



CLEVE HILL SOLAR PARK

COMPULSORY ACQUISITION INFORMATION **Updates to Appendix A of The Statement of Reasons**

August 2019
Revision A

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2.2.2

The ExA would also appreciate an update to ExQ1:1.2.7 – 1.2.9 [REP2-006] in relation to the negotiations to agree the acquisition of land or rights over land outside the optioned area.

The Applicant has actively sought to agree the acquisition of land or rights over land with all affected parties included within the dDCO. In respect of land outside of the optioned area (as referred to in the question), all parties have had Heads of Terms issued to them and they have been provided the opportunity to procure professional advice to assist in negotiations, the reasonable cost of which the Applicant has offered to pay. The Applicant has made good progress in reaching agreements, and the expectation is that the Applicant will have entered into private treaty agreements with the majority, if not all, landowners prior to the close of Examination.

An update on Appendix A of the Statement of Reasons as at Deadline 4 is set out below (the updated text is shown in red):

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	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 th October 2016 securing the land and rights needed for the majority of the Project Site. Principal terms for an agreement to secure additional land required for the HMA are agreed with the drafting of legal documents well advanced. A meeting with each party's property and legal representatives was held on 12 th June 2019, and the expectation is

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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		that the agreement will be completed in advance of the close of the Examination. After the meeting on the 12th June 2019, legal documents have been exchanged and it is hoped that the documents will be agreed soon.
3/06A	6	Freehold	Access	Matthew James Attwood, Lilian Joyce Attwood, Michael Christopher Attwood and Kevin Dennis Attwood	CHSPL has been liaising with the Attwood family for over 3 years. A meeting took place in September 2018 to discuss the access rights required for the Project. A meeting was held with the affected landowner and their surveyor on 17 th June 2019, to review the Heads of Terms issued by CHSPL. Heads of Terms were signed on 11th July 2019. Terms have been issued to lawyers and draft legal agreements have been issued to the Attwoods' lawyers. It is anticipated that the agreement will be entered into prior to close of the Examination.
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	Badlesmere Ltd & Private Trust Corporation Ltd	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 th November 2018. Follow up emails were issued by CHSPL's agents on:

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			access and maintenance rights		<p>22nd November 2018; 15th March 2019; 25th April 2019; 11th June 2019.</p> <p>The landowner's agent responded on 14th June 2019 and a telephone call was held on 17th June 2019. Further correspondence from CHPSL was sent on 17th June 2019.</p> <p>Discussions with Badlesmere's agent continued throughout July and August.</p> <p>CHSPL's agents requested an update on 21st August 2019 and had a telephone conversation with Badlemere's agents on 22nd August 2019 who confirmed on the same date that Heads of Terms were agreed.</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,	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 8th November 2018.</p> <p>Following meetings and correspondence between the parties' respective advisers, Heads of Terms were agreed and signed on 4th June 2019. Solicitors have been appointed and commenced drafting the agreement.</p>

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Plot Nos.	Work Nos.	Compulsory Acquisition of Freehold or Rights (including restrictions)	Reason for acquisition	Owner / occupier	Status of Negotiations
2/27, 3/01, 3/01A, 3/01B					<p>Drafting of the legal documents is well advanced.</p> <p>CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.</p>
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	<p>CHSPL has been in contact with the landowner since July 2018. Heads of Terms were issued on 8th November 2018.</p> <p>No response has been received from the landowner despite follow up emails being sent by CHSPL's agent on 11th November 2018, 15th March 2019, 25th April 2019 and 11th June 2019.</p> <p>CHSPL has offered to meet with the Hendersons and has encouraged the affected landowners to procure suitable professional advice (the reasonable cost of which CHSPL would pay for).</p> <p>CHSPL's agent wrote to the landowners on 14th August 2019, reiterating the offer to acquire the rights required for the Project by agreement and confirming that the reasonable fees for independent advice for the agreement would be covered.</p> <p>CHSPL will continue to try to engage with the affected landowners with the objective of securing a voluntary agreement.</p>
1/01, 1/02, 2/01, 2/05, 2/06, 2/07, 2/08, 2/09,	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	Kent Wildlife Trust	<p>CHSPL has been in contact with the landowner since May 2018. A meeting took place in September 2018 and discussions are ongoing.</p> <p>Heads of Terms were submitted to Kent Wildlife Trust (KWT) on 6th December 2018 and a meeting between both parties and their</p>

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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,					<p>respective representatives took place on 30th January 2019. CHSPL is working collaboratively with KWT on wide range of issues, including a Statement of Common Ground, but is yet to receive comments on the Heads of Terms. It is the intention of both parties to progress negotiations on the land rights sought in advance of the close of Examination.</p> <p>CHSPL received comments on the draft Heads of Terms on 17th July 2019, with CHSPL responding on 8th August 2019. CHSPL issued a follow up email 28th August 2019 requesting a response to their email dated 8th August 2019.</p> <p>CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.</p>
3/10	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	Natural England	<p>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.</p> <p>A telephone meeting was held between the parties on 13th June 2019 and Heads of Terms were issued on the same date. Follow up correspondence was sent on 20th June 2019 and CHSPL is waiting for comments from Natural England.</p> <p>A fees undertaking for advancing the production of the agreements was requested by Natural England on 21st August 2019, with CHSPL confirming the undertaking on the same date.</p>

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					CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.
3/13	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	Seasalter Chalet Owners Association	<p>CHSPL has been in contact with the landowner since May 2018. Meetings were held in July 2018 and September 2018.</p> <p>Heads of Terms were issued on 8th November 2018.</p> <p>An undertaking has been provided for the landowner's legal fees.</p> <p>Positive discussions with the landowner are ongoing with final Heads of Terms with the landowner's solicitor for review.</p> <p>Heads of Terms were signed on 10th July 2019 and the drafting of legal documents is well advanced.</p> <p>CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.</p>
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	<p>CHSPL has been in contact with the landowner since May 2018. A meeting was held in August 2018. Heads of Terms were issued on 8th November 2018.</p> <p>Following a number of meetings and correspondence between the parties' respective advisers, Heads of Terms were agreed and signed on 4th June 2019. Solicitors have been appointed and commenced drafting the agreement.</p> <p>Drafting of the legal documents is well advanced.</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
					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	<p>CHSPL has been in contact with the landowner since May 2018. A meeting was held in July 2018 and negotiations are ongoing.</p> <p>Meetings were held on 10th December 2018 and 21st June 2019.</p> <p>Draft Heads of Terms were issued (by the Applicant) on 25th June 2019 and returned with comments by the landowner on 12th July 2019. The Applicant returned the draft Heads of Terms with comments on 12th July 2019.</p> <p>The Crown Estate's agents responded with comments to the Heads of Terms on 17th July 2019, and, following telephone conversations with The Crown Estate's agent (31st July 2019) and The Crown Estate (19th August 2019) CHSPL's agents issued updated Heads of Terms on 22nd August 2019.</p> <p>CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.</p>
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	<p>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.</p> <p>It is noted that Orsted London Array II Limited also has interests in the following plots:</p> <p>1/04, 1/05, 1/07, 1/08, 2/04, 3/01, 3/02, 3/03, 3/04, 3/09, 3/11, 4/02,</p>
3/06, 3/06B, 3/07, 3/07A, 3/07B, 3/08, 3/08A, 3/11	5, 6 and 7	Rights	Rights of access and rights for the Electrical Connection and restrictive covenants to prevent interference with the		

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			Electrical Connection and access rights		<p>4/03, 4/07, 5/01, 5/02 and 5/03.</p> <p>The Applicant has since established that above interests are held by London Array Limited (and not Orsted London Array II Limited) and the interests are only in respect of plots 1/04, 1/05, 2/04, 3/02, 3/03, 3/04, 3/09, 4/02, 4/03, 4/07, 5/01, 5/02.</p> <p>The Applicant provided the Examining Authority with an update on the status of the discussions with London Array Limited on 21st June 2019.</p> <p>An update on negotiations was agreed between the parties and provided at the Compulsory Acquisition hearing [REP3-013].</p> <p>Following the agreement of principal terms, legal documents were issued by CHSPL's solicitors on 21st July 2019. A meeting was held between CHSPL and London Array Limited and their respective advisors on 17th August 2019 to reach agreement on the legal documents. The solicitors for the parties met on 21st and 22nd August 2019 to finalise the drafting of the documents.</p> <p>The Applicant refers to the agreed submission submitted by BTLAL and LAL at Deadline 4. It is expected that agreement will be reached by the end of September 2019.</p>