facilities opening up in competition in the area, with which one would have to compete to win back the preconstruction bookings.

I cannot overstate how concerned my clients are about the impact of your proposed amended route.

At the meeting in March Lucy Tebbutt explained to us that the route wasn't feasible as it would not be possible to overcome the engineering challenges posed by working near the existing high pressure gas main and avoiding my clients' slurry lagoon. It seems to me this may be in part because there is an assumption the entry and exit points of the cable route onto Merrion Farm cannot be varied, but from what I could gather this option has not been fully explored and we request that it this is done. Furthermore, we wonder whether it may be possible to HDD the cables under the slurry lagoon, thereby allowing the route to be moved further away from the gas main.

IMPACTS FROM THE CONSTRUCTION ROUTE

I refer to the engagement form provided by Carter Jonas following the site meeting on the 9th of March. This refers to an alternative construction route one option for which

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| <p>is to use part of the existing farm road and areas either side of the cable route outlined by the Applicant in shading to facilitate access with a drilling rig.</p> <p>My clients have extreme concerns about the use of the farm road for any aspects of construction for 2 key reasons:-</p> <p>(i) due to the interference with the operation of the farm business</p> <p>(ii) due to the substantial disturbance which will result to users of the holiday and camping facilities referred to above.</p> <p>The engagement form refers to an alternative which is to form a separate access from Bines Road and depending on its route this may avoid some of these issues.</p> <p>Yours sincerely, ROBERT CRAWFORD CLARKE, BSc Agric, MRICS Director</p> | | |
| <p>Email correspondence with Janice Griffiths (JC) regarding noise surveys</p> | <p>15.02.2023</p> | <p>Email</p> |
| <p>Further email to JG regarding noise surveys</p> | <p>13.03.2023</p> | <p>Email</p> |
| <p>KEY TERMS ISSUED</p> | <p>16.03.2023</p> | <p>Email</p> |
| <p>Griffiths signed another licence and sent it recorded delivery to Winchester office</p> | <p>22.03.2023</p> | <p>Letter</p> |
| <p>LT requests confirmation of receipt of funds, and sent further survey details</p> | <p>18.04.2023</p> | <p>Email</p> |
| <p>JG confirms she has not heard from noise surveyors regarding survey</p> | <p>24.04.2023</p> | <p>Email</p> |
| <p>Email chaser from RCC for answers to the formal consultation response from Nov 22</p> <p>My clients fully endorse and agree with the pooled agents' response to all the general terms which I have already submitted, and I attach a further copy for ease of reference.</p> <p>In addition, they make the following specific comments:-</p> <ol style="list-style-type: none"> 1.They do not feel able to make a detailed response in the absence of a response from your client to their formal representations submitted on 28th November last year (copy attached for ease of reference) 2.The absence of any detail in the terms on disturbance and compensation provisions is a particular concern. Given that you have retained your proposed route so close to the holiday let and camping enterprises, the long term impact on these could well be significant. My clients expect not only loss of business during construction, but also for several years afterwards as existing client base and goodwill is eroded, meaning they will pretty much have to 'start again' after construction is complete. How will these post construction losses, which will not be easy to demonstrate, be quantified? 3.Due to the temporary loss of land for fodder production, they will have to buy in significant quantities, particularly of maize. How is this to be sourced? When they do buy in maize currently, they get it from the Wiston Estate at Buncton which will also be affected by the scheme and thus may well not have | <p>26.04.2023</p> | <p>Email</p> |

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| <p>sufficient supplies to sell. It's all very well stating that my client can claim for additional feed costs, but the feed still needsto be sourced and this may not be possible. If that is the case, my client may have no option but to reduce cow numbers which will have significant and long term financial impacts.</p> <p>Response to this letter from CJ attached at Appendix 16 to REP1-017</p> | | |
| <p>LT sent holding email response to RCC</p> | <p>23.06.2023</p> | <p>Email</p> |
| <p>Email response from RCC</p> | <p>26.06.2023</p> | <p>Email</p> |
| <p>Email to landowner Dear Mr & Mrs Griffiths,</p> <p>For your information and by way of an update I can confirm that Rampion Extension Development Limited (RED) have submitted their DCO application for the Rampion 2 Offshore Wind Farm and associated infrastructure. The application will now go through a 28 day review process carried out by the Planning Inspectorate and if accepted will be subject to a formal section 56 Notice under the Planning Act 2008, which RED have a statutory obligation to serve, notifying persons of the acceptance for examination of the application.</p> <p>Project details will be made available on the Project Page of the Planning Inspectorate website if the application is accepted for examination - Rampion 2 Offshore Wind Farm National Infrastructure Planning (planninginspectorate.gov.uk)</p> <p>The DCO application documents will set out the rationale for the design of the scheme and the process for considering and implementing modifications to the cable route where justified on environmental, land use and engineering grounds.</p> <p>We will continue to explain and respond to detailed questions about the decisions taken for the siting of the cable route and onshore infrastructure. I am in the process of drafting a response to the Formal representation submitted by Robert and hope to provide a response by the end of the week.</p> <p>I trust the above is of assistance however if you have any queries in connection therewith at this time please contact us.</p> | <p>14.08.2023</p> | <p>Email</p> |

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| Kind Regards, Lucy | | |
| Email from Janice saying the latest surveyors never came: Hello Lucy, Thank you for the update. You do know the last groups of surveyors never came and did their surveys on the farm? Is that ok? Best regards, Janice Griffiths REDACTED | 16.08.2023 | Email |
| LETTER - Response to formal consultation sent: Dear Mr & Mrs Griffiths and Robert, Please find attached a response to the various queries you have raised regarding the Rampion 2 project. Please give me a call or email if you have any further queries. If you would like a hard copy sent in the post, please let me know and I will send one out. Kind regards, Lucy | 20.09.2023 | Letter |
| Statutory Letter - Section 56 sent | 25.09.2023 | Letter |
| LT emails Janice re geophysical surveys: Dear Mr & Mrs Griffiths, I hope you are well. Please could the geophysical surveyors be in touch regarding surveys on the below parcels of land (coloured in Orange). For clarity, the fields they would like to survey are the orange - 173, 174, 175, 176 and 178. | 09.10.2023 | Email |
| JG confirms - yes to surveys: Thank you, Janice REDACTED | 10.10.2023 | Email |
| LT emails Griffiths requesting feedback on the HOTS Dear Robert and Mr & Mrs Griffiths, Further to the email below and the Key Terms sent in March 2023, please could you confirm whether you would like to progress discussions and work towards agreement of the Key Terms, and I will send the Option and Easement document for your review. Kind regards, Lucy | 07.11.2023 | Email |

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| <p>RCC confirms via email that his clients would like to work towards signing the HOTS</p> <p>Dear Lucy, 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 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. I look forward to receiving the documents shortly. Regards,</p> | 08.11.2023 | Email |
| <p>LT responds to email and sends the Option and Easement documentation</p> | 08.11.2023 | Email |
| <p>LT emails RCC to request feedback on the HOTS</p> | 21.12.2023 | Email |
| <p>RCC responds saying he cannot provide comments until confirmation on fees</p> | 22.12.2023 | Email |
| <p>Chaser Letter Sent, copy sent via email to RCC on 25/03</p> | 22.03.2024 | Letter |
| <p>Email from Griffiths re accepting a meeting: Dear Lucy,</p> <p>Thank you for your letter.</p> <p>We would be more than happy to have a meeting with you.</p> <p>As before mornings are better than afternoons with us because that means all 3 of us can be there.</p> <p>Kind regards,</p> <p>Alan and Janice Griffiths. REDACTED</p> | 28.03.2024 | Email |
| <p>LT confirms she will be in touch re a meeting and asks RCC for feedback on HOTS: Dear Alan and Janice,</p> <p>Thanks for your email, we welcome the opportunity to meet with you on site. I will be in touch shortly with some potential meeting dates.</p> <p>In the meantime, it would be useful for you and Robert to review the Heads of Terms and a provide a list of queries. suggested amendments (if any) via email. Then we can focus on responding to these before covering any outstanding issues at the site meeting.</p> <p>Kind regards,</p> <p>Lucy</p> | 04.04.2024 | Email |

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| JG requests HoT copy | 09.04.2024 | Email |
| <p>RCC confirms no further progress can be made until a plan is created: Dear Lucy, I have just spoken to Janice. I updated her on the fact that we met last week with another client to go through the documents and that we had agreed that we would submit our comments on them once you had provided the relevant plans. Please can you also do this for the Griffiths and all my other clients, following which we can consider the documents in more detail and if necessary meet with you to go through them and get back to you with our comments. Regards,</p> | 09.04.2024 | Email |
| <p>RCC emails LT and VP - requests plans for all his clients Dear Vicky and Lucy, 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. 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"> -Artemis.Scott -Griffiths -Kempley -Facer -Cooke -Worsley <p>Thanks,</p> | 12.04.2024 | Email |
| <p>LT responds to RCC re his other requested plans: Dear Robert,</p> <p>Thank you for your email.</p> <p>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 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>Thanks,</p> <p>Lucy</p> | 25.04.2024 | Email |
| LT sends planning inspectorate hearing details to landowner | 20.05.2024 | Email |
| LT sends chaser to RCC requesting a response on key terms and engagement | 29.05.2024 | Email |
| RCC requested plans for each landowner | 29.05.2024 | Email |
| LT emails RCC with updated HOT plan | 03.06.2024 | Email |

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| Agent's Fees Clarification Letter Sent | 06.06.2024 | Letter |
| AG asked for clarification on RED, LT explained and handover to GL | 12.06.2024 | Email |
| Revised Key Terms Sent Via Post | 25.06.2024 | Letter |
| Landowner's agent sends over the Option and Easement documentation as tracked changes word documents with detailed feedback within them | 01.07.2024 | Email |
| LT send details of ALO meeting, JG sends further points and suggested time, LT confirms | 08.07.2024 | Email |
| RCC confirms he cannot attend meeting and asked to rearrange | 08.07.2024 | Email |
| Email from Mrs Griffiths to LT/ GL saying they would like to meet with the ALO and requesting a new potential date. | 23.07.2024 | Email |
| LT responds to Mrs Griffiths suggesting 7 th August as a potential date with the ALO. | 24.07.2024 | Email |
| Email from VP to Mr and Mrs Griffiths further to site visit with Applicant's engineer | 24.07.2024 | Email |
| LT chased Mrs Griffiths by email for her preferred time on 7 th August. | 29.07.2024 | Email |
| Email from GL to RCC as a response to RCC's email of 01.07.2024 providing comments on the Option and Easement documentation. | 30.07.2024 | Email |
| Email from Mrs Griffiths confirming that anytime after 10:30 on 7 th August works for a meeting with the ALO. | 30.07.2024 | Email |

All engagement correspondence referred to within this Land Engagement Report can be provided upon request. Please note: there may have to be redactions in order to comply with confidentiality between parties and GDPR legislation.

Lucy Tebbutt

From: Portwain, Vicky
Sent: Wednesday, 24 July 2024 11:01
To: Merrion Farm
Cc: Tebbutt, Lucy; Lister, Giles; Robert Crawford Clarke
Subject: Griffith Site Visit 25 June

Dear Mr & Mrs Griffiths

At our recent site visit meeting we discussed a number of construction and programme related items and I set out information from our Engineers in response to the questions and discussion points raised below. We also discussed some commitments regarding communications relating to construction programme and compensation measures. Please refer to the new Agricultural & Land Liaison Officer section in the Code of Construction practice section 2.6: [EN010117-001825-7.2 Outline Code of Construction Practice Rev E \(clean\).pdf \(planninginspectorate.gov.uk\)](#). If you would like any of this incorporated directly into the key terms please do let me know.

I understand you are discussing with Lucy dates for a visit from the ALO from RWE's Sofia project which I believe will be informative for you. Finally, Giles will be responding to Robert Crawford Clarke's comments on the full documents this week.

Engineering Discussion Items

- **Confirm type of fencing on cable corridor likely to be used – would it be with tanalised fenceposts or not?**

Generally, the fencing used is of timber post and wire construction, like that shown below. Timber posts would ordinarily be treated. However, if this presents a problem for the operation of the dairy farm, then we can discuss suitable alternatives.



- **Confirm minimum HDD depth under trees, how is this assessed is there further risk to the trees?**

The Project has used information published by the Forestry Commission (Information Note – The Influence of Soils and Species on Tree Root Depth (2005)) to demonstrate that 90 to 99% of total tree root length is in the top metre of soil, with only 5% of trees having roots deeper than 2m and none deeper than 3m. Therefore, the 6m depth is more than adequate to rule out physical damage to roots. Further, this means that there will be at least 4 or 5m of soil above the drill profile of earth prior to reaching the rooting area. This depth makes it highly unlikely that drilling fluid would reach rooting depths.

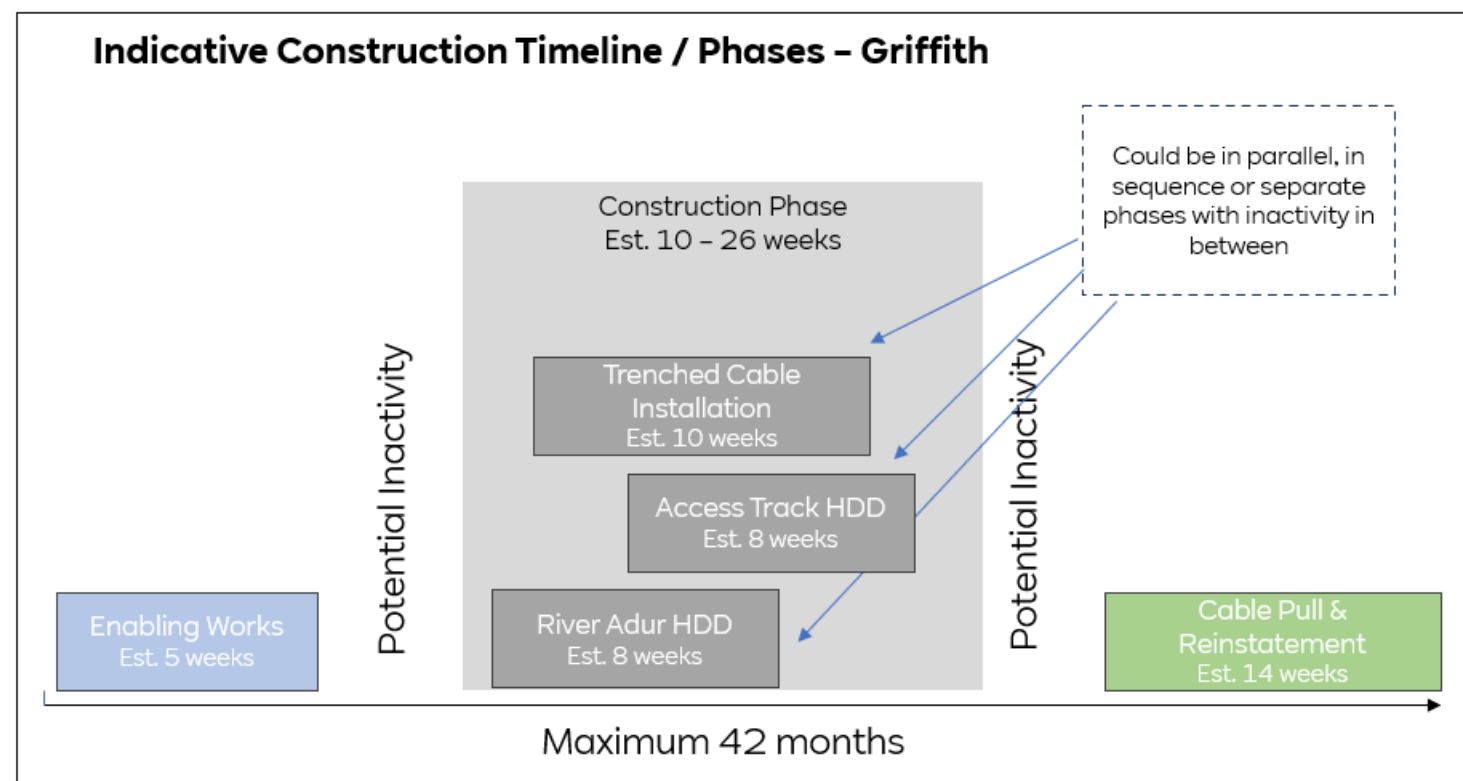
- **Provide estimated timeline for construction over Griffith's**

We can confirm that the below represents a possible timeline for the planned activities on your land. Phases may be undertaken in parallel or in sequence which would influence the total duration of activities. A best-case estimate for aggregated duration of construction activities is around 37 weeks, and a worst case would be 45-50 weeks. These estimates do not take potential periods of inactivity in between work phases into account however, it is common practice and our expectation that the principal contractor defines specific segments along the route, which will be installed and re-instated in as short a timeframe as possible. We would not expect the construction overall in this segment to extend significantly beyond those 18months (including inactivity phases) in regular circumstances.

Distance on Griffith Land

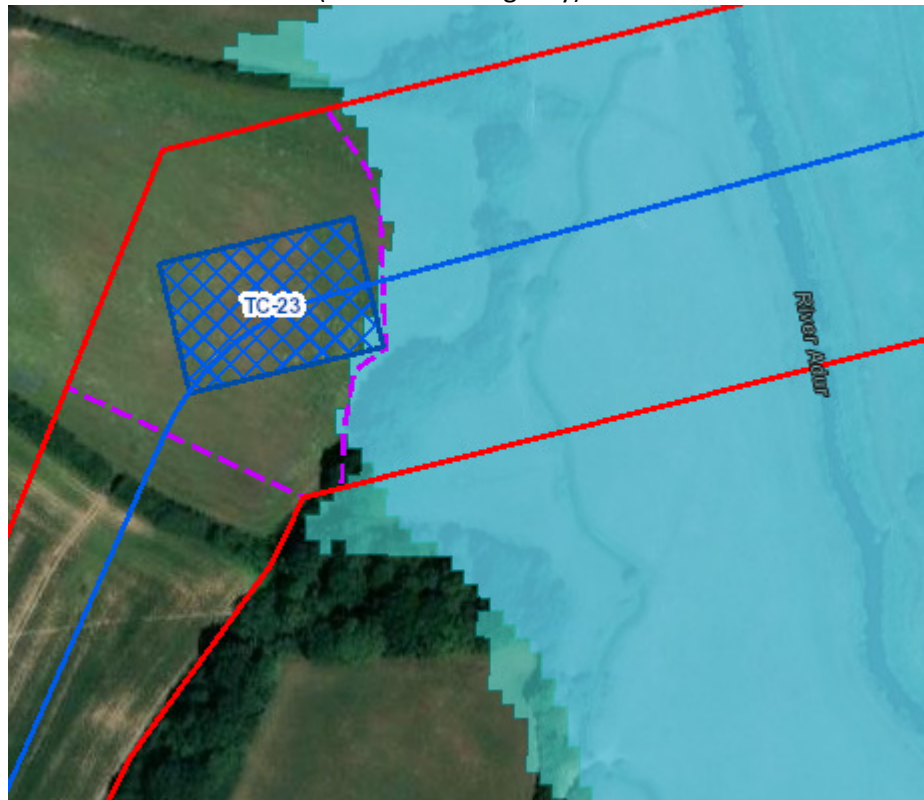
800 M

| Activity | Typical Installation Rate (m/day), where applicable) | Total No. Days (typ.) | Total No. Weeks (rounded up) |
|---|--|-----------------------|------------------------------|
| Phase 1 - Enabling Works | | | 5 |
| Install Access & Haul Roads (Enabling) | 40 | 20 | 4 |
| Install Pre-Construction Land Drainage | 250 | 4 | 1 |
| Phase 2a - Construction Trenchless Crossing | | | 8 |
| Trenchless Crossing Installation (Access Track) | - | 42 | 8 |
| Phase 2b - Construction Trenchless Crossing | | | 8 |
| Trenchless Crossing Installation (River Adur) | - | 42 | 8 |
| Phase 2c - Trenched Cable Construction | | | 10 |
| OCT Duct Installation (Trefoil) | 40 | 20 | 4 |
| Install Post-construction Land Drainage | 250 | 10 | 2 |
| Excavate & Install Joint Bays (2no.) | - | 15 | 3 |
| String, Prove, Clean & CCTV Cable Ducts (prior to cable pull) | - | 5 | 1 |
| Phase 3 - Cable Pull and Reinstatement | | | 14 |
| Pull Cable & Join / Test Cables | - | 45 | 9 |
| Backfill Joint Bays | - | 10 | 2 |
| Reinstatement | 50 | 16 | 3 |
| TOTAL Time in Days(approx.) | - | 229 | |
| TOTAL Time in Weeks (approx.) | - | 42 | |



- **Flooding area along bank of River Adur:**
 - We can confirm that our assessments have captured the flooding in the areas described by you and management measures (including constructing the trenchless crossing in dryer months of the year and siting the HDD compound outside of these flood risk areas) are likely to be employed.
- **Access to the track from the southern field via the existing gate on the western side**
 - We can confirm that the western gate looks like a suitable alternative that would present some advantages in terms of haul road routing across the access tracks and traffic management. There may be some required management of existing vegetation (not loss), and the access gate would be widened (with suitable gate replacement). We would take both options forward to detailed design for discussion with the construction contractor.
- **Waterlogged / Flooded area south of the western gate**
 - This is valuable information, and we will be looking into this during planned pre-construction drainage surveys.

Plan of flood zone in blue (Environment Agency)





Features and access points discussed on site visit 25th June, including trenchless crossing compounds and limits of deviation in pink dashed line, accesses (proposed and existing), indicative centreline of easement

