

RAMPION 2 OFFSHORE WINDFARM DEVELOPMENT CONSENT ORDER
RESPONSE TO INFORMATION PROVIDED TO FURTHER INFORMATION REQUEST BY
SECRETARY OF STATE

Comments on information provided to Secretary of State Request for Information dated 25
November 2024, made on behalf of Susie and David Fischel of Sweethill Farm

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Interested Party Reference Number	RAM2 – AFP698
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1. Introduction

- 1.1. This is a written submission made on behalf of Susie and David Fischel (**Fischels**), of Sweethill Farm, in respect of the responses provided to the letter issued by the Secretary of State on 25 November 2024 seeking further information from particular parties (**Information Request Letter**).
- 1.2. The Fischels submitted a response to the Information Request Letter, dated Friday 6 December 2024 (SHF 7), and this has been published on the Project page on the Planning Inspectorate's website.
- 1.3. In their 6 December 2024 submission, the Fischels outlined their concerns with the Applicant's approach to engagement with Affected Parties both during and after the Examination and their reasons for requesting that the DCO, if made, does not contain the compulsory acquisition powers in respect of their land: the Fischels therefore refer to that document and do not repeat the arguments again here.
- 1.4. This submission is therefore provided to:
 - 1.4.1. comment on the information provided by the Applicant and other Interested Parties in response to the Information Request Letter; and
 - 1.4.2. provide an update on engagement since the last submission deadline.

2. Comments on information provided to the Information Request letter

Information provided by the Applicant

- 2.1. Paragraph 15 of the Information Request Letter required the Applicant to provide an update on progression of Heads of Terms with Affected Persons in relation to the compulsory acquisition of land by voluntary means, and to submit an updated Land Rights Tracker. Sweethill Farm is addressed at page 9 (reference 039) of the updated Land Rights Tracker provided by the Applicant on 6 December 2024.¹ The red text (indicating text updated since the close of the Examination) states:

¹ Document available on the PINS Project website here - <https://url.uk.m.mimecastprotect.com/s/5Uy2Ck5ZwI5oZNRuQiNiGfwA7?domain=infrastructure.planninginspectorate.gov.uk>

Further to the Examination the Applicant responded on the latest Heads of Terms received from the Land Interest's solicitor on 3rd September (to the Land Interest's agent). It was subsequently confirmed that the Land Interest's solicitor would be dealing with the agreement of HOTs. The comments on the HOTs were sent to Winkworths by the Applicant's representatives on 25th September. No further response on the HOTs has been received by the Applicant but it is expected that negotiations will continue and on 2nd December full copies of the updated precedent agreements were requested and provided to the Land Interest's solicitor.

- 2.2. In their response on 6 December 2024, the Fischels set out their expectation that the Applicant would produce a Land Rights tracker on 6 December to give the impression of proactive activity on the part of the Applicant. As outlined in that submission, the reality is that the Fischels only received the draft agreement documents on 2 December 2024, just after the Secretary of State Information Request Letter and just before the 6 December 2024 response deadline.
- 2.3. As outlined in previous submissions, and most recently on 6 December 2024, the Fischels did not respond specifically to the Applicant's comments at the end of September on the Heads of Terms because the Fischels had already made it clear to the Applicant on many occasions that they wanted to focus on the detail of the matters to be agreed for the Fischels' land in the draft Option and Easement agreement – because they have provided comments on the Heads of Terms, which in any case are simply a generic template document – rather than spending unnecessary time and money redrafting Heads of Terms. This was particularly because the draft Heads of Terms that had been provided by the Applicant was a template, which was not to any real extent tailored to take into account the matters the Fischels had raised concerns about.
- 2.4. Finally, it is noted that the last line of the red text suggests that the updated precedent documents were only requested by the Fischels on 2 December 2024 - that is certainly not the case. The Fischels' lawyers provided feedback on the draft Heads of Terms on 31 July 2024, and since then the Fischels have requested on numerous occasions an updated draft Option and Easement agreement from the Applicant that takes into account that feedback.

3. Update since last deadline

- 3.1. In their submission dated 6 December 2024, the Fischels provided a summary of the correspondence with the Applicant since the close of the examination. Since then, the following has occurred:

- 3.1.1. 9 December 2024:** The Fischels' lawyers requested from the Applicant's lawyers copies of the plans that are referred to throughout the draft Option and Easement agreement as being annexed.
- 3.1.2. 13 December 2024:** The Applicant's lawyers provide Fischels' lawyers with two PDF's titled "Works plan" and "Option plan". This was followed up by an email on 17 December 2024 to check if Fischels' lawyers had everything required to review the documents in full.
- 3.1.3. 17 December 2024:** Fischels' lawyers email Applicant's lawyers advising that the plans provided on 13 December 2024 are outdated, and do not reflect the commitment made by the Applicant in July 2024 (in the Change Request made during the examination) to provide for a 25m buffer of Lowerbarn Wood, an Ancient Woodland on Sweethill Farm. The Fischel's lawyers provide a copy of the works plan submitted by the Applicant in July 2024 that provides for this buffer.
- 3.1.4. 18 December 2024:** The Applicant's lawyers confirm to the Fischels' lawyers that the works plan provided on 17 December 2024 is correct, and that the option plan will be updated and provided shortly.
- 3.1.5. 19 December 2024:** the Applicant's lawyer provided updated option plan to Fischels' lawyers.
- 3.1.6. 7 January 2025:** the Applicant provided the Fischels with a copy of the updated option plan (the same one provided to the Fischels' lawyers above) and offered to set up a meeting to discuss the draft agreements directly.
- 3.1.7. 13 January 2025:** the Fischels' lawyers provided preliminary comments by email on the draft Option and Easement agreements to the Applicant's lawyers, noting that detailed comments would be sent shortly (given the documents were provided just before the Christmas and New Year break). This email noted that from the review so far, it does not appear that comments previously provided by the Fischels have been incorporated in the draft documents, and most notably that the agreements continue to be very broad in nature, and not tailored to the land in question. The email stated

that no justification has been provided as to why the Grantee's powers are drafted so broadly, and it remains unclear why the Grantee requires such broad-reaching rights.

Winckworth Sherwood LLP