



CLEVE HILL SOLAR PARK

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

November 2019
Revision A

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SOLAR PARK

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 7 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	<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 17th 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. A meeting with each party's property and legal representatives was held on 12th June 2019, and the expectation is that the agreement will be completed in advance of the close of the Examination.</p> <p>After the meeting on the 12th June 2019, legal documents have been exchanged and it is hoped that the documents will be agreed soon.</p> <p>A meeting was held on 9th October 2019 between the parties to agree final points across all land agreements. Further correspondence between the parties since the meeting has</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		

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
					advanced negotiations and agreement on the outstanding (commercial) points is anticipated to be reached imminently.
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.
4/04	9	Rights	Rights to access and maintain flood defences and restrictive covenants to prevent interference with access and maintenance rights	Matthew James Attwood, Lilian Joyce Attwood, Michael Christopher Attwood and Kevin Dennis Attwood	<p>A meeting took place in September 2018 to discuss the access rights required for the Project.</p> <p>A meeting was held with the affected landowner and their surveyor on 17th June 2019, to review the Heads of Terms issued by CHSPL.</p> <p>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.</p> <p>Drafting of legal documents has been advanced between respective lawyers.</p> <p>Agreement was reached on the legal documents on 2nd October 2019. Engrossments have been prepared and will be issued on receipt of bank (mortgagee) consent.</p> <p>It is anticipated that the agreement will be entered into prior to close of the Examination, subject to bank consent being received.</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
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 7th November 2018.</p> <p>Follow up emails were issued by CHSPL's agents on:</p> <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>Heads of Terms are now agreed and will be issued to lawyers for drafting of the legal documents imminently.</p> <p>CHSPL's agent chased the landowner's agents on 2nd October 2019 and resolved a number of queries raised by the landowner's solicitors.</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
					<p>CHSPL's solicitors chased the landowner's solicitors on 10th October 2019, to confirm their instruction to act for the landowner.</p> <p>The draft land agreement was issued on 25th October 2019 by CHSPL's agent.</p> <p>CHSPL's solicitors chased the landowner's solicitors on 30th October 2019.</p> <p>CHSPL's agents chased the landowner's agents on 5th and 12th November 2019.</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, 3/01B	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> <p>Drafting of the legal documents is well advanced.</p> <p>Documents were agreed on 5th November 2019, and engrossments are currently being prepared by CHSPL's solicitors for issue for signing.</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 by close of the Examination.
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's agent spoke to Mr Henderson, and issued a follow up email, on 27th September 2019.</p> <p>CHSPL's agent spoke to Mr Henderson on 3rd October 2019 who confirmed he was satisfied with the terms and would provide instruction to his solicitor.</p> <p>CHSPL's agent left a voicemail for the landowners on 16th October 2019, and spoke to Mr Henderson on 17th October 2019, who confirmed it was his intention to instruct his solicitor on their return from annual leave.</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
					<p>CHSPL's agent left a voicemail for the landowners on 30th October 2019.</p> <p>CHSPL's agent spoke to Mr Henderson on 12th November 2019, who confirmed his solicitor had been instructed on 11th November 2019, and would make contact with CHSPL's advisors.</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, 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,	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 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>

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
3/02, 3/02A, 3/02B, 3/10					<p>KWT responded with comments on the Heads of Terms on 30th August 2019, with CHSPL responding on 5th September 2019. Subsequent correspondence between the parties on 10th and 14th September 2019.</p> <p>KWT confirmed on 3rd October 2019 that Heads of Terms were agreed in principle, pending formal authorisation by the Trustees of KWT.</p> <p>CHSPL's agent issued a 'chaser' email on 17th October 2019.</p> <p>KWT responded on 18th October 2019 stating the Trustees were querying the level of compensation provided for in the Heads of Terms (issued 6th December 2018).</p> <p>CHSPL's agent responded on 18th October 2019 setting out the basis for the compensation offered.</p> <p>CHSPL's agent sent a further 'chaser' email on 30th October 2019, and again on 1st November 2019, providing further detail on the basis of the proposed terms.</p> <p>KWT responded on 5th November 2019 requesting further detail.</p> <p>CHSPL and CHSPL's agent responded with further detail via email on 6th November 2019.</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
3/10	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> <p>Correspondence between parties' agents on 11th and 18th September 2019.</p> <p>Draft legal documents were issued by CHSPL's solicitors on 23rd September 2019 and were acknowledged by the landowners' lawyers on 24th September 2019.</p> <p>CHSPL's solicitors requested a response on the draft documents on 3rd October 2019.</p> <p>CHSPL's solicitors sent a 'chaser' email on 8th October 2019.</p> <p>CHSPL's agent sent a 'chaser' email on 10th October 2019.</p> <p>CHSPL's agent issued a 'chaser' emails on 30th October 2019, 5th and 12th November 2019.</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
					<p>CHSPL has not received a response from the landowner since 24th September 2019.</p> <p>CHSPL is hopeful that the necessary rights can be acquired by voluntary agreement.</p>
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 (SCOA)	<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>Agreement reached between lawyers on 5th November 2019, pending SCOA Trustee approval.</p> <p>Chairman of SCOA confirmed to the CHSPL's agent on 12th November 2019 that approval of agreement was anticipated, and delay was only subject to Trustee availability.</p> <p>CHSPL is expectant that the necessary rights can be acquired by voluntary agreement by close of the Examination.</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
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> <p>Documents were agreed on 5th November 2019, and engrossments are currently being prepared by CHSPL's solicitors for issue for signing.</p> <p>CHSPL is expectant that the necessary rights can be acquired by voluntary agreement by close of the Examination.</p>
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,	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>

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
3/01, 3/01A, 3/01B					<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>Heads of Terms were agreed on 11th September 2019, with legal drafting of agreements to commence as soon as possible.</p> <p>The Crown Estate's solicitors issued draft documents on 24th October 2019.</p> <p>CHSPL's returned revised draft documents on 1st November 2019.</p> <p>CHSPL's solicitors chased The Crown Estate's solicitors for a response on 12th November 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, 4/03, 4/07, 5/01, 5/02 and 5/03.</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 Electrical Connection and access rights		

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
					<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.</p> <p>An update on negotiations was provided at the Second Compulsory Acquisition Hearing on the 12 September 2019.</p> <p>It is expected that agreement will be reached by the end of September 2019.</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
					Agreement was reached on the drafting of all documents on 8 th November 2019. Engrossments are currently being prepared by the CHSPL's solicitors for issue for signing.