



CLEVE HILL SOLAR PARK

STATEMENT OF REASONS

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CLEVE HILL
SOLAR PARK

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1. SUMMARY

- 1.1 This Statement of Reasons relates to an application (the "**DCO Application**") by Cleve Hill Solar Park Limited ("**CHSPL**") to the Secretary of State under the Planning Act 2008 ("**PA 2008**") for a development consent order ("**DCO**") to construct, operate and maintain a solar park (the "**Project**") at Cleve Hill, 2 km north east of Faversham and 5 km west of Whitstable on the north Kent coast (the "**Project Site**").
- 1.2 The Project constitutes a Nationally Significant Infrastructure Project ("**NSIP**") and comprises:
- 1.2.1 a solar photovoltaic array with a gross electrical output capacity of over 50 megawatts (**MW**), comprising solar modules, fixed to mounting structures, with inverters, transformers and a network of cable circuits (the "**Solar Array**");
 - 1.2.2 an energy storage facility with a gross storage capacity of over 50 MW comprising energy storage, transformers, switch gear and ancillary equipment, a network of cable circuits (including to connect to the Solar Array) and a flood protection bund (the "**Energy Storage Facility**"); and
 - 1.2.3 associated development, including:
 - (a) a substation and electrical connection to export power from the Solar Array and Energy Storage Facility to the National Grid Electricity Transmission System (NETS) (the "**Electrical Connection**"), comprising underground cable circuits;
 - (b) a network of cables, landscaping, earthworks, drainage and undergrounding an existing overhead line;
 - (c) a habitat management area, for habitats of certain protected species (the "**Habitat Management Area**");
 - (d) creation and maintenance of vehicular access; and
 - (e) maintenance of an existing flood defence.
- 1.3 This Statement explains why it is necessary, proportionate and justifiable for the Cleve Hill Solar Park Order (Document Reference 3.1) (the "**Order**") contained in the DCO Application to include compulsory acquisition powers, and why there is a compelling case in the public interest for CHSPL to be granted these powers.
- 1.4 CHSPL has had regard to the provisions of the PA 2008 and advice and guidance issued in relation to the PA 2008 in seeking the powers contained in the Order.
- 1.5 CHSPL has been seeking to acquire the land, rights (and restrictions) over land by voluntary agreement, in order to ensure implementation of the Project. However, it has not yet been possible (at the time of writing) to acquire all of the land and the rights required by agreement, although negotiations are still ongoing.
- 1.6 The powers authorising the acquisition of land, or of interests in and/or rights over land, are principally contained in Articles 16 and 18 of the Order.
- 1.7 The powers are being sought in order for CHSPL to be able to construct, operate and maintain the Project without impediment. There are a number of other articles in the Order which grant CHSPL powers the exercise of which may result in interference with property rights and private interests in land.
- 1.8 The land over which compulsory acquisition powers are sought in respect of the freehold is shown edged red and shaded pink on the Land Plan (Document Reference 2.1). This land is described in more detail in the Book of Reference (Document Reference 4.3).

- 1.9 The land over which only new rights (including the imposition of restrictions) are being compulsorily sought is shown edged red and shaded blue on the Land Plan (Document Reference 2.1). This land is described in more detail in the Book of Reference (Document Reference 4.3).
- 1.10 Where CHSPL is seeking to compulsorily acquire either land or new rights over land, powers for temporary use of such land pursuant to Articles 24 and 25 of the Order are also being sought.
- 1.11 Where these powers of compulsory acquisition are exercised, owners of the relevant land or rights in land may be entitled to compensation under the Compensation Code, where a valid claim is made out. Any dispute in respect of the compensation payable would be referred to and determined by the Lands Chamber of the Upper Tribunal.
- 1.12 CHSPL has explored reasonable alternatives to compulsory acquisition and made reasonable attempts to acquire the land and rights over land by agreement.
- 1.13 Article 1 of the First Protocol to the European Convention on Human Rights (“ECHR”) and Article 8 of the ECHR have been considered and CHSPL considers that the interference with rights is for a legitimate purpose, is necessary and is proportionate.
- 1.14 The urgent need for renewable energy generation is set out in National Policy Statement EN-1. The Project would contribute materially to meeting this need. The Project offers a cost-effective contribution to decarbonising the UK’s electricity sector, provides energy security through diversity in supply, will assist the operation of the NETS through its energy storage facility and will lower costs to consumers.
- 1.15 The parts of the Order land which are open space are shown on the Special Category Land Plan - Open Space (Document Reference 2.10) and identified in Part 5 of the Book of Reference (Document Reference 4.3). CHSPL is seeking rights (including restrictions) over this land in order to access and maintain the existing flood defences.
- 1.16 Any interference with public recreational use of the open space land during such maintenance activities would be temporary in nature.
- 1.17 CHSPL therefore considers that the open space land when burdened with the rights sought in the Order will be no less advantageous to the public than it was before and therefore the test set out in s132(3) of the PA 2008 is satisfied.
- 1.18 The Order land includes land, rights or other interests owned by Statutory Undertakers. Adequate protection for the statutory undertakers will be included within protective provisions in the Order and/or asset protection agreements between the parties. CHSPL therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of their undertakings as a result of the compulsory acquisition of land or rights over land or powers of temporary possession.
- 1.19 Section 135 of the PA 2008 provides protection for Crown Land against compulsory acquisition. The Order land includes land owned by the Crown or subject to Crown Interests. CHSPL is in discussions with the Crown Estate Commissioners in order to obtain their consent to the inclusion of these provisions as required under section 135 of the PA 2008.
- 1.20 The land, and rights over the land (including restrictions) being sought are required for the purposes of, to facilitate, or are incidental to, the Project and are no more than are reasonably necessary. Furthermore, there is a compelling case in the public interest for the land or rights over the land to be acquired given the positive benefits that the Project will generate particularly in view of current UK policy in relation to renewable energy.

2. INTRODUCTION

- 2.1 This Statement of Reasons relates to an application by Cleve Hill Solar Park Limited (**CHSPL**) to the Secretary of State under the PA 2008 (the "**DCO Application**") for the Cleve Hill Solar Park Order (the "**Order**") (Document Reference 3.1).
- 2.2 CHSPL is seeking consent for a solar park with a generation capacity of over 50MW (the "**Project**"). As the Project constitutes an electricity generating plant with an average gross electrical output in excess of 50 MW, it falls within the definition of a "nationally significant infrastructure project" (**NSIP**) under section 15(2) of the PA 2008. It is therefore necessary for CHSPL to apply to the Secretary of State for the Order to construct, operate and maintain the Project under Section 31 of the PA 2008.
- 2.3 This Statement has been prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the "**APFP Regulations**") and the Department of Communities and Local Government guidance, 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) (the "**Guidance**").
- 2.4 This Statement forms part of the suite of documents accompanying the DCO Application submitted in accordance with Section 55 of the PA 2008 and Regulation 5 of the APFP Regulations.
- 2.5 This Statement explains why it is necessary to acquire land, acquire and/or create rights and impose restrictions over land, override, suspend or extinguish rights over land and to temporarily use land for the purposes of the Project, if necessary by compulsion. It also explains the reasons for the inclusion of compulsory acquisition and related powers in the Order and sets out why there is a clear and compelling case in the public interest, in accordance with section 122 of the PA 2008, for the Order to include such powers
- 2.6 The land over which powers of compulsory acquisition and temporary use are being sought for the Project is referred to as the '**Order land**' and is described in more detail in Section 5 of this Statement and is shown outlined in red on the Land Plan (Document Reference 2.1).
- 2.7 Negotiations for the purchase of land, rights and interests are ongoing in respect of the land and new rights required for the Project. Nonetheless, it is necessary for CHSPL to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the Order, thereby ensuring that the Project can be constructed, operated and maintained.
- 2.8 The following documents have been submitted as part of the DCO Application in order to meet the requirements of the APFP Regulations and the Guidance:
- 2.8.1 This Statement;
- 2.8.2 A Funding Statement (Document Reference 4.2) which explains how the construction of the Project as well as the acquisition of land and interests is expected to be funded;
- 2.8.3 Land Plan showing the land over which it is intended to use the compulsory acquisition powers (Document Reference 2.1); and
- 2.8.4 Book of Reference (Document Reference 4.3) which identifies those persons with an interest in the Order land or who may be eligible to make a relevant claim.
- 2.9 This Statement explains and justifies the inclusion of the powers contained within the Order. The structure of this Statement is set out below and also addresses each of the requirements of the Guidance:
- 2.9.1 An introduction to the Applicant is contained in Section 3;

- 2.9.2 A summary of the Project is set out in Section 4;
- 2.9.3 A brief description of the Order land, its location, topographical features and present use is contained in Section 5;
- 2.9.4 An outline of the need to compulsorily acquire land or rights over land, and the specific purpose for which the land and such rights are to be compulsorily acquired, is contained in Section 6;
- 2.9.5 A statement of the justification for compulsory acquisition including reference to funding and the need for the Project is included in Sections 7 and 8;
- 2.9.6 Any special considerations affecting the land to be compulsorily acquired, e.g. open space land, statutory undertaker land and Crown land, are included in Section 9;
- 2.9.7 How regard has been given to the provisions of Articles 1 and 8 of the First Protocol to the European Convention on Human Rights is included in Section 10;
- 2.9.8 Details of the other consents needed before the Project can be implemented are included in Section 9; and
- 2.9.9 Any other information which would be of interest to someone affected by the Order, such as an address, telephone number and email address where further information on these matters can be obtained, is included in Section 11.

3. THE APPLICANT

- 3.1 CHSPL is registered in England and Wales and is a joint venture formed by two solar industry specialists: Hive Energy Ltd and Wirsol Energy Ltd. Both companies have an extensive background in the development of solar energy parks in the UK and abroad.
- 3.2 Founded in 2010 by Giles Redpath, Hive Energy has become established as one of the largest and most experienced solar PV developers in the UK, responsible for the installation of in excess of 300 MW of solar PV generating capacity across the UK. Hive Energy developed the Southwick Estate Solar Farm in Hampshire, energised in March 2015, and at the time the largest solar park in the UK with an installed capacity of 48 MW. Hive is now commencing the roll out of a pipeline of subsidy-free solar parks in the UK.
- 3.3 Building on its UK experience, Hive Energy has opened a number of overseas offices and is currently developing a pipeline of international projects across Europe, South America, Africa and Asia, including an operational site in Turkey and a 58 MW solar park in Cuba about to commence construction. Hive Energy is committed to using the knowledge and expertise gained in the UK to develop large-scale, low-cost solar, across the world.
- 3.4 Wirsol Energy is a highly experienced solar park developer, constructor and operator across the UK and Australia. Wirsol Energy has built and operates 24 solar parks (totalling 159 MW of generation capacity) across the UK, and 5 solar parks across Australia (totalling 397 MW of generation capacity). Wirsol Energy has a current pipeline in the UK of 150 MW of solar schemes and 577 MW in Australia.
- 3.5 Further details about CHSPL can be found in the Funding Statement (Document Reference 4.2).
- 3.6 On 9 November 2018 CHSPL was granted an electricity generation licence pursuant to s6 of the Electricity Act 1989 by the Gas and Electricity Markets Authority.

4. THE PROJECT

- 4.1 The Project consists of:

- 4.1.1 a solar photovoltaic array with a gross electrical output capacity of over 50 MW, comprising solar modules, fixed to mounting structures, with inverters, transformers and a network of cable circuits (the "**Solar Array**");
- 4.1.2 an energy storage facility with a gross storage capacity of over 50 MW comprising energy storage, transformers, switch gear and ancillary equipment, a network of cable circuits (including to connect to the Solar Array) and a flood protection bund (the "**Energy Storage Facility**"); and
- 4.1.3 associated development, including:
 - (a) a substation and electrical connection to export power from the Solar Array and Energy Storage Facility to the National Grid Electricity Transmission System (**NETS**) (the "**Electrical Connection**"), comprising underground cable circuits;
 - (b) a network of cables, landscaping, earthworks, drainage and undergrounding an existing overhead line;
 - (c) a habitat management area, for habitats of certain protected species (the "**Habitat Management Area**");
 - (d) creation and maintenance of vehicular access; and
 - (e) maintenance of an existing flood defence.

4.2 Full details of the Project, including the proposed construction methods and phasing, can be found in Chapter 5 (Development Description) of the Environmental Statement (Document Reference 6.1.5) accompanying the DCO Application.

5. DESCRIPTION OF THE LAND SUBJECT TO COMPULSORY ACQUISITION

5.1 The land required to construct, operate and maintain the Project (the "**Project Site**") is located on land 2 km north east of Faversham and 5 km west of Whitstable on the north Kent coast and known as Nagden, Cleve and Graveney Marshes. The Project Site lies within the administrative boundaries of Swale Borough Council and Canterbury City Council.

5.2 The Project Site is coastal, with Faversham Creek forming the western site boundary and The Swale Channel forming the northern boundary.

5.3 The total area of the Project Site is 491.2 hectares (**ha**) and can be divided into four existing broad land use types:

- 5.3.1 Arable Land (387.6 ha);
- 5.3.2 Freshwater Grazing Marsh (35.1 ha);
- 5.3.3 Flood Defences (58.5 ha) ; and
- 5.3.4 The existing Cleve Hill Substation (10.0 ha)

5.4 The arable land consists of large fields which are separated by drainage channels predominantly running south to north and a 400 kilovolt (**kV**) overhead line which traverses the Project Site from west to east where it joins the existing Cleve Hill Substation. An 11 kV overhead line crosses the south of the Project Site from Nagden in a straight-line westward towards Cleve Farm with a short spur south to Warm House.

5.5 Underground cables connecting London Array Offshore Wind Farm to the existing Cleve Hill Substation cross the arable land from north to south, from the flood defences to the existing Cleve Hill Substation.

- 5.6 Topographically, the majority of the arable land is flat and low lying with elevations above ordnance datum (AOD) typically ranging from 0 m to 3 m. The exception is the south east of the Development site where the land rises at a variable gradient of approximately 14% from south west to north east at Graveney Hill, reaching an elevation of approximately 15 m AOD.
- 5.7 The area of freshwater grazing marsh forms part of The Swale Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar wetland designated sites.
- 5.8 The flood defences comprise the existing coastal flood defences that protect the Project Site and the access to the flood defences is from Seasalter Road. The majority of the flood defences are within The Swale SSSI, SPA and Ramsar wetland designated sites.
- 5.9 Full details of the Project Site can be found in Chapter 5 (Development Description) of the Environmental Statement (Document Reference 6.1.5) accompanying the DCO Application.
- 5.10 There are a number of public rights of way located within the Project Site and these are set out in further detail on the Rights of Way Plan (Document Reference 2.3) and Chapter 13 (Socioeconomics, Tourism, Recreation and Land Use) of the Environmental Statement (Document Reference 6.1.13).

6. **NEED FOR COMPULSORY ACQUISITION POWERS**

- 6.1 The Order (Document Reference 3.1) contains powers to enable the acquisition of the land, new rights over land and the imposition of restrictions that are required to construct, operate and maintain the Project. Where the necessary land and rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the Order enables the land and rights over land to be acquired compulsorily.
- 6.2 The principal compulsory acquisition powers are set out in Articles 16 and 18 of the Order.
- 6.3 The purpose for which the Order land is required is set out below. The descriptions reflect those works descriptions in Schedule 1 of the Order and shown on the Works Plans (Document Reference 2.2). Reference is made to plot numbers detailed on the Land Plan (Document Reference 2.1) and described in the Book of Reference (Document Reference 4.3).
- 6.4 Article 19 of the Order provides that any existing rights, restrictions, easements or servitudes can over-riden, suspended and/or extinguished if required to exercise the powers under Articles 16 and 18 of the Order. Part 3 of the Book of Reference (Document Reference 4.3) identifies those plots where rights may be overridden, suspended or extinguished under Article 19. Unknown interests that were not identified through diligent enquiry are still subject to the provisions of the Order, including Article 19, to enable the Project to be delivered without impediment.
- 6.5 Whilst land, rights and interests required for the Project will be secured by agreement wherever possible, and negotiations continue with all identified owners, it is essential that compulsory acquisition powers are available to CHSPL to enable the Project to proceed at the earliest opportunity to enable the Project contribute to the UK's energy supply.

Acquisition of freehold

- 6.6 The land over which compulsory acquisition powers are sought in respect of the freehold is shown edged red and shaded pink on the Land Plan (Document Reference 2.1). This land is described in more detail in the Book of Reference (Document Reference 4.3). Article 16 of the DCO is relied upon in respect of this land. This land is required for the Solar Array, Energy Storage Facility, Habitat Management Area, Electrical Connection and access. The status of negotiations with owners and occupiers is summarised in Appendix A to this Statement.
- 6.7 Having selected the location for the Project, CHSPL completed an option agreement with the landowners on 17 October 2016 for the parts of the Project Site on which the Solar Array and Energy Storage Facility will be located (Plots 1/04, 1/05, 2/04, 3/04, 3/05, 3/09, 4/07, 5/01 and 5/03).

6.8 However, CHSPL is seeking compulsory acquisition powers to secure this land or new rights (including restrictive covenants) over it, to ensure that land assembly and title to all of the Project Site can be secured with certainty. In addition, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be overridden, removed and/or extinguished in order to facilitate the construction, operation and maintenance of the Project without hindrance.

Acquisition of rights, creation of new rights and imposition of restrictions

6.9 The land over which compulsory acquisition powers are sought for rights and the creation of new rights (including restrictions) is shown edged red and shaded blue on the Land Plan (Document Reference 2.1). This land is described in more detail in the Book of Reference (Document Reference 4.3). Article 18 of the DCO is relied upon in respect of these rights.

6.10 A number of new rights are sought to facilitate CHSPL and all persons authorised on its behalf to construct, use and maintain the Project. This includes rights to construct, use and maintain the underground cables, rights of access, rights for drainage, rights for services, rights for the HMA and rights to maintain the existing flood defences.

6.11 The intended purpose for which new rights are sought under Article 18 of the Order is set out in Schedule 6 to the Order and Table 1 below. The status of negotiations with owners and occupiers is summarised in Appendix A to this Statement. This is described by reference to the numbered works set out in Schedule 1 to the Order and shown on the Works Plan (Document Reference 2.2).

Table 1:

Plot Number(s)	Work No	Purpose for which rights may be acquired
3/06, 3/06B, 3/07, 3/07A, 3/07B, 3/08, 3/08A	5	Rights to install, use, protect, inspect, alter, remove, replace, improve and maintain electrical underground cables, telecommunications cables and other services including rights of access without or without vehicles, plant and machinery for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development. Restrictions on erecting buildings or structures, altering ground levels, planting trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights.
3/06	6	Rights to construct, use, improve and maintain a new means of access including rights of access with or without vehicles, plant and machinery (including any temporary surface) for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development. Restrictions on erecting buildings or structures, altering ground levels, planting trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights.
3/06, 3/12, 3/13,	7, 9	Rights to use, alter, improve and maintain an existing means of access including rights of access with or without vehicles, plant and machinery for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development. Restrictions on erecting buildings or structures, altering ground levels, planting trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights.

3/11	8	<p>Rights to create, manage, alter, improve and maintain a habitat management area including rights of access without or without vehicles, plant and machinery for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development.</p> <p>Restrictions on erecting buildings or structures, altering ground levels or carrying out operations or actions which may obstruct, interrupt, or interfere with the exercise of the rights.</p>
1/01, 1/02, 1/03, 1/06, 1/07, 1/08, 1/09, 1/10, 2/01, 2/02, 2/03, 2/05, 2/06, 2/07, 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 3/01, 3/01A, 3/01B, 3/02, 3/02A, 3/02B, 3/03, 3/03A, 3/03B, 3/10, 3/11, 4/01, 4/02, 4/03, 4/04, 4/05, 4/06	9	<p>Rights to inspect, maintain, repair, alter, remove and reconstruct the flood defences including rights of access without or without vehicles, plant and machinery for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development.</p> <p>Restrictions on erecting buildings or structures, altering ground levels or carrying out operations or actions which may obstruct, interrupt, or interfere with the exercise of the rights.</p>

- 6.12 There is also a need to impose restrictive covenants in relation to new rights required in connection with the Project. The intended purpose for which restrictions are sought under Article 18 of the Order is set out in Schedule 6 to the Order and Table 1 above.
- 6.13 Planning Inspectorate guidance in Advice Note 15 concerning the drafting of DCOs (paragraphs 24.1-24.3) advises that it may be appropriate to include a power to impose restrictive covenants over part of the land which is subject to compulsory acquisition or use under a DCO. The guidance states that before deciding whether or not such a power is justified the Secretary of State will need to consider issues such as proportionality; the risk that use of land above or below a structure could be sterilised if it has to be acquired outright in the absence of a power to impose restrictive covenants; or whether there is for example a policy of establishing a continuous protection zone for the infrastructure network which could be secured more efficiently with the benefit of this power.
- 6.14 The guidance states that the power to impose restrictive covenants over land above a buried cable or pipe, or where a slope contains artificial reinforcement has been granted in DCOs. The guidance advises that in order to enable the Secretary of State to consider whether the imposition of restrictive covenants is necessary for the purposes of implementing an NSIP and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.
- 6.15 CHSPL has had regard to this guidance in preparing the Order. Article 18 includes power to impose restrictive covenants in relation to land over which new rights are acquired. CHSPL considers the imposition of such a power to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the underground cables and to ensure that the Project can be accessed and the flood defences and HMA can be accessed and maintained.

Temporary use of land

- 6.16 Temporary use of land pursuant to Articles 24 and 25 of the Order is required in order to facilitate the use of land by CHSPL and all persons authorised on its behalf during the construction period and maintenance period of the Project. The maintenance period is defined in Article 25 of the Order as five years from the date that the Project first exports electricity to the NETS.

- 6.17 CHSPL is seeking temporary use powers over all of the Order land. The reason for seeking temporary use powers over this land is that it allows CHSPL to enter on to land for particular purposes (including site preparation works) in advance of any vesting of the relevant land/rights. This enables CHSPL to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Project.

Additional powers within the Order

- 6.18 In respect of the public highways and streets that will be affected by the Project, CHSPL is also relying on Articles 8, 9, 10, 11, and 23 of the Order in relation to street works (to enter onto them and to lay and maintain apparatus in them), to construct means of access and to create temporary prohibitions and restrictions of the use of such streets.
- 6.19 Any interference with rights, restrictions etc. over the Order land arising from the exercise of any Articles in the Order which provide statutory access and/or use of land within the Order land are captured in Part 3 of the Book of Reference (Document Reference 4.3).
- 6.20 Access to all premises adjoining public highways affected by the Project will be maintained at all times during the construction and operation of the Project and will not be materially affected by the operation of the Project.
- 6.21 The Order contains the following additional powers which may constitute an interference with land and/or rights over land and as such are captured in Part 3 of the Book of Reference (Document Reference 4.3):
- (a) Article 13 – Discharge of water;
 - (b) Article 14 – Protective works to buildings;
 - (c) Article 15 - Authority to survey and investigate the land; and
 - (d) Article 32 – Felling or lopping of trees.

7. JUSTIFICATION FOR THE USE OF POWERS OF COMPULSORY ACQUISITION

- 7.1 Section 120 and Part 1 of Schedule 5 of the PA 2008 make provision for a DCO to grant powers for the acquisition of land and for the creation, suspension and extinguishment of interests or rights over land.
- 7.2 Section 122(2) of the PA 2008 provides that an order granting development consent may only include provision authorising the compulsory acquisition of land where:
- 7.2.1 The land is required for the development;
 - 7.2.2 The land is required to facilitate or is incidental to the development; or
 - 7.2.3 The land is replacement land for commons, open spaces etc.
- 7.3 Section 122(3) of the PA 2008 requires that there be a compelling case in the public interest for the land to be acquired. The Guidance states at paragraph 12 and 13 that the decision maker must be satisfied of this and that there is compelling evidence that the public benefits would outweigh the private loss that compulsory acquisition would entail.
- 7.4 In addition to the statutory requirements above, paragraphs 8 to 10 of the Guidance provide general guidance that the developer must be able to demonstrate the following in order to justify the development:
- 7.4.1 That all reasonable alternatives to compulsory acquisition have been explored;

- 7.4.2 That the interference with rights is for a legitimate purpose, is necessary and is proportionate;
- 7.4.3 How the land will be used;
- 7.4.4 That there is a reasonable prospect of the requisite funds becoming available; and
- 7.4.5 That Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and Article 8 of the ECHR have been considered.
- 7.5 At paragraph 11, the Guidance states that there must be no doubt in the decision maker's mind as to the purposes to which the land to be acquired is to be put. It should be demonstrated that the land is needed for the authorised project and that it is no more than is reasonably required for that project. Any land that is incidental to or is required to facilitate the development should also be limited to that which is no more than reasonably necessary and it should be made clear to the decision maker that this is the case
- 7.6 The powers to compulsorily acquire land or rights over land (including restrictions) in the Order are required for the construction, operation and maintenance of the Project. The power to compulsorily acquire such land and rights over land is required to ensure there is no impediment to the delivery of this NSIP.
- 7.7 Feasibility studies, environmental appraisals and engineering appraisals were conducted to determine the most suitable location for the Project. The location and extent of land and rights has been carefully considered and designed in order to take the minimum amount of land required and is therefore proportionate and necessary.
- 7.8 CHSPL's justification for seeking compulsory acquisition powers, in accordance with the provisions of the PA 2008, is to secure land, new rights over land, the imposition of restrictions and the temporary use of land required to enable CHSPL to construct, operate and maintain the Project within a reasonable commercial timeframe. The inclusion of powers of compulsory acquisition in the Order (Document Reference 3.1) is sought in order to ensure that this can be achieved.
- 7.9 The Project is a NSIP and the public benefits associated with the Project are set out in Section 8 of this Statement. CHSPL considers that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictions) to be included in the Order. Compensation is payable to all affected landowners and occupiers.
- 7.10 There is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the Project. The extent of the Order land is no more than is reasonably necessary for the construction, operation and maintenance of the Project and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.
- 7.11 As stated above at paragraph 6.7, CHSPL has completed an option agreement for that part of the Project Site on which the Solar Array and Energy Storage Facility is to be located. However, CHSPL is including this land within the Order land in order to ensure that land assembly and title to the Project Site can be secured with certainty. CHSPL is also including this land within the Order land so as to ensure that certain easements and other private rights identified as affecting that land are extinguished, so as to facilitate the construction and operation of the Project without hindrance (see the Book of Reference (Document Reference 4.3). In addition, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be overridden, removed and/or extinguished in order to facilitate the construction and operation of the Project without hindrance.
- 7.12 CHSPL has been seeking to acquire the remaining land, rights (and restrictions) over land by voluntary agreement, in order to ensure implementation of the Project. However, it has not yet been possible to acquire all of the land and the rights required by agreement at the point of submitting the DCO Application. In addition, CHSPL requires certain rights to be suspended,

overridden or extinguished within the Order land so as to ensure there are no impediments to the construction, operation and maintenance of the Project.

7.13 CHSPL will continue to endeavour to purchase the land, the rights and other interests by agreement wherever possible. This approach of making the application for powers of compulsory acquisition in the DCO Application and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Guidance.

7.14 There are a number of interests identified in the Book of Reference where it has not been possible to identify ownership. The statement "Unknown" is given in the Book of Reference when diligent enquiry has been carried out and it has still not been possible to obtain information. CHSPL has carried out searches and enquiries with the Land Registry, site visits and notices have been and will be erected on site to seek to identify unknown landowners or persons with an interest in the land.

7.15 For the reasons set out in this Statement, CHSPL considers that the conditions of section 122 of the PA 2008 have been met.

7.16 **Alternatives to Compulsory Acquisition**

7.16.1 In designing the Project and determining the land to be subject to compulsory acquisition and temporary possession powers, CHSPL has considered alternatives and modifications to the Project to minimise the potential land take.

7.16.2 A range of technical, environmental and economic factors are considered when investigating and assessing any potential site for NSIP-scale ground-mounted solar PV development. This process is described in detail in Chapter 4 (Site Selection, Development Design and Consideration of Alternatives) (Document Reference 6.1.4).

7.16.3 Key factors for consideration include:

- (a) Solar irradiation levels: the south of England is considered to be a suitable location to site a NSIP-scale ground mounted solar PV array in the UK.
- (b) Proximity to an available grid connection:
- (c) Proximity to local population;
- (d) Topography;
- (e) Field size / shading;
- (f) Access to the site for construction;
- (g) Archaeological interest;
- (h) Agricultural land classification;
- (i) Landscape designations and visual impact;
- (j) Nature conservation designations;
- (k) Flood risk; and
- (l) The potential for a commercial/land agreement with a landowner.

7.16.4 Following consideration of the above factors, the Project Site was identified as being suitable for an NSIP-scale ground mounted solar PV array. Chapter 4 (Site Selection, Development Design and Consideration of Alternatives) (Document Reference 6.1.4) also sets out how CHSPL has considered other sites in the UK and alternative designs.

- 7.16.5 The Consultation Report (Document Reference 5.1) explains further how community and statutory consultees and negotiations with landowners have influenced considerations as to the design and layout of the Project.
- 7.16.6 None of the alternatives or modifications considered for the Project would obviate the need for powers of compulsory acquisition powers and temporary possession over the Order land.
- 7.16.7 CHSPL therefore considers that all reasonable alternatives have been considered prior to the making of the DCO Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility, economic factors and the minimisation of environmental and visual impacts and land take.

7.17 Availability of Funds for Compensation

- 7.17.1 The Funding Statement (Document Reference 4.2) confirms that CHSPL has the ability to procure the financial resources required for the Project, including the cost of acquiring any land and rights and the payment of compensation, as applicable.
- 7.17.2 CHSPL therefore considers that the Secretary of State can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

8. NEED FOR THE PROJECT

- 8.1 A Statement of Need (Document Reference 7.3) and a Planning Statement (Document Reference 7.4) accompany the DCO Application.
- 8.2 The Statement of Need explains how 300 - 400MW of unsubsidised low-carbon solar generation is needed in the UK and that the location of the Project Site is uniquely suited to the co-location of 300 - 400MW of electricity storage alongside the solar generation asset.
- 8.3 The Statement of Need explains how the Project offers a cost-effective contribution to decarbonising the UK's electricity sector, provides energy security through diversity in supply, will assist the operation of the NETS through its energy storage facility and will lower costs to consumers.
- 8.4 The urgent need for renewable energy generation is set out in National Policy Statement EN-1. The Project would contribute materially to meeting this need. Further details as to how the Project is supported by international, national and local planning policies are set out in the Planning Statement.

9. SPECIAL CONSIDERATIONS

9.1 Special Category Land – Crown Land

- 9.1.1 Section 135 of the PA 2008 provides protection for Crown Land against compulsory acquisition. The Order land includes land owned by the Crown or subject to Crown Interests. This land is described in Part 4 of the Book of Reference (Document Reference 4.3) and shown on the Crown Land Plan (Document Reference 2.7). The Book of Reference clearly states that any interests owned by the Crown are excluded from the ambit of the compulsory acquisition powers contained in the Order (Document Reference 3.1).
- 9.1.2 Section 135 of the PA 2008 provides that a DCO may include provisions authorising the compulsory acquisition of an interest in Crown Land which is for the time being held otherwise than by or on behalf of the Crown, or any other provisions relating to the Crown Land, only if the Crown consents to the inclusion of the provisions.

- 9.1.3 CHSPL is in discussions with the Crown Estate Commissioners in order to obtain their consent to the inclusion of these provisions as required under section 135 of the PA 2008.

9.2 Special Category Land – Open Space

- 9.2.1 Section 132 of the PA 2008 applies to the compulsory acquisition of new rights over land forming part of a common, open space or fuel or field garden allotment.
- 9.2.2 For the purposes of section 132 of the PA 2008, “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.
- 9.2.3 The parts of the Order land which are open space are shown on the Special Category Land Plan – Open Space (Document Reference 2.10) and identified in Part 5 of the Book of Reference (Document Reference 4.3) as plots 1/01, 1/02, 1/06, 1/07, 1/08 (part), 1/09, 1/10, 2/01, 2/05, 2/06, 2/07, 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 3/01, 3/01A, 3/01B, 3/02, 3/02A, 3/02B, 3/10, 4/01, 4/02 and 4/03 (part) (“**the open space land**”). The open space land constitutes the existing flood defence (comprising a wall, mounted on a vegetation covered earth bund) and includes part of the Saxon Shore Way Long Distance Footpath (locally registered as ZR484).
- 9.2.4 CHSPL has taken a conservative approach and considers that the open space land constitutes open space as it is used for the purpose of public recreation including walking, dog walking and bird watching.
- 9.2.5 Section 132(2) states that the Order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied that the land, when burdened with the rights, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before and that fact is recorded in the DCO.
- 9.2.6 CHSPL is seeking to compulsorily acquire new rights (including restrictions) over the open space land in order to access and maintain the existing flood defence which will protect the Project from coastal flooding. Similar rights are currently exercised by the Environment Agency. However, the Environment Agency has requested that CHSPL undertakes future maintenance activities from commencement of the operation of the Solar Array. No works are proposed in the Order which will permanently affect the public recreational use of the open space land.
- 9.2.7 Whilst there may be interference with the public use of the open space land during the carrying out of certain maintenance activities, any such interference will be temporary in nature.
- 9.2.8 As the open space land is already subject to rights for the Environment Agency to access and maintain the existing flood defence, CHSPL considers that the open space land when burdened with the rights sought in the Order will be no less advantageous to the public than it was before and therefore the test set out in section 132(3) of the PA 2008 is satisfied. Accordingly, the draft DCO submitted with the DCO Application features the following text on the third page before Part 1:

“The Secretary of State is satisfied that open space within the Order land, when burdened with any new rights authorised for compulsory acquisition under the terms of this Order, will be no less advantageous than it was before such acquisition, to the persons whom it is vested, other persons, if any, entitled to rights of common or other rights, and the public, and that, accordingly, section 132(3) of the 2008 Act applies.”

9.3 **Statutory Undertakers' Land and Apparatus**

- 9.3.1 The interests held by each statutory undertaker identified by CHSPL as having a right to keep or access apparatus within the Order land are identified in Part 2 and Part 3 of the Book of Reference (Document Reference 4.3).
- 9.3.2 Article 26 gives CHSPL the authority to acquire land and rights from Statutory Undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 9 which contains protective provisions for their benefit.
- 9.3.3 Section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that:
- (a) the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
 - (b) the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.
- 9.3.4 Section 127(5) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of a right over statutory undertaker's land by the creation of a new right over land to the extent that:-
- (a) the right can be purchased without serious detriment to the carrying on of the undertaking; or
 - (b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of the other land belonging to or available for acquisition by them.
- 9.3.5 Adequate protection for the statutory undertakers will be included within protective provisions in the Order and/or asset protection agreements between the parties. CHSPL therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition of land or rights over land or powers of temporary possession.
- 9.3.6 A summary of the current status of negotiations with each statutory undertaker is set out in Appendix B to this Statement.

9.4 **Other consents**

- 9.4.1 Other consents are required in order for the Project to be constructed and subsequently operate. The Consents and Licences Required Under Other Legislation (Document Reference 7.5) sets out the additional consents required and when they will be applied for. Some of these additional consents are identified below:

Generation Licence

- 9.4.2 As required under the Electricity Act 1989, CHSPL submitted an application for a Generation Licence to the Gas and Electricity Markets Authority on 9 August 2018. The Generation Licence was granted on 9 November 2018.

Connection Agreement

- 9.4.3 CHSPL accepted a grid connection offer from NGET on the 25 October 2018 to connect the Solar Array and Energy Storage Facility to the NETS.

Environmental Permit

- 9.4.4 As required by the Environmental Permitting (England and Wales) Regulations 2010 as amended, CHSPL will submit an application for an Environmental Permit, required to undertake any maintenance activities associated with the flood defence, to the Environment Agency. CHSPL has been in discussions with the Environment Agency about an Environmental Permit and supplied the Environment Agency with detailed information in relation to the same.

European Protected Species Mitigation Licence

- 9.4.5 Discussions with Natural England will be commenced if a licence pursuant to the Conservation of Habitats and Species Regulations 2017 is required.

9.4.6 Request permission for works or an activity on an SSSI

- 9.4.7 Discussions with Natural England will be commenced if permission pursuant to the Wildlife and Countryside Act 1981 is required.

9.4.8 Crashed military aircraft of historical interest Licensing of excavations In the UK

- 9.4.9 An application pursuant to the Protection of Military Remains Act 1986 will be submitted by the archaeological contractor before metal detecting commences as appropriate

- 9.4.10 CHSPL is not aware of any reasons why the above consents and licences would not be granted.

10. HUMAN RIGHTS

- 10.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (the "**Convention**"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

- 10.2 The following Articles of the Convention are relevant to the Secretary of State's decision as to whether the Order (Document Reference 3.1) should be made so as to include powers of compulsory acquisition:

- 10.2.1 **Article 1 of the First Protocol to the Convention** - protects the rights to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest.

- 10.2.2 **Article 6** - entitles those affected by the compulsory acquisition powers sought in the Order to a fair and public hearing.

- 10.2.3 **Article 8** - protects private and family life, home and correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

- 10.3 The Secretary of State, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.

- 10.4 The Order has the potential to infringe the rights of persons who hold interests in land within the Order land under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:

- 10.4.1 the statutory procedures for making the Order are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order; and

10.4.2 the interference with the convention right is proportionate.

- 10.5 In preparing the Application, CHSPL has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the Order and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. CHSPL considers that there would be a very significant public benefit arising from the grant of the Order. The benefit is only realised if the Order is accompanied by the grant of powers of compulsory acquisition. CHSPL has concluded on balance that the significant public benefits outweigh the effects upon persons who own property within the Order land. For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code.
- 10.6 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the DCO Application. In accordance with Part 5 of the PA 2008, CHSPL has consulted with persons set out in the categories contained in Section 44 of the PA 2008, which includes owners, lessees, tenants and occupiers within the Order land and those with an interest in the Order land. CHSPL has also consulted with those persons who may be able to make a relevant claim under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or s152(3) of the PA 2008.
- 10.7 Furthermore, representations can also be made in response to any notice given under Section 56 of the PA 2008 for consideration at examination of the DCO Application by the Examining Authority and in any written representations procedure which the Examining Authority decides to uphold or at any compulsory acquisition hearing held under Section 92 of the PA 2008.
- 10.8 Should the Order be made, any person aggrieved may challenge the Order in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the PA 2008.
- 10.9 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. In relation to matters of compensation, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body, to determine the compensation payable.
- 10.10 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Sections 7 and 8 of this Statement, CHSPL considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 10.11 CHSPL considers that the Order strikes a fair balance between the public interest in the Project going ahead and the interference with the rights that will be affected. CHSPL considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Order, including the grant of compulsory acquisition powers.

11. FURTHER INFORMATION

11.1 Negotiation of Sale

- 11.1.1 Owners and occupiers of property affected by the Order who wish to discuss matters of compensation should contact Ian Cunliffe of Gateley Hamer (Tel – +44 (0) 207 653 1750, email – ian.cunliffe@gateleyhamer.com).

11.2 Compensation

- 11.2.1 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation value of properties. Helpful information is given in the series of booklets published by DCLG entitled "Compulsory Purchase and Compensation" listed below:-

- (a) Booklet No. 1 - Compulsory Purchase Procedure;

- (b) Booklet No. 2 - Compensation to Business Owners and Occupiers;
- (c) Booklet No. 3 - Compensation to Agricultural Owners and Occupiers;
- (d) Booklet No.4 - Compensation for Residential Owners and Occupiers; and
- (e) Booklet No.5 – Reducing the Adverse Effects of Public Development: Mitigation Works.

11.2.2 Copies of these booklets are obtainable, free of charge, from:
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

12. **CONCLUSIONS**

- 12.1 This Statement demonstrates that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Project meets the requirements of Section 122 of the PA 2008 as well as the considerations in the Guidance.
- 12.2 A description of the intended use of the land and rights to be acquired compulsorily has been provided.
- 12.3 In summary, the compulsory acquisition of the Order land or rights over the Order land (including restrictions), together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is required for the purposes of, to facilitate, or are incidental to, the Project and are proportionate and no more than is reasonably necessary.
- 12.4 Furthermore, there is a compelling case in the public interest for the land or rights over the land to be compulsorily acquired given the positive benefits that the Project will generate particularly in view of current UK policy in relation to renewable energy.
- 12.5 All reasonable alternatives to compulsory acquisition have been explored. Given the national need for the Project and the support for it found in policy, the compulsory acquisition of the land and rights and the temporary use of land, together with the proposed interference with existing rights, for the Project are necessary and justified.
- 12.6 An explanation has been provided as to how it is expected that the construction of the Project and the acquisition of the land or rights over the land will be funded, as well as compensation in respect of the exercise of powers of compulsory acquisition, which demonstrates that there is a reasonable prospect of the requisite funds being available.
- 12.7 Article 1 of the First Protocol to the Convention and Article 8 of the Convention have been considered. CHSPL considers that the very substantial public benefits to be derived from Project would outweigh the private loss that would be suffered by those whose land is to be acquired or whose rights would be interfered with.
- 12.8 It is therefore submitted that the Order be made and any compulsory acquisition powers and powers of temporary possession sought within the Order be granted.

APPENDIX A

Summary of negotiations with landowners and occupiers					
Plot Nos.	Work Nos.	Compulsory Acquisition of Freehold or Rights (including restrictions)	Reason for acquisition	Owner / occupier	Status of Negotiations
1/04, 1/05, 2/04, 3/04, 3/05, 3/09, 4/07, 5/01, 5/02, 5/03	1, 2, 3, 4, 6	Freehold	Land for Solar Array, Energy Storage Facility, Electrical Connection, HMA and access	Martin Roland Goodman, Charles Roland Goodman, Robert Martin Goodman	<p>CHSPL has been liaising with the Goodman family, its agents and lawyers for over 3 years and an Option Agreement was entered into on 17 October 2016 securing the land and rights needed for the majority of the Project Site.</p> <p>Principal terms for an agreement to secure additional land required for the HMA are agreed with the drafting of legal documents well advanced. CHSPL is hopeful that this agreement will be entered into prior to the start of the Examination.</p>
1/03, 1/07, 1/08, 2/02, 2/03, 3/03, 3/03A, 3/03B, 4/02 and 4/03	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights		
3/06A	6	Freehold	Access	Matthew James Attwood, Lilian Joyce Attwood, Michael Christopher Attwood and Kevin Dennis Attwood	<p>CHSPL has been liaising with the Attwood family for over 3 years.</p> <p>A meeting took place in September 2018 to discuss the access rights required for the Project.</p> <p>CHSPL is hopeful that the necessary land and rights can be acquired by voluntary agreement.</p>
4/04	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights		
1/06, 1/09, 1/10 4/01	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	Badlesmere Ltd & Private Trust Corporation Ltd	<p>CHSPL has been in contact with the landowner since May 2018. A meeting took place in September 2018 and Heads of Terms were issued on 7 November 2018.</p> <p>CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.</p>
1/02, 2/06, 2/07, 2/09, 2/10, 2/11, 2/13, 2/15, 2/17, 2/19, 2/21, 2/23, 2/24, 2/25, 2/27, 3/01, 3/01A,	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	Faversham Oyster Fishery Company	<p>CHSPL has been in contact with the landowner since December 2017. A meeting took place in August 2018 and Heads of Terms were issued on 8 November 2018.</p> <p>CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.</p>

Summary of negotiations with landowners and occupiers					
Plot Nos.	Work Nos.	Compulsory Acquisition of Freehold or Rights (including restrictions)	Reason for acquisition	Owner / occupier	Status of Negotiations
3/01B					
4/05, 4/06	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	Barry Henderson and Lilian Joan Henderson	CHSPL has been in contact with the landowner since July 2018. Heads of Terms were issued on 8 November 2018. CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.
1/01, 1/02, 1/03, 2/01, 2/02, 2/03, 2/05, 2/06, 2/07, 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 3/01, 3/01A, 3/01B, 3/02, 3/02A, 3/02B, 3/03, 3/03A, 3/03B	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	Kent Wildlife Trust	CHSPL has been in contact with the landowner since May 2018. A meeting took place in September 2018 discussions are ongoing. CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.
3/10	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	Natural England	CHSPL has been meeting with and engaged in discussions with Natural England for almost 2 years and CHSPL and Natural England have agreed a Statement of Common Ground regarding the Project. CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement
3/12, 3/13	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with	Seasalter Chalet Owners Association	CHSPL has been in contact with the landowner since May 2018. Meetings were held in July 2018 and September 2018. Heads of Terms were issued on 8 November 2018.

Summary of negotiations with landowners and occupiers					
Plot Nos.	Work Nos.	Compulsory Acquisition of Freehold or Rights (including restrictions)	Reason for acquisition	Owner / occupier	Status of Negotiations
			access and maintenance rights		CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.
1/05, 1/07, 1/09, 4/02	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	Kent Wildfowlers & Conservation Association	CHSPL has been in contact with the landowner since May 2018. A meeting was held in August 2018. Heads of Terms were issued on 8 November 2018. CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.
1/02, 2/05, 2/06, 2/08, 2/10, 2/12, 2/14, 2/16, 2/18, 2/20, 2/22, 2/24, 2/26, 2/28, 3/01, 3/01A, 3/01B	9	Rights (excluding interests held by the Crown)	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	The Crown Estate Commissioners	CHSPL has been in contact with the landowner since May 2018. A meeting was held in July 2018 and negotiations are ongoing. CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.
3/05 (subsoil)	8, 7	Freehold	Land for HMA and access	Orsted London Array II Limited, E.ON Climate & Renewables UK London Array Ltd, Masdar Energy UK Ltd and Boreas (Investment) Ltd	CHSPL has been liaising with London Array Limited (who is acting on behalf of the landowners) in respect of this land and the current status of negotiations is set out in Appendix B. It is noted that Orsted II London Array Limited also has interests in the following plots: 1/04, 1/05, 1/07, 1/08, 2/04, 3/01, 3/02, 3/03, 3/04, 3/09, 3/11, 4/02, 4/03, 4/07, 5/01, 5/02 and 5/03.
3/06, 3/06B, 3/07, 3/07A, 3/07B, 3/08, 3/08A	5, 6 and 7	Rights	Rights of access and rights for the Electrical Connection and restrictive covenants to prevent interference with the Electrical Connection and access rights		

APPENDIX B

Summary of negotiations with statutory undertakers			
Plot Nos.	Work Nos.	Engagement of Section 127	Statutory undertaker and status of negotiation
1/04,1/05, 1/07,1/08, 2/04, 3/03, 3/04, 3/05, 3/07, 3/09, 4/02, 4/03, 4/07, 5/01, 5/02, 5/03	1, 2, 3, 4, 5, 6, 7, 8, 9	<p>CHSPL considers that the land and rights can be acquired without serious detriment to the carrying on of NGET's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that NGET's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without NGET's agreement and no apparatus removed until alternative apparatus has been constructed.</p> <p>CHSPL is not intending to extinguish any rights belonging NGET.</p>	<p>National Grid Electricity Transmission plc: CHSPL and NGET are currently negotiating the protective provisions to be included in the Order and a side agreement for the protection of NGET's apparatus and access to apparatus.</p> <p>CHSPL has included draft protective provisions for the benefit of NGET in Part 2 of Schedule 8 of the Order.</p>
3/05 (subsoil) 3/01 3/02 3/03 3/06 3/07 3/07A 3/07B 3/08 3/08A	5, 6, 7, 8, 9	<p>CHSPL considers that the land and rights can be acquired without serious detriment to the carrying on of Blue Transmission London Array's undertaking.</p> <p>The Protective Provisions in the draft Order ensure that Blue Transmission London Array's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Blue Transmission London Array's agreement and no apparatus removed until alternative apparatus has been constructed.</p> <p>CHSPL is not intending to extinguish any rights belonging Blue Transmission London Array.</p>	<p>Blue Transmission London Array Limited: CHSPL and Blue Transmission London Array are currently negotiating the protective provisions to be included in the Order and a side agreement for the protection of Blue Transmission London Array's apparatus and access to apparatus.</p> <p>CHSPL has included draft protective provisions for the benefit of electricity undertakers in Part 1 of Schedule 8 of the Order.</p>
3/08, 3/08A		<p>CHSPL considers that the land and rights can be acquired without serious detriment to the carrying on of London Array's</p>	<p>London Array Limited: CHSPL and London Array are currently negotiating the protective provisions to be included in the Order and a side agreement for</p>

Summary of negotiations with statutory undertakers			
Plot Nos.	Work Nos.	Engagement of Section 127	Statutory undertaker and status of negotiation
		<p>undertaking.</p> <p>The Protective Provisions in the draft Order ensure that London Array's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without London Array's agreement and no apparatus removed until alternative apparatus has been constructed.</p> <p>CHSPL is not intending to extinguish any rights belonging London Array.</p>	<p>the protection of London Array's apparatus and access to apparatus.</p> <p>CHSPL has included draft protective provisions for the benefit of electricity undertakers in Part 1 of Schedule 8 of the Order.</p>



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