

Medworth Energy from Waste Combined Heat and Power Facility

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Medworth Energy from Waste Combined Heat and Power Facility. Statement of Reasons

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Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009
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Executive summary

This Statement of Reasons relates to the application (the Application) made by Medworth CHP Limited (the Applicant) to the Secretary of State under the Planning Act 2008 (the 2008 Act) for powers to construct, operate, maintain and decommission an Energy from Waste Combined Heat and Power Facility, together with associated Combined Heat and Power Connection, Access Improvements, Water Connections, Grid Connection and the Temporary Construction Compound (the Proposed Development).

The Applicant is a subsidiary of MVV Environment Limited (MVV) and part of the MVV Energie AG group of companies. MVV provides sustainable and efficient solutions for waste-fired energy generation to publicly and privately-owned waste management companies, as well as local authorities.

This Statement is required because the Application is seeking powers to:

- acquire land compulsorily;
- create and compulsorily acquire new rights over land and impose restrictions; and
- extinguish or override existing rights over land.
- The Applicant is also seeking powers to take temporary possession of land to construct the Proposed Development.
- The land over which compulsory acquisition powers and temporary use powers are being sought is shown edged red and shaded pink, blue and green on the **Land Plan ((Volume 2.2)** (the Order Land).

It is necessary for the decision maker to be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Development Consent Order (the DCO). The purpose of this Statement is to explain why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for the Applicant to be granted these powers.

The matters addressed in this Statement are summarised in this section. References to numbered sections or paragraphs or Appendices are to sections or paragraphs or Appendices of this Statement unless otherwise stated. References to articles or Schedules are to articles or Schedules of the **Draft DCO (Volume 3.1)** unless otherwise stated.

Project Description (Section 3)

The principal components and works comprising the Proposed Development are set out in Schedule 1 of the **Draft DCO (Volume 3.1)** and the areas in which each component may be constructed are shown the on the **Work Plan (Volume 2.3)**.

The Proposed Development is split into the following key elements:

- The Energy from Waste Combined Heat and Power Facility (EfW CHP Facility);



- Combined Heat and Power Connection (CHP Connection);
- Access Improvements;
- Water Connections;
- Grid Connection; and
- Temporary Construction Compound (TCC).

Description of the Order Land (Section 4)

The Proposed Development is located in the town of Wisbech within the administrative areas of Cambridgeshire County Council and Fenland District Council. The Grid Connection also extends into the administrative areas of Norfolk County Council and the Borough Council of Kings Lynn and West Norfolk.

The EfW CHP Facility is located within the south-west corner of Algores Way industrial estate. Along the southern boundary of the EfW CHP Facility Site is New Bridge Lane.

The proposed CHP Connection would run north, along the route of the disused March to Wisbech Railway, from the EfW CHP Facility Site crossing Weasenham Lane via a pipe-bridge and terminating at the Nestlé Purina factory, which is itself accessed from Coalwharf Road/Somers Road.

From the onsite substation, located in the southern area of the EfW CHP Facility Site, the Grid Connection would run underground for its entire length to a point of connection to the National Electricity Transmission Network distribution system at UKPN's substation off Broadend Road, Walsoken.

Scope of Powers Sought (Section 5)

Section 120 of the 2008 Act provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the 2008 Act provides a list of matters ancillary to the development for which provision may be made, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.

Section 122 of the 2008 Act provides, so far as relevant here, that an order granting development consent may include provisions authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is required for the development to which the DCO relates or the land is required to facilitate or is incidental to that development. The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO.

The Applicant requires powers of compulsory acquisition to ensure that the Proposed Development can be built, maintained and operated, and so that the Government's policies in relation to the waste hierarchy, the timely delivery of new renewable generating capacity and net zero targets are met.

The powers sought are:



- All interests in land, including freehold (article 22 of the DCO) – shown edged red and shaded in pink on the **Land Plan (Volume 2.2)**.
- New rights over land and the imposition of restrictions (article 24 of the DCO) – shown edged red and shaded blue on the **Land Plan (Volume 2.2)**.
- Subsoil only (article 25 of the DCO) – shown edged red and shaded in pink and blue on the **Land Plan (Volume 2.2)** This allows the Applicant to acquire the subsoil rights in the land;
- Extinguishment and/or suspension of private rights over land (article 26 of the DCO) shown edged red and shaded in pink, blue and green on the **Land Plans (Volume 2.2)**. The Applicant has included these powers to ensure that easements and other private rights affecting the Order Land are extinguished or suspended, so that the Proposed Development can be constructed and operated without hindrance.
- Temporary use of land to permit construction or maintenance (article 34 and 32 of the DCO shown edged red and shaded in green on the **Land Plan (Volume 2.2)**). The Applicant can take also temporary possession of any land where it has not yet exercised powers of compulsory acquisition.

The Applicant has entered into an Option for Lease for the majority of the EfW CHP Facility Site. However, the Applicant is including the power to acquire this land within the Order Land in order to ensure that land assembly and title to it 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 and operation of the Proposed Development without hindrance.

The Applicant has been seeking to acquire the other relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Proposed Development. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the rights and other interests in, on and over the land, the temporary use of land, as well as secure the removal of matters affecting the Order land that may impede the Proposed Development, by agreement wherever possible. This approach of seeking powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with page 6 of the Department for Communities and Local Government Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (2013) (the 2013 Guidance).

Justification of Powers for Compulsory Acquisition (Section 6)

The documents submitted as part of the DCO application demonstrate that there is a compelling case in the public interest for the land required for the Proposed Development to be acquired compulsorily. **The Planning Statement (Volume 7.1)**, the **Project Benefits Report (Volume 7.4)** and the **Waste Fuel Availability Assessment (Volume 7.3)**, set out in detail how the Proposed Development would:

- help meet the urgent need for new energy infrastructure in the UK, providing enhanced energy security and supporting UK Government priorities in relation to economic development;



- deliver additional renewable energy capacity, supporting the achievement of the UK Government's climate change commitments and carbon budgets;
- provide CHP connectivity;
- address the shortfall of non-landfill Household, Industrial and Commercial (HIC) residual waste management capacity, enabling waste to be managed further up the waste hierarchy and reducing the need to export waste for treatment abroad, consistent with the proximity principle;
- secure carbon reductions associated with the diversion of waste from landfill; and
- deliver a range of environmental, social and economic benefits including biodiversity net gain, jobs creation and investment in local supply chains.

The need for new, renewable/low carbon, electricity generation of the type provided by the Proposed Development is acknowledged in both National Policy Statement's (NPS) EN-1 and EN-3 and Draft NPS EN-1 and EN-3. In particular, the NPSs make clear that the need is urgent and substantial and such energy generation should be brought forward as soon as possible to provide security of supply and meet the UK's commitments to decarbonise its energy sector.

The Proposed Development responds directly to the outcomes sought through the NPSs. It is a market led, industry funded project that will make a significant contribution to delivering the urgent and substantial need for new energy infrastructure, including combined heat and power.

Purpose for which Acquisition Powers are Sought (Section 7)

In broad terms, the purpose for which compulsory acquisition and temporary possession powers are sought is to enable the Applicant to construct, operate, maintain and decommission the Proposed Development.

Without the powers to acquire rights and interests in land compulsorily (required as explained on a plot by plot basis in **Appendix A** of this Statement), there would be insufficient certainty about the Applicant's ability to deliver the Proposed Development within the necessary timescales. The Applicant therefore requires such powers to be included in the DCO, notwithstanding the Applicant's efforts to acquire the necessary interests in land and rights over land by agreement (as explained by reference to landholdings in **Appendix B** to this Statement).

Communications and Negotiations (Section 8)

In accordance with the requirements of the 2008 Act, the Applicant undertook "diligent inquiry" through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the 2008 Act. These include owners, lessees, tenants and occupiers of the land within the Order Land. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order Land. Category 3 includes parties that may be eligible to make a claim for compensation as a result of the construction or operation of the Proposed Development.



The current position in relation to the Applicant's engagement and negotiations with each landowner affected by the Proposed Development is explained in **Appendix B**. Detailed discussions are ongoing with landowners and occupiers in order to ensure that their concerns are taken into account and accommodated wherever possible. Negotiations are continuing with landowners and persons with interests in land affected by the Proposed Development.

The Applicant and its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Proposed Development. A summary of these negotiations and correspondence can be found within **Appendix B**.

Special Considerations (Section 9)

There is no Crown Interest or Open Space included in or affected by the Order Land.

The Applicant has included protective provisions for the benefit of affected statutory undertakers within the **Draft DCO (Volume 3.1)** to ensure that no serious detriment is caused to their undertaking. The Applicant has either agreed, or is seeking to agree, the protective provisions, and/or a separate agreement, with each statutory undertaker.

Other consents are or may be required in order for the Proposed Development to be constructed and subsequently operated. **List of other Consents and Licences (Volume 5.4)** sets out the additional consents required and when they will be applied for.

Human Rights (Section 10)

Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and Article 8 of the ECHR have been considered and the Applicant considers that the interference with rights is for a legitimate purpose, is necessary and is proportionate.

Further Information (Section 11)

Where 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.

Owners and occupiers of property affected by the compulsory acquisition powers in the **Draft DCO (Volume 3.1)** who wish to enter into a voluntary agreement or discuss matters of compensation should contact the Applicant by email at medworth@mrvuk.co.uk or by telephone on 01945 232 231.

Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in a series of Guidance by the Department for Levelling Up, Housing and Communities entitled "Compulsory purchase and compensation" (December 2021) which is available, free of charge on the Government's website.



Conclusion

The power to acquire the Order Land or rights over the Order Land and the power to impose restrictions are required for the purposes of, to facilitate, or are incidental to, the Proposed Development and are no more than are reasonably necessary. Furthermore, there is a compelling case in the public interest.



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1. Introduction

- 1.1.1 Medworth CHP Limited (the Applicant) is applying to the Secretary of State (SoS) for a Development Consent Order (DCO) to construct operate and maintain an Energy from Waste (EfW) Combined Heat and Power (CHP) Facility on the industrial estate, Algores Way, Wisbech, Cambridgeshire. Together with associated Grid Connection, CHP Connection, Access Improvements, Water Connections, and Temporary Construction Compound (TCC), these works are the Proposed Development.
- 1.1.2 The Proposed Development would recover useful energy in the form of electricity and steam from over half a million tonnes of non-recyclable (residual), non-hazardous municipal, commercial and industrial waste each year. The Proposed Development has a generating capacity of over 50 megawatts and the electricity would be exported to the grid. The Proposed Development would also have the capability to export steam and electricity to users on the surrounding industrial estate. Further information is provided in **Chapter 3: Description of the Proposed Development (Volume 6.2)**.
- 1.1.3 The Proposed Development is a Nationally Significant Infrastructure Project (NSIP) under Part 3 Section 14 of the Planning Act 2008 (2008 Act) by virtue of the fact that the generating station is located in England and has a generating capacity of over 50 megawatts (section 15(2) of the 2008 Act). It, therefore, requires an application for a DCO to be submitted to the Planning Inspectorate (PINS) under the 2008 Act. PINS will examine the application for the Proposed Development and make a recommendation to the SoS for Business, Energy and Industrial Strategy (BEIS) to grant or refuse consent. On receipt of the report and recommendation from PINS, the SoS will then make the final decision on whether to grant the Medworth EfW CHP Facility DCO.
- 1.1.4 The Applicant is a wholly owned subsidiary of MVV Environment Limited (MVV). MVV is part of the MVV Energie AG group of companies. MVV Energie AG is one of Germany's leading energy companies, employing approx. 6,500 people with assets of around €5 billion and annual sales of around €4.1 billion. The Proposed Development represents an investment of approximately £450m.
- 1.1.5 The company has over 50-years' experience in constructing, operating, and maintaining EfW CHP facilities in Germany and the UK. MVV Energie's portfolio includes a 700,000 tonnes per annum residual EfW CHP facility in Mannheim, Germany.
- 1.1.6 MVV Energie has a growth strategy to be carbon neutral by 2040 and thereafter carbon negative, i.e., climate positive. Specifically, MVV Energie intends to:
- reduce its direct carbon dioxide (CO₂) emissions by over 80% by 2030 compared to 2018;
 - reduce its indirect CO₂ emissions by 82% compared to 2018;
 - be climate neutral by 2040; and
 - be climate positive from 2040.



1.1.7 MVV's UK business retains the overall group ethos of 'belonging' to the communities it serves whilst benefitting from over 50 years' experience gained by its German sister companies.

1.1.8 MVV's largest project in the UK is the Devonport EfW CHP Facility in Plymouth. Since 2015, this modern and efficient facility has been using around 265,000 tonnes of municipal, commercial and industrial residual waste per year to generate electricity and heat, notably for Her Majesty's Naval Base Devonport in Plymouth, and exporting electricity to the grid.

1.1.9 In Dundee, MVV has taken over the existing Baldovie EfW Facility and has developed a new, modern facility alongside the existing facility. Operating from 2021, it uses up to 220,000 tonnes of municipal, commercial and industrial waste each year as fuel for the generation of usable energy.

1.1.10 Biomass is another key focus of MVV's activities in the UK market. The biomass power plant at Ridham Dock, Kent, uses up to 195,000 tonnes of waste and non-recyclable wood per year to generate green electricity and is capable of exporting heat. Further details about MVV are set out in the **Funding Statement (Volume 4.2)**.

1.1.11 This Statement of Reasons is required because the DCO application is seeking powers to:

- acquire land compulsorily;
- create and compulsorily acquire new rights over land and impose restrictions; and
- extinguish or override existing rights over land.

1.1.12 The Applicant is also seeking powers to take temporary possession of land to construct the Proposed Development.

1.1.13 The land over which compulsory acquisition powers and temporary use powers are being sought is shown edged red and shaded pink, blue and green on the **Land Plan (Volume 2.2)** (the Order Land).

1.1.14 It is necessary for the decision maker in respect of the Application to be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO. The purpose of this Statement is to describe the powers of acquisition being sought by the Applicant and why they are required for or facilitate or are incidental to the Proposed Development, and to demonstrate that there is a compelling case in the public interest for those powers to be granted.

1.1.15 This Statement is one of a number of documents which supports the Application submitted to the Secretary of State. It supplements and should be read alongside the following documents relating to the compulsory acquisition powers:

- the **Draft DCO (Volume 3.1)** and in particular Part 3 (*powers of acquisition and possession of land*) of the Draft DCO;
- the **Funding Statement (Volume 4.2)** which explains how the proposals contained in the DCO will be funded;



- the **Land Plan (Volume 2.2)** showing the land required for the Proposed Development; and
- the **Book of Reference (Volume 4.1)** identifying the persons with an interest in land affected by the Proposed Development.

1.1.16 This Statement has been prepared in accordance with Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended) (the APFP Regulations), the Guidance related to procedures for the compulsory acquisition of land (2013) (the 2013 Guidance) and the Guidance on Compulsory purchase process and the Crichel Down Rules (updated on 16 July 2019).

1.1.17 The structure of this Statement is as follows:

- Chapter 3 describes the Proposed Development.
- Chapter 4 describes the Order Land which is subject to the powers of compulsory acquisition and temporary use in the **Draft DCO (Volume 3.1)**.
- Chapter 5 describes the scope of the powers sought by the Applicant by reference to the **Draft DCO (Volume 3.1)** included in the Application.
- Chapter 6 provides the justification for the powers of compulsory acquisition being sought. It also describes the alternatives to compulsory acquisition which have been considered and explains the availability of funding for compensation.
- Chapter 7 explains the purposes for which the powers for the acquisition and use of land are being sought.
- Chapter 8 explains how the Applicant has sought to engage with landowners and negotiate to acquire the relevant land by agreement.
- Chapter 9 describes any special considerations affecting the Order Land and any additional consents or licences which are required for the Proposed Development.
- Chapter 10 explains the Applicant's compliance with human rights legislation relevant to the determination of the Application.
- Chapter 11 provides information which may be of interest to landowners and other persons affected by the Proposed Development.
- Chapter 12 provides the conclusion.
- Appendix A provides a plot-by-plot summary of the purposes for which each parcel of land is required.
- Appendix B summarises the engagement and negotiations which have been carried out with the owners of land interests within the Order Land.



2. Project Description

2.1 Introduction

2.1.1 The Applicant is applying to the Secretary of State under the 2008 Act for powers to construct, operate and maintain an Energy from Waste Combined Heat and Power Facility (EfW CHP Facility), Combined Heat and Power Connection (CHP Connection), Access Improvements, Water Connections, Grid Connection and Temporary Construction Compound (TCC). As the Proposed Development has a generating capacity of over 50 megawatts, it is classified as a Nationally Significant Infrastructure Project (NSIP) under Section 14 and Section 15 of the 2008 Act and therefore requires an application for a DCO to be submitted to authorise its construction and operation.

2.1.2 The principal elements of the Proposed Development are described below. **Chapter 3 Description of the Proposed Development** of the **Environmental Statement (ES) (Volume 6.2)** provides further details of the Proposed Development. Schedule 1 to the **Draft DCO (Volume 3.1)** sets out the Work No for each element of the Proposed Development which are delineated on the **Works Plan (Volume 2.3)**.

2.2 The EfW CHP Facility (Work No. 1, 1A, 1B, 2A and 2B as shown on Work Plan Sheet 1)

2.2.1 The EfW CHP Facility Site is approximately 5.3 hectares (13 acres) in size, it is located south-west of Wisbech and currently accessed via Algores Way. The EfW CHP Facility Site is within the administrative areas of Fenland District Council and Cambridgeshire County Council. The main buildings of the EfW CHP Facility would be located in the area to the north of the Hundred of Wisbech Internal Drainage Board (HWIDB) drain bisecting the site and would house many development elements including the tipping hall, waste bunkers, boiler house, turbine hall, air cooled condenser, air pollution control building, chimneys and administration building. The gatehouse, weighbridges, 132kV switching compound and laydown maintenance area would be located in the southern section of the EfW CHP Facility Site.

2.3 CHP Connection (Work No. 3, 3A and 3B as shown on Works Plan Sheets 1 and 2)

2.3.1 The EfW CHP Facility is designed to allow the export of steam and electricity from the facility to surrounding business users via dedicated pipelines and private wire cables located along the disused March to Wisbech Railway. The pipeline and cables would be located on a raised, steel structure.



2.4 Grid Connection (Work No. 7, 8 and 9 as shown on Works Plan Sheets 1, 3 and 4)

2.4.1 The Grid Connection comprises a 132kV electrical connection using underground cables. The Grid Connection route begins at the 132kV switching compound in the EfW CHP Facility Site and runs underneath New Bridge Lane, before heading north within the verge of the A47 to the Walsoken Substation on Broadend Road. From this point the cable would be connected underground to the Walsoken DNO Substation.

2.5 Access Improvements (Work No. 4A and 4B as shown on Works Plan Sheet 1)

2.5.1 Rather than accessing the EfW CHP Facility Site via Algores Way/Weasenham Lane (the current access arrangements to the waste transfer station), after construction, lorries will access the site via New Bridge Lane only (road widening and site access). Only staff and visitors will use the Algores Way entrance (relocation of site access 20m to the south).

2.6 Water Connections (Work No. 6A and 6B as shown on Works Plan Sheet 1)

2.6.1 A new water main connecting the EfW CHP Facility into the local network will run underground from the EfW CHP Facility Site along New Bridge Lane before crossing underneath the A47 (installed via either open cut trenching or horizontal directional drilling (HDD) method) to join an existing Anglian Water main. An additional foul sewer connection is required to an existing pumping station operated by Anglian Water located to the northeast of the Algores Way site entrance and into the EfW CHP Facility Site.

2.7 TCC (Work No. 5 as shown on Works Plan Sheet 1)

2.7.1 The TCC will be located adjacent to the EfW CHP Facility Site, the compound would be used to support the construction of the Proposed Development. The compound would be in place for the duration of construction. Following the completion of construction, the TCC will be removed and the site will be reinstated to its original condition.

2.7.2 The land required for each element of the Proposed Development is set out in **Appendix A** to this Statement and identified on the **Land Plan (Volume 2.2)**.



3. Description of the order land

3.1 Introduction

3.1.1 This section describes the land which is proposed to be subject to the compulsory acquisition powers that are sought in the DCO. The land is shown on the **Land Plan (Volume 2.2)** and the works for which the land is required are represented on the **Works Plan (Volume 2.3)**. Short descriptions of each numbered plot shown on the Land Plans together with details of ownership are set out in the **Book of Reference at Part 1 (Volume 4.1)**.

3.2 Location

3.2.1 The Proposed Development is located in the town of Wisbech within the administrative areas of Cambridgeshire County Council and Fenland District Council. The Grid Connection also extends into the administrative areas of Norfolk County Council and the Borough Council of Kings Lynn and West Norfolk.

3.3 EfW CHP Facility

3.3.1 The EfW CHP Facility relates to plot numbers 11/1a, 11/1b, 11/1c, 11/1d, 11/1e, 11/2b, 11/2c, 11/3a, 11/4a, 11/5a, 11/5b, 11/6a, 11/6b, 11/7a, 11/7c, 12/1a, 12/1b, 12/1c, 12/1d, 12/1e, 12/1f, 12/1g, 12/1h, 12/1i, 12/1j, 12/1k, 12/1l, 12/2a, 12/3a, 12/3b, 12/4a, 12/5a, 12/5b, 13/2a, 13/3a, 13/4c, 13/4d and 14/1a.

3.3.2 The EfW CHP Facility is located south-west of Wisbech, within the administrative areas of Fenland District Council and Cambridgeshire County Council.

3.3.3 The EfW CHP Facility Site forms part of a wider industrial estate centred on Algores Way. The location of the main EfW CHP Facility would be predominantly located on an area of land currently operated by Mick George Ltd as a waste and aggregates recycling facility and waste transfer station (WTS). It is accessed off Algores Way. The site in its current form includes a Waste Reception Building (WRB), with office and welfare facilities adjacent to the WRB. There is a raised gatehouse and single weighbridge control for vehicle access into and out of the site. Vehicle parking is located off the site's entrance on Algores Way and adjacent to the office and welfare accommodation.

3.3.4 The topsoil which previously covered the site was scraped back from the working area when its current use was first established and now forms perimeter bunds. The surface of the site is predominantly hardstanding, including a concrete apron immediately to the south of the WRB.

3.3.5 Drainage ditches maintained by the Hundred of Wisbech Internal Drainage Board (HWIDB) run through and around the perimeter of the EfW CHP Facility Site, notably ditch 33 which separates the north-east from the south-west of the site. Ditch 33 is partially culverted to provide vehicular access to the south-western part of the site.



- 3.3.6 The south-east section of the EfW CHP Facility Site is unoccupied scrubland owned by Fenland District Council. It is separated from the current waste and aggregates recycling and transfer station by an earth bund and trees.
- 3.3.7 The EfW CHP Facility Site is located within the southwest corner of the Algores Way industrial estate; the land to the north and east comprises industrial units and land to the south comprises vacant land which is allocated in the Fenland Local Plan (2014) as an urban extension (Policy LP8) for predominantly business purposes and to a lesser extent residential development. The EfW CHP Facility Site is bounded directly to the north by land occupied by BJ Books and Floorspan Contracts. To the east of the site's existing entrance, occupiers of the industrial units include James Mackle (UK) Ltd, Hair World UK Ltd and Lineage Logistics, which includes a cold store.
- 3.3.8 Approximately 200m and 500m away respectively to the north-east of the EfW CHP Facility Site and within Algores Way industrial estate, Cambian Wisbech School occupies a unit along Anglia Way, and TBAP Unity Academy occupies a unit on Algores Way. Other notable schools within the wider area, but outside of Algores Way industrial estate, include the Thomas Clarkson Academy approximately 750m to the north-east off Weasenham Lane.
- 3.3.9 The southern end of the EfW CHP Facility Site is bounded by New Bridge Lane. This connects with Cromwell Road to the west which provides direct access to the A47 via a four-arm roundabout. New Bridge Lane is closed to through-traffic at the point at which it crosses the disused March to Wisbech Railway. This is immediately to the west of the site frontage. To the east, New Bridge Lane terminates after the junction with New Drove Lane.
- 3.3.10 The closest residential properties to the EfW CHP Facility Site consist of isolated properties along New Bridge Lane. 9 and 10 New Bridge Lane are located approximately 20m to the west and south respectively of the EfW CHP Facility Site. 10 New Bridge Lane includes land currently used as a smallholding. One residential property known as 'Potty Plants' with associated farmland is located approximately 300m to the south-east of the EfW CHP Facility Site along New Bridge Lane. This property is bordered by the A47 along its southern and south-eastern perimeter. 2 New Bridge Lane is located approximately 300m west along New Bridge Lane. Further afield, Oakdale Place Travellers Site and Caravan Site are located south-east of the intersection of New Bridge Lane and the A47, at 400m and distance 500m respectively. The principal residential areas and town centre of Wisbech lie beyond the industrial estate further to the north and the east.
- 3.3.11 To the west the EfW CHP Facility Site is bordered by scrubland and a mature strip of vegetation, comprising self-set trees and undergrowth. This land includes the disused March to Wisbech Railway, known locally as the 'Bramley Line'. West of the railway, an industrial estate extends for a further 300m until it reaches Cromwell Road, after which there is a retail park comprising a cinema, Tesco superstore and restaurants. The retail park is bordered to the west by the River Nene.
- 3.3.12 To the south and beyond the A47 the landscape becomes predominantly agricultural in nature, interspersed with small villages such as Begdale (approximately 1.6km to the south), Friday Bridge (approximately 3.4km to the south) and Elm (approximately 1.7km to the south-east).



3.4 CHP Connection

- 3.4.1 The CHP Connection relates to plot numbers 13/1a, 15/1a, 15/2a, 15/2b, 16/1a, 16/1b, 16/2a, 16/3a, 16/4a, 16/5a and 17/1a.
- 3.4.2 The proposed CHP Connection would run north, along the route of the disused March to Wisbech Railway, from the EfW CHP Facility Site, crossing Weasenham Lane via a pipe-bridge and terminating at the Nestlé Purina factory, which is itself accessed from Coalwharf Road/Somers Road. A pipeline spur would also run from the main pipeline immediately south of Weasenham Lane into the Lamb Weston factory.
- 3.4.3 The CHP Connection Corridor includes disused infrastructure from the disused March to Wisbech Railway, including track, and self-setting vegetation. The CHP Connection Corridor is bounded on both sides by industrial uses other than at its north-eastern end where the rear gardens of residential properties on Victory Road, Great Eastern Road, Burdett Road, Hillburn Road and Oldfield Lane back onto it.

3.5 Grid Connection

- 3.5.1 The Grid Connection relates to plot numbers 1/1a, 1/1b, 1/1c, 1/1d, 1/1e, 1/2a, 2/1a, 2/1b, 3/1a, 3/1b, 4/1a, 4/1b, 4/1c, 4/1d, 5/1a, 5/1b, 5/1c, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 6/2a, 6/2b, 7/1a, 8/1a, 8/1b, 8/1c, 8/2a, 9/1a, 9/1b, 9/1c, 10/1a, 10/1c, 10/2e, 10/2f, 10/5a, 11/1a and 11/2a
- 3.5.2 From the onsite substation located in the southern area of the EfW CHP Facility Site, the Grid Connection would run underground for its entire length to a point of connection to the National Electricity Transmission Network distribution system at UKPN's substation off Broadend Road, Walsoken.
- 3.5.3 The underground route would exit the EfW CHP Facility Site at New Bridge Lane then head east to the A47. Here the underground route would head north following the western verge of the A47 to Broadend Road. At Broadend Road the route would head west within the highway verge to the Applicant's proposed substation. The Applicant's proposed substation is to be located to the front of the UKPN Walsoken DNO Substation on land belonging to UKPN and will include equipment owned and operated by UKPN and by the Applicant.

3.6 Access Improvements

- 3.6.1 The Access Improvements relate to plot numbers 11/1a, 11/1b, 11/1c, 11/3a, 11/3b, 11/4a, 11/5a, 11/5b, 12/1a, 12/1b, 12/1c, 12/1d, 12/1e, 12/1f, 12/1g, 12/1h, 12/1i, 12/1j, 12/1k, 12/1l, 12/2a, 12/3a, 12/3b, 12/4a, 12/5a, 12/5b, 13/3a and 13/4c.
- 3.6.2 The Access Improvements consist of two proposals:
- New Bridge Lane Access Improvements (Works No.4A) – It is proposed to create a new access/egress to the EfW CHP Facility Site for HGVs from New Bridge Lane, located on the southern boundary of the EfW CHP Facility Site; and



- Algores Way Access Improvements (Works No.4B) – The existing WTS on the proposed EfW CHP Facility Site is accessed from Algores Way. This access point will be reconfigured to provide staff and visitor car and pedestrian access/egress to the EfW CHP Facility Site.

3.6.3 The Order limits for the New Bridge Lane Access Improvements extend west from the EfW CHP Facility to the junction of Cromwell Road. Cromwell Road provides direct access to the A47 via a four-arm roundabout. Direct vehicular access to Cromwell Road along New Bridge Lane from the proposed New Bridge Lane site access is not currently possible. New Bridge Lane crosses the disused March to Wisbech Railway and in this location the road narrows and bollards are in place to prevent vehicular access. Improvements to, and the reopening of, this road for vehicular access are required to facilitate access off New Bridge Lane, along with dropped kerbs to assist pedestrians crossing.

3.6.4 New Bridge Lane is bounded mainly by industrial premises. Two residential properties (9 New Bridge Lane and 10 New Bridge Lane) are located in proximity to the EfW CHP Facility. The property at 9 New Bridge Lane lies approximately 20m to the south-west boundary of the EfW CHP Facility Site on the opposite side of the disused March to Wisbech Railway. The Property at 10 New Bridge Lane is located opposite the proposed access into the EfW CHP Facility. Further residential properties are located close to the New Bridge Lane/Cromwell Road Junction (93 and 97 South Brink, 25 Cromwell Road and 2 New Bridge Lane), adjacent to the location of the potential New Bridge Lane Access Improvements.

3.6.5 The Order limits also extend up the existing Algores Way until it reaches Weasenham Lane. No highway improvement works are currently proposed on Algores Way, other than at the site access, but it has been included within the red line boundary because, although it is openly in public use, it is an unadopted highway from a point south of 19 Algores Way and therefore powers relating to street works (for example relating to the installation of services for the EfW CHP Facility) and compulsory acquisition powers for access are being sought as part of the DCO Application.

3.7 **Water Connections**

3.7.1 The Water Connections relate to plot numbers 10/1a, 10/1b, 10/1c, 10/2a, 10/2b, 10/2c, 10/2d, 10/2e, 10/2f, 10/2g, 10/3a, 10/4a, 10/5a, 11/1a, 11/2a, 13/4c and 13/5a

3.7.2 The Water Connections consist of two proposals:

- Water Connections (potable) (Works No. 6A) – A new water main would be required to connect the EfW CHP Facility into the local network. The water main would run underground from the southern boundary of the EfW CHP Facility Site southeast along New Bridge Lane before either entering an orchard and then crossing underneath the A47 by horizontal directional drilling (HDD) or crossing the A47 and the southern end of New Bridge Lane by an open cut and fill arrangement, to join an existing water main. The water main would be constructed by the Applicant or Anglian Water.
- Water Connections (foul) (Works No. 6B) – A foul sewer connection is required from an existing pumping station operated by Anglian Water, located north-east



of the Algores Way site entrance, and into the EfW CHP Facility. The foul water connection would be constructed by the Applicant or Anglian Water.

3.8 TCC

- 3.8.1 The TCC relates to plot numbers 11/2e, 11/2g, 11/2h, 11/2i, 11/2j, 11/2k, 11/2l, 11/2m, 11/2n, 11/2o and 13/4b.
- 3.8.2 The TCC for staff parking, offices and welfare facilities associated with the construction of the Proposed Development would be located adjacent to the eastern boundary of the EfW CHP Facility Site, separated by a drainage ditch. The land is currently undeveloped, vegetated, grass scrubland and is allocated for future business use. This area of land measures 1.8 hectares.
- 3.8.3 The TCC would be bounded by James Mackle (UK) Ltd to the north, Boleness Road to the east with the Lineage Logistics cold store beyond and further vacant grassland to the south.
- 3.8.4 The TCC for staff parking, offices and welfare facilities would be accessed from the north via Algores Way.
- 3.8.5 The remainder of the construction compound requirements would be provided on the southern or northern portion of the EfW CHP Facility Site.
- 3.8.6 HGV construction traffic would initially access the EfW CHP Facility Site via Algores Way, and once the Access Improvements are implemented, both New Bridge Lane and Algores Way would be used for the duration of construction works.

3.9 Public rights of way

- 3.9.1 No public rights of way will be directly affected by the Proposed Development.



4. Scope of Powers Sought

4.1 Introduction

- 4.1.1 This section sets out the powers being sought in the **Draft DCO (Volume 3.1)** over the Order Land to enable the permanent acquisition of land, and of rights over land and imposition of restrictions, needed for the construction, operation, maintenance and decommissioning of the Proposed Development. It also sets out the powers being sought for the possession and use of land on a temporary basis to facilitate the construction of the Proposed Development.
- 4.1.2 The powers would also enable the Applicant to protect the Proposed Development, to mitigate the impacts of the Proposed Development where necessary, and to ensure that access could be taken as necessary to facilitate the construction, operation, maintenance and decommissioning of the Proposed Development.

4.2 Powers to acquire land compulsorily

- 4.2.1 The main powers authorising the acquisition of land, or of interests in and/or rights over land, are contained in article 22 (compulsory acquisition of land) and 24 (compulsory acquisition of rights) of the **Draft DCO (Volume 3.1)**. Other powers are sought in the Draft DCO which relate to land and may interfere with property rights and interests. The scope of these powers is set out below.
- 4.2.2 **Article 22 – compulsory acquisition of land:** this article, which reflects the terms of the source of the compulsory acquisition powers in section 122 of the 2008 Act, would provide the Applicant with the power to acquire so much of the Order Land as is required for the Proposed Development, or such land as is required because it facilitates or is incidental to that development.
- 4.2.3 **Article 25 – acquisition of subsoil only:** this article permits the Applicant to acquire only the subsoil under any land over which it has powers of compulsory acquisition under article 22 and article 24 (such acquisition to be for the same purposes for which the Applicant would be authorised to acquire the land or rights over land under those articles).
- 4.2.4 On the **Land Plan (Volume 2.2)**, land which is proposed to be acquired compulsorily is shown edged red and shaded pink. The purpose for which land is proposed to be acquired is set out in **Appendix A**.

4.3 Powers to acquire rights over land

- 4.3.1 **Article 24 – compulsory acquisition of rights:** this article permits the Applicant to create and acquire new rights over land; and such rights would be exercisable on a permanent and/or long-term basis. This article would also give the Applicant the power to impose restrictive covenants on land. The rights and/or restrictive covenants could be acquired and/or imposed, as required by the Applicant for any purpose related to the purpose for which land was acquired under article 22. The



article refers to Schedule 8 which lists the plots over which the Applicant may acquire the existing rights and restrictions over land and create and acquire the new rights and impose new restrictions specified in the table. Schedule 8 also sets out the purpose for which new rights may be acquired and restrictions imposed and this information is included in **Appendix A**.

4.3.2 **Article 30 – rights over or under streets:** this article would permit the Applicant to use the subsoil and/or the airspace under or over any street, where required to facilitate the construction of the works authorised by the **Draft DCO (Volume 3.1)**. The power conferred by this article would not extend to a subway or an underground building, or to cellars or similar structures forming part of a building fronting the street but its exercise would nevertheless constitute an interference with property rights.

4.3.3 On the **Land Plan (Volume 2.2)**, land over which new rights are proposed to be acquired, or restrictive covenants imposed compulsorily is edged red and shaded blue.

4.4 Powers to use and possess land temporarily

4.4.1 **Article 31 – temporary use of land for carrying out the authorised development:** this article enables the Applicant to take temporary possession of the land specified in Schedule 10 to the **Draft DCO (Volume 3.1)**, and any other land included within the Order Land, provided that the Applicant has not already made a declaration to vest the land in itself or to enter the land following a notice of entry in advance of acquisition.

4.4.2 Whilst using and possessing land temporarily pursuant to article 31, the Applicant may:

- remove buildings and vegetation from the land;
- construct temporary works (including accesses) and buildings on the land; and
- construct any permanent works specified in column 3 of Schedule 10 to the **Draft DCO (Volume 3.1)** in relation to that plot, and carry out certain mitigation works.

4.4.3 The period for temporary possession would be subject to time limits set out in article 31(3). Unless the owner of the land agreed, the Applicant would not be permitted to remain in possession:

- as regards any land specified in Schedule 10 to the **Draft DCO (Volume 3.1)**, for more than a year after completing that part of the authorised works specified in relation to that land in Schedule 10; and
- as regards any other land within the Order Land, for more than a year after completing the work for which temporary possession was taken (unless before the end of that period the Applicant has made a general vesting declaration or served notice of entry).

4.4.4 The effect of article 31(4) is to ensure that before giving up possession of any land used temporarily, the Applicant would be obliged to remove all temporary works and to restore the land to the owner's reasonable satisfaction. This restoration obligation would not, however, require the replacement of a building or structure removed



under this article, nor would it require the restoration of land on which permanent works had been constructed (where the land was possessed temporarily in the first instance), or the removal of any ground strengthening works, or the removal of any measures installed over or around statutory undertakers' apparatus for the protection of that apparatus. Compensation is payable for any loss or damage caused during the temporary possession.

4.4.5 On the **Land Plan Volume 2.2)**, land which is only proposed to be used and possessed temporarily is edged red and shaded green. The purpose for which such land is proposed to be possessed and used temporarily is set out in Schedule 10 to the **Draft DCO (Volume 3.1)**.

4.4.6 **Article 32 – temporary use of land for maintaining the authorised development:** this article would enable the Applicant to take temporary possession of any land within the Order Land, which is reasonably required for the purpose of maintaining the development at any time during the maintenance period (i.e., a period of five years from the date of final commissioning of the Proposed Development).

4.4.7 Article 32(1) would permit the Applicant to construct temporary works and buildings on the land, in so far as it was reasonably necessary to do so for the purpose of carrying out maintenance works.

4.4.8 The power in article 32 would not enable the Applicant to take temporary possession of a house or any other occupied building (article 32(2)).

4.4.9 The Applicant would only be authorised to remain in possession of land under article 32 for so long as was reasonably necessary to carry out the maintenance of the part of the authorised works for which temporary possession of land was taken (article 32(4)).

4.4.10 Before surrendering possession of the land and returning it to its owner, the Applicant would be required to remove all temporary works on the land and to restore the land to the owner's reasonable satisfaction.

4.5 Power to suspend or extinguish rights

4.5.1 **Article 26 - private rights:** this article provides for the extinguishment of private rights over land in the following circumstances –

- where land is subject to compulsory acquisition (where the land and all interests in it are acquired);
- where land is subject to the compulsory acquisition of rights over, in or under it, or made subject to the imposition of restrictive covenants, to the extent that continuing the existing rights would be inconsistent with the right acquired or restrictive covenant imposed;
- where land belongs to the Applicant, but is subject to rights exercisable by third parties, and where the construction, operation or maintenance of the works authorised by the DCO would interfere with or breach those rights; and



- with regard to land over which the Applicant is authorised to take temporary possession under the DCO, article 26(3) provides that all private rights over that land would be suspended and unenforceable for as long as the Applicant was in possession of such land.

4.6 Other rights and powers

4.6.1 The Draft DCO would also confer on the Applicant other rights and powers the exercise of which may result in interference with property rights and private interests in land. These additional powers are:

4.6.2 **Article 10 – street works:** this article would confer authority on the Applicant to interfere with and execute works in or under any streets for the purposes of the authorised development.

4.6.3 **Article 13 – temporary prohibition or restriction of use of streets and public rights of way:** this article permits the Applicant to temporarily stop up, alter, divert or restrict the use of streets for the purposes of the development, whilst ensuring that pedestrian access is maintained.

4.6.4 **Article 14 – use of private roads:** this article enables the Applicant to use any private road within the Order limits during construction or maintenance of the authorised development.

4.6.5 **Article 15 – access to works:** this article allows works accesses to public highways to be created. It gives the Applicant a general power to form means of access.

4.6.6 **Article 18 – discharge of water:** this article sets out the circumstances in which the Applicant is entitled to discharge water into a sewer, watercourse or drain, and its purpose is to establish statutory authority for doing so.

4.6.7 **Article 19 – authority to survey and investigate land:** this article gives the Applicant the power to enter certain land for the purpose of surveying and testing. It provides that the Applicant must give 14 days' notice before exercising the powers of entry, and that compensation is payable for any loss or damage caused.

4.6.8 **Article 20 – protective works to buildings:** this article provides a power to monitor certain buildings and structures (included within the Order limits) for the effects of ground movement relating to settlement arising from the construction of the authorised works; and to carry out protective works where necessary to mitigate the effects of such settlement. This power applies throughout the Order limits.

4.6.9 **Article 21 – felling and lopping of trees:** this article would permit any tree or shrub that is near the Proposed Development to be felled or lopped, or have its roots cut back by the Applicant if it is considered to obstruct the construction, operation or maintenance of the Proposed Development or endanger anyone using it. Compensation is payable for any loss or damage caused.

4.6.10 **Article 27 – statutory authority to override easements and other rights:** this article permits the Applicant to override easements and other rights such that land vested in the Applicant would be discharged from all rights, trusts and incidents to which it was previously subject at the point of vesting, together with the benefit of



restrictive covenants and instances where land subject to third party rights is acquired by agreement rather than through compulsory acquisition.

4.6.11 All the above-mentioned articles in the Draft DCO, which would provide powers enabling the Applicant to acquire land permanently or to use land temporarily, are required to enable the construction, operation, maintenance and decommissioning of the Proposed Development.

4.6.12 **Article 46 (incorporation of the minerals code)** incorporates Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981. It has been included within the Draft DCO as mineral rights have been identified within the Order land and the mineral code provides a statutory process for dealing with the purchase of and compensation for minerals.



5. Justification for powers of compulsory acquisition

5.1 Introduction

5.1.1 This section sets out the conditions which must be met for compulsory acquisition powers to be granted under the 2008 Act and explains how the Proposed Development meets these conditions.

5.2 Powers of compulsory acquisition under the Planning Act 2008

5.2.1 Section 120 of the 2008 Act provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the 2008 Act contains a non-exhaustive list of the ancillary matters for which provision may be made. These include:

- the acquisition of land, compulsorily or by agreement;
- the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement;
- the abrogation or modification of agreements relating to land; and
- the payment of compensation.

5.2.2 The **Draft DCO (Volume 3.1)** includes powers to acquire land compulsorily and the following sections set out the case for these powers.

5.3 The matters to which the Secretary of State must have regard

5.3.1 Under Section 122 of the 2008 Act, a DCO which includes compulsory acquisition powers may be granted only if the conditions in Sections 122(2) and 122(3) of the 2008 Act are met. The conditions to be met are:

- at Section 122(2), that the land is either required for the development to which the DCO relates (sub-section (a)) or is required to facilitate or is incidental to the development (sub-section (b))¹; and
- at Section 122(3), there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO. The Secretary of State must be persuaded that the public benefits from the compulsory acquisitions will outweigh the private loss suffered by those whose land is to be acquired.

5.3.2 In respect of the Section 122(2) condition, the 2013 Guidance (at paragraph 11) states that applicants should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which

¹ In this case there is no replacement land and subsection 122(2)(c) is not applicable.



consent is sought. The 2013 Guidance goes on to say that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.

5.3.3 In respect of the Section 122(3) condition, the 2013 Guidance (at paragraph 13) states that the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the 2013 Guidance states that in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.

5.3.4 Further, paragraphs 8 to 10 of the 2013 Guidance also set out a number of general considerations that the Applicant must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition. These are as follows:

- that all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Development) have been explored;
- that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate;
- that the Applicant has a clear idea of how it intends to use the land which it is proposed to acquire;
- that there is a reasonable prospect of the requisite funds for the acquisition becoming available (see **Funding Statement - Volume 4.2**) and
- that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.

5.3.5 The following sections set out the factors that the Applicant considers demonstrate that the conditions of Section 122 of the 2008 Act, and the considerations set out in the 2013 Guidance, are satisfied.

5.4 Requirement for the Order Land

5.4.1 The Applicant has a clear idea of how the land is intended to be used. This is explained in Section 7 of this Statement of Reasons which describes the purposes for which the Order Land is required in order to deliver the Proposed Development. **Appendix A** of this Statement of Reasons sets out the particular purposes for which each plot of land is proposed to be compulsorily acquired or used temporarily. The table demonstrates, as advocated by the 2013 Guidance (at paragraph 9), that the Applicant has "a clear idea of how [it intends] to use the land which [it proposes] to acquire." The Applicant has included within the Order Land no more land than is reasonably required for the purposes described in the table, such that its proposed use of land, for the purpose of delivering the Proposed Development, is proportionate and justifiable.



5.4.2 In making the Application, including seeking powers to acquire land compulsorily and use land temporarily, the Applicant has had regard to the relevant provisions of the European Convention on Human Rights (see Section 10 below).

5.4.3 Together with this Statement of Reasons, the **Land Plan (Volume 2.2)** and the **Book of Reference (Volume 4.1)** show how and why the land included in the **Draft DCO (Volume 3.1)** is required and how such land would be used. In the case of each plot of land, the powers sought by the Applicant are necessary to deliver the Proposed Development and are proportionate to the degree of interference with any private rights.

5.5 **Compelling Case in the Public Interest**

5.5.1 In addition to establishing the purpose for which compulsory acquisition is sought, section 122 of the 2008 Act requires the Secretary of State to be satisfied that there is a compelling case in the public interest for the land included in the DCO to be acquired compulsorily.

5.5.2 For this condition to be met, the 2013 Guidance makes clear (at paragraph 13), the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition of land and interests in land for the Proposed Development will outweigh the private loss that would be suffered by those whose interests in land and/or rights over land are to be acquired.

5.5.3 DCO applications must be determined in accordance with the relevant NPS, which for the Proposed Development are the Overarching NPS for Energy (NPS EN-1), NPS for Renewable Energy Infrastructure (NPS EN-3) and the Draft NPS En-1 and Draft NPS EN-3 as published by the Government for consultation in September 2021. The Secretary of State will use the policy of these NPS as determinative of the merits of the DCO application in the absence of compelling reasons to the contrary. The Proposed Development has been designed to meet the relevant policy objectives of the NPSs and the Draft NPSs.

5.5.4 The documents submitted as part of the DCO application demonstrate that there is a compelling case in the public interest for the land required for the Proposed Development to be acquired compulsorily. The **Planning Statement (Volume 7.1)**, the **Project Benefits Report (Volume 7.4)** and the **Waste Fuel Availability Assessment (Volume 7.3)**, set out in detail how the Proposed Development would:

- help meet the urgent need for new energy infrastructure in the UK, providing enhanced energy security and supporting UK Government priorities in relation to economic development;
- deliver additional renewable energy capacity, supporting the achievement of the UK Government's climate change commitments and carbon budgets;
- provide CHP connectivity;
- address the shortfall of non-landfill Household, Industrial and Commercial (HIC) residual waste management capacity, enabling waste to be managed further up



the waste hierarchy and reducing the need to export waste for treatment abroad, consistent with the proximity principle;

- secure carbon reductions associated with the diversion of waste from landfill; and
- deliver a range of environmental, social and economic benefits including biodiversity net gain, jobs creation and investment in local supply chains.

5.5.5 The need for new, renewable/low carbon, electricity generation of the type provided by the Proposed Development is acknowledged in both NPS EN-1 and EN-3 and Draft NPS EN-1 and EN-3. In particular, the NPSs make clear that the need is urgent and substantial and such energy generation should be brought forward as soon as possible to provide security of supply and meet the UK's commitments to decarbonise its energy sector. NPS EN-3 (particularly paragraph 2.5.2) explicitly recognises that the recovery of energy from the combustion of waste is likely to play an increasingly important role meeting the UK's energy and renewable energy needs.

5.5.6 The Proposed Development responds directly to the outcomes sought through the NPSs. It is a market led, industry funded project that will make a significant contribution to delivering the urgent and substantial need for new energy infrastructure, including combined heat and power.

5.5.7 The Proposed Development is demonstrated to be at the right level of the waste hierarchy, taking waste out of landfill, and complementing re-use and recycling. Increased recycling is an important policy drive. However, future predictions around *residual* waste arisings (i.e., waste that cannot be avoided, reused or recycled), factoring in government targets to reduce, reuse and recycle, suggest that there will be a shortfall in the capacity of the industry to accommodate residual waste other than by landfill of some 1.9 million tonnes up to 2030 reducing to approximately 1.8 million tonnes by 2035. As the availability of non-hazardous landfill declines the importance of facilities to receive and use the residual waste, which will continue to be generated, grows and the **Waste Fuel Availability Assessment (Volume 7.3)** reports that in the East of England alone there will be a residual waste management capacity gap of between approximately 1.4 and 2.7 million tonnes per annum with the requirement doubling for the wider London and South-east area.

5.5.8 Nationally, and notwithstanding government targets to recycle 65% of municipal and 'municipal like' commercial and industrial waste achieved by 2030, it is estimated there would still remain a minimum shortfall of approximately 2.8 million tonnes of residual HIC capacity in the UK (this would rise to over 6 million tonnes if the Government's recycling target is undershot by 5%). The WFAA demonstrates that there is insufficient landfill capacity to handle the amount of waste which is currently forecast to be generated. Landfilling lies at the bottom of the waste hierarchy and government policy is clear that producers of waste should seek to move up the hierarchy wherever possible.

5.5.9 The EfW CHP Facility avoids non-recyclable residual wastes being disposed of to landfill; recovers renewable/low carbon energy; and recovers secondary materials including aggregates, glass, metal and digestate.



- 5.5.10 The Proposed Development also makes important contributions across sustainability policies to meet local climate change targets. Against a current situation of landfilling residual waste, the Proposed Development would save an estimated 2,571ktCO₂e over its lifetime, which would contribute to the achievements of the UK's carbon budgets (see the **Planning Statement (Volume 7.1)** and **Project Benefits Report (Volume 7.4)** for further details).
- 5.5.11 As such, the benefits in the public interest, which are anticipated to arise from the Proposed Development are of national significance and would, accordingly, be on a scale outweighing the individual private loss suffered by parties whose interests in land were interfered with in order to enable the delivery of the Proposed Development. The proposed acquisition of land and rights is therefore legitimate, necessary and proportionate.

5.6 Alternatives to Compulsory Acquisition

- 5.6.1 **Chapter 2 Alternatives** of the **ES (Volume 6.2)** describes the site selection process and the reasonable alternatives that have been studied by the Applicant and should be referred to.
- 5.6.2 The Applicant has sought to acquire by agreement land and rights in land for the purposes of the Proposed Development and will continue to do so. The Applicant has engaged in extensive consultation and negotiations with all persons with an interest in the relevant land in order to try to avoid the need for compulsory acquisition wherever possible. These negotiations are described in **Section 8** and **Appendix B** of this Statement.

5.7 Availability of Funds for Compensation

- 5.7.1 The **Funding Statement (Volume 4.2)** confirms that the Applicant has the ability to procure the financial resources required for the Proposed Development, including the cost of acquiring any land and rights and the payment of compensation, as applicable.
- 5.7.2 The Applicant has included Article 9 in the **Draft DCO (Volume 3.1)** which provides that compulsory powers contained in the Order must not be exercised unless a guarantee or an alternative form of financial security is in place in respect of the liabilities of the undertaker to pay compensation in respect of the exercise of the relevant powers. Article 9 of the Order therefore ensures that adequate funding is in place before any compulsory acquisition compensation liability arises.
- 5.7.3 The Applicant 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.



6. Purpose for which the compulsory acquisition and temporary possession powers are sought

6.1 Overall purpose of seeking powers of compulsory acquisition and temporary possession

6.1.1 In broad terms, the purpose for which compulsory acquisition and temporary possession powers are sought is to enable the Applicant to construct, operate, maintain and decommission the Proposed Development. The need for the Proposed Development is explained in the previous section and in the **Planning Statement (Volume 7.1)** and the **Project Benefits Report (Volume 7.4)**. For that purpose, it is necessary for the DCO to include a range of compulsory acquisition-related powers.

6.1.2 Without the powers to acquire rights and interests in land compulsorily (required as explained on a plot by plot basis in **Appendix A** to this Statement of Reasons), there would be insufficient certainty about the Applicant's ability to deliver the Proposed Development within the necessary timescales. The Applicant therefore requires such powers to be included in the DCO, notwithstanding the Applicant's continuing efforts to acquire the necessary interests in land and rights over land by agreement (as explained by reference to landholdings in **Appendix B** to this Statement of Reasons).

6.2 Compulsory acquisition of freehold

6.2.1 The land over which full compulsory acquisition powers are sought in respect of the freehold is shown shaded pink on the **Land Plan (Volume 2.2)**. Article 22 of the **Draft DCO (Volume 3.1)** is relied upon in this respect. This comprises land required for:

- the EfW CHP Facility Site;
- the Walsoken Substation;
- parts of the Access Improvements (where land needs to be acquired so that it can be dedicated as public highway); and
- the delivery of mitigation measures at 9 New Bridge Lane in order to negate the significant impacts anticipated.

6.2.2 This land is required for the construction and subsequent operation and maintenance of Works 1, 1A, 1B 2, 4A, 4B and 9 as described in Schedule 1 to the **Draft DCO (Volume 3.1)**. The ownership of the land subject to article 22 is described in the **Book of Reference (Volume 4.1)**.



- 6.2.3 To mitigate the significant noise and visual impacts on a residential receptor identified in **Chapter 7 (noise)** and **Chapter 9 (landscape and visual)** of the **ES (Volume 6.2)**, the Applicant is proposing to acquire 9 New Bridge Lane.
- 6.2.4 The Applicant is in on-going discussions with the owner of 9 New Bridge Lane with a view to purchasing the property, ensuring it is not occupied for residential use during construction and operation of the Proposed Development. The current status of these discussions is set out in **Appendix B**. However, to ensure the acquisition of the property is not impeded and the mitigation measure can be delivered, the Applicant is seeking a power to compulsorily acquire the freehold of 9 New Bridge Lane through the DCO to ensure that it is not used for residential purposes.
- 6.2.5 The Applicant has a clear view of how it proposes to use the land that is subject to the power of acquisition. The Table in Appendix A describes, for each plot which is subject to article 22, the specific works authorised by the **Draft DCO (Volume 3.1)** which are proposed to be constructed on the land. These details reflect the extent of the areas shown on the **Works Plan (Volume 2.3)** within which each of the numbered Works authorised by the DCO must be constructed. These areas reflect the current stage of design for the Proposed Development and provide some flexibility as to the precise location of the individual elements.

6.3 Compulsory acquisition of new rights

- 6.3.1 The land over which the Applicant is seeking a power to acquire rights only is shown shaded blue on the Land Plans. Article 24 of the **Draft DCO (Volume 3.1)** is relied upon in this respect. This land comprises the majority of the plots which are subject to a power of acquisition and is required for the purposes of the following works authorised by the DCO. The rights sought in respect of each plot which is subject to the power in article 24 are described in Schedule 8 to the **Draft DCO** and set out in **Table 6.1: The Rights sought per plot** below. In summary, the rights consist of rights of access, rights to construct, operate, maintain and decommission the CHP Connection, Grid Connection, Water Connections and services and rights to install an acoustic fence at 10 New Bridge Lane in order to mitigate noise impacts (see **Section 7.10.29 to 7.10.34 of ES Chapter 7 (Volume 6.2)** for further details):

Table 6.1: The Rights sought per plot.

(1) Number of land shown on land plans	(2) Purpose for which rights may be acquired and restrictions imposed
1/1a, 1/1b, 1/1c, 1/1d, 1/1e, 1/2a, 2/1a, 2/1b, 3/1a, 3/1b, 4/1a, 4/1b, 5/1a, 5/1b, 5/1c, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 6/2a,	Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve underground electricity cables, jointing bays, protection plates, ducting, telemetry and other ancillary apparatus (including but not limited to access chambers, manholes and marker posts) and any other works as necessary together with the right to fell, trim or lop trees and bushes which may obstruct or interfere with the said cables, telemetry and other ancillary apparatus



(1) Number of land shown on land plans	(2) Purpose for which rights may be acquired and restrictions imposed
<p>6/2b, 7/1a, 8/1a, 8/1b, 8/2a, 9/1a, 9/1b, 9/1c, 10/1a, 10/2e, 10/2f, 10/5a, 11/1a, 11/2a</p>	Rights to pass and repass on foot, 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
	Rights to continuous vertical and lateral support for the authorised development
	Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, services, flues and to drain into and manage waterflows in any drains, watercourses and culverts
	Rights to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures and the right to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works
	Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary
	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 or damage the authorised development
<p>1/2a, 11/1a, 11/1b, 11/2a, 12/1a, 12/1b, 12/1c, 12/1d, 12/1e, 12/1f, 12/1g, 12/1h, 12/1i, 12/1j, 12/1k, 12/1l, 12/2a, 12/4a, 12/5a</p>	Rights to construct, use, maintain and improve a permanent means of access including visibility splays, carriageway and footway widening, highway alteration works and lighting
	Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary
	Rights to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development
	Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve pipes, ducts,



(1) Number of land shown on land plans	(2) Purpose for which rights may be acquired and restrictions imposed
	<p>mains, wires, cables, conduits, flues, fibre optic cables and other conducting media of whatsoever nature</p> <p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, services, flues and to drain into and manage waterflows in any drains, watercourses and culverts</p> <p>Rights to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures the right to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works</p> <p>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 or damage the authorised development</p>
<p>10/1a, 10/1b, 10/1c, 10/2a, 10/2b, 10/2c, 10/2d, 10/2e, 10/2f, 10/2g, 10/3a, 10/4a, 10/5a, 11/1a, 11/2a</p>	<p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve a potable water connection (including but not limited to pipes, trenches, ducting, protection plates, jointing bays, associated telemetry and other ancillary apparatus) and any other works as necessary together with the right to fell, trim or lop trees and bushes which may obstruct or interfere with the said combined potable water connection and other ancillary apparatus</p> <p>Rights to pass and repass on foot, 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</p> <p>Rights to continuous vertical and lateral support for the authorised development</p> <p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary</p> <p>Rights to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the</p>



(1) Number of land shown on land plans	(2) Purpose for which rights may be acquired and restrictions imposed
	<p>right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures the right to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works</p> <p>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</p>
13/5a	<p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve a foul water connection (including but not limited to pipes, trenches, ducting, protection plates, jointing bays, associated telemetry and other ancillary apparatus) and any other works as necessary together with the right to fell, trim or lop trees and bushes which may obstruct or interfere with the said combined potable water connection and other ancillary apparatus</p> <p>Rights to pass and repass on foot, 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</p> <p>Rights to continuous vertical and lateral support for the authorised development</p> <p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary</p> <p>Rights to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures the right to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works</p> <p>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</p>



(1) Number of land shown on land plans	(2) Purpose for which rights may be acquired and restrictions imposed
11/2d, 11/2f, 11/7b, 13/4a	<p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, services, flues and to drain into and manage waterflows in any drains, watercourses and culverts</p> <p>Rights to pass and repass on foot, 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</p> <p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary</p> <p>Rights to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures the right to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works</p> <p>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</p>
11/8a	<p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve acoustic fencing and gates and any other ancillary apparatus or works as necessary</p> <p>Rights to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the construction, use, maintenance and decommissioning of the acoustic fencing and gates</p> <p>Restrictions on erecting buildings or structures, altering ground levels, planting trees or carrying out operations or actions (including but not</p>



(1) Number of land shown on land plans	(2) Purpose for which rights may be acquired and restrictions imposed
	limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage acoustic fencing and gates
13/1a, 15/2a, 16/1a, 16/2a, 16/4a, 17/1a 15/1a, 15/2b, 16/1b, 16/3a, 16/5a,	<p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve combined heat and power equipment (including but not limited to steam and condensate pipes, pipe racks, supports, pipe runs, valving, electrical supply cables and associated telemetry, vertical expansion loops, pipe bridges and other ancillary apparatus) and any other works as necessary together with the right to fell, trim or lop trees and bushes which may obstruct or interfere with the said combined heat and power equipment and other ancillary apparatus</p> <p>Rights to pass and repass on foot, 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</p> <p>Rights to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures and the right to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works</p> <p>Rights to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary</p> <p>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 or damage the authorised development</p>

6.4 Power to impose restrictions

- 6.4.1 There is also a need to impose restrictive covenants in relation to new rights required in connection with the construction, operation, maintenance and decommissioning of the Proposed Development.
- 6.4.2 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 the 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.

6.4.3 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, and cites the Silvertown Tunnel Order 2018 as an example. 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 a DCO and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.

6.4.4 The Applicant has had regard to this guidance in preparing its Order. Article 24 includes a power to impose restrictive covenants in relation to land over which new rights are acquired. These proposed restrictions are required to protect the apparatus from becoming exposed, damaged or built over; preventing operations which may obstruct, interrupt or interfere with apparatus and the exercise of new rights required; ensuring that access for future maintenance can be facilitated and ensuring that land requirements are minimised so far as possible.

6.4.5 The Applicant considers the imposition of such restrictions to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the Proposed Development.

6.5 Temporary possession

6.5.1 The land over which the Applicant is seeking a power to take temporary possession for the purposes of constructing the works authorised by the DCO is shown shaded green on the **Land Plans (Volume 2.2)**. Article 31 of the **Draft DCO (Volume 3.1)** is relied upon in this respect. This land is proposed to be used for the works set out in **Table 6.2: Purpose of temporary possession** authorised by the DCO:

Table 6.2: Purpose of temporary possession

(1) Area	(2) Number of land shown on land plan	(3) Purpose for which temporary possession may be taken
Norfolk	4/1c, 4/1d	Temporary use (including access and compound) of a lay-by to facilitate construction for Work No. 7 and 8



(1) Area	(2) Number of land shown on land plan	(3) Purpose for which temporary possession may be taken
Cambridgeshire	8/1c	Temporary use (including access and compound) of a lay-by to facilitate construction for Work No. 7 and 8
Cambridgeshire	11/2e, 11/2g, 11/2h, 11/2i, 11/2j, 11/2k, 11/2l, 11/2m, 11/2n, 11/2o, 13/4b	Temporary use (including access and compound) to facilitate construction for Work No. 1, 1A, 1B, 2A, 2B, 3, 3A, 3B, 4A, 4B, 5, 6A, 6B, 7, 8, 9 and 10
Cambridgeshire	11/3b, 12/5b	Temporary use (including access) to facilitate construction for Work No. 4A

6.5.2 The Applicant has been seeking to secure the temporary use of the land by private agreement with the relevant landowners (see **Appendix B**). However, in the absence of an agreement, the Applicant requires certainty the sufficient land will be available on a temporary basis during the construction period.

6.5.3 As noted in **Section 5** of this Statement, the power of temporary possession in article 31 also provides a power for the Applicant to take possession of any other land included within the Order Land (i.e., land to which powers of compulsory acquisition, or powers to acquire rights, apply), provided that the Applicant has not already made a declaration to vest the land in itself or to enter the land following a notice of entry in advance of acquisition. This power is required so that temporary construction works can be carried out and then compulsory acquisition powers exercised over the land actually required for the permanent elements of the Proposed Development. This would ensure that the permanent land and rights acquired are over the minimum amount of land necessary for the Proposed Development.

6.6 Extinguishment of Private Rights

6.6.1 Article 26 of the DCO provides for the extinguishment of private rights over land within the Order Land in specified circumstances. This power applies to all of the Order Land. The rights that exist within the Order Land are identified in the Book of Reference. In addition, despite the Applicant's diligent inquiry there may be unknown rights, restrictions, easements or servitudes affecting the Order Land which have the potential to interfere with the construction and operation of the Proposed Development.

6.6.2 The Applicant believes it is both necessary and appropriate for the DCO to include provisions allowing for extinguishment of rights to ensure the construction and operation of the Proposed Development can proceed without hindrance.



6.7 Plot-by-plot summary of the purpose for which the Order Land is required

- 6.7.1 The specific purposes for which the Applicant requires each parcel of land within the Order limits is set out in **Appendix A** to this Statement.
- 6.7.2 The first column of the table in **Appendix A** refers to the plot numbers used in the **Land Plan (Volume 2.2)** and **Book of Reference (Volume 4.1)** to identify plots of land within the Order limits.
- 6.7.3 The second column in the table identifies and describes, in summary terms, the purpose for which each plot of land is proposed to be acquired or used.
- 6.7.4 The third column in the table states the relevant Work Number for the purpose of which the plot of land is required. The Work Number ('Work No') is the identification number (e.g., Work No. X) of a particular element of the Proposed Development which, if the DCO were made by the Secretary of State, would be authorised - such authorised development being described and numbered in Schedule 1 to the DCO (**Volume 3.1**)
- 6.7.5 The fourth column in the table cites the relevant article(s) in the **Draft DCO (Volume 3.1)**, being the source of the power(s) sought in respect of the plot of land.
- 6.7.6 The fifth column includes (where relevant) a reference to the Schedule in the **Draft DCO (Volume 3.1)** in which the plot is listed as being required the table in Appendix A should therefore be read in conjunction with the **Land Plan** and Book of Reference for an understanding of the plot numbers, and with the **Works Plan (Volume 2.3)** and Schedule 1 to the **Draft DCO** for an understanding of the Work Numbers.



7. Communications and negotiations

7.1 Diligent inquiry/land referencing

7.1.1 In accordance with the requirements of the 2008 Act, the Applicant undertook “diligent inquiry” through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the 2008 Act. These include owners, lessees, tenants and occupiers of the land within the Order limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits.

7.2 Diligent inquiry methodology

7.2.1 The Applicant was required to identify individuals in one or more of the categories set out in sections 44 and 57 of the 2008 Act. This included undertaking “diligent inquiry” to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the 2008 Act. Category 1 includes owners, lessees, tenants and occupiers of the land within the Order limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits. Category 3 includes parties who the Applicant thinks would or might, if the Order sought by the application were made and fully implemented, be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965 and/or Part 1 of the Land Compensation Act 1973 and/or section 152(3) of the 2008 Act.

7.2.2 The Land Referencing limits were set to include all land and rights necessary to construct and operate the Proposed Development. A professional land referencing firm was employed to undertake diligent inquiry to identify these land interests. The following processes were undertaken as part of the methodology to identify and consult with those with an interest in affected land.

7.2.3 Land Registry data was received in the form of a digital shape file (a GIS layer) and digital copies of the Official Copy Registers and Title Plans. All relevant freehold, leasehold, mortgagee, beneficiary, other charges and restrictive covenant information was extracted and stored in a land referencing database.

7.2.4 An update to the land registry information was carried out prior to the preparation of the **Book of Reference (Volume 4.1)** as part of the DCO application documentation.

7.2.5 Adopted highways plans were acquired from Cambridgeshire County Council and Norfolk County Council. Information was also obtained regarding special category land (including open space, common land, fuel and field garden allotments); and any information relating to extant planning permissions. Information was received in a variety of formats and entered into the GIS system as appropriate. Where necessary, further enquiries were made to address any changes, anomalies, or gaps.



- 7.2.6 Statutory undertakers that were believed to have a possible interest in the area were contacted to identify their interests. Information received was entered into the GIS as appropriate and where necessary further enquiries were made to address changes, anomalies or gaps.
- 7.2.7 Any existing information or stakeholder data gained by the Applicant as a result of property negotiation or Section 42 consultation was incorporated accordingly.
- 7.2.8 Consultation with landowners has been ongoing throughout the development of the proposals. The identification of potentially affected parties has been an ongoing process. This included checking all company addresses at Companies House to ensure the correct address was being used. The registered address was used unless advised differently by the affected party.
- 7.2.9 Requests for Information (RFIs) questionnaires were issued to all affected parties within the Order Land. This included local councils and statutory undertakers potentially affected by the Proposed Development. Telephone numbers and email addresses were provided on the letter which accompanied the land referencing questionnaires, allowing parties to make contact if they sought further information on the proposals. Parties identified after this date, or whose initial questionnaire unsuccessfully delivered, were issued at the earliest possible opportunity.
- 7.2.10 Where there was unregistered land within the Order limits, site notices were affixed on or adjacent to the land in order to notify any unregistered interested parties of the proposals.

7.3 Consultation with landowners

- 7.3.1 On 21 June 2019, the Applicant entered into an Option for Lease for the majority of the EfW CHP Facility Site. However, the Applicant is including the power to acquire this land within the Order Land in order to ensure that land assembly and title to it 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 and operation of the Proposed Development without hindrance.
- 7.3.2 The Applicant has been seeking to acquire the other relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Proposed Development. The current position in relation to the Applicant's engagement and negotiations with each landowner affected by the Proposed Development is explained in **Appendix B**.
- 7.3.3 However, it has not yet been possible to acquire all of the land, the temporary use of land and the rights required by agreement at the point of DCO application. In addition, the Applicant 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 Proposed Development.
- 7.3.4 Negotiations will continue with landowners and persons with interests in land affected by the Proposed Development.



7.4 Consultation with Statutory Undertakers

The Applicant and its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Proposed Development. A summary of these negotiations and correspondence can be found with **Appendix B**.



8. Special Considerations

8.1 Crown Land

8.1.1 There are no Crown interests included in or affected by the Order Land.

8.2 Special Category Land

8.2.1 There is no National Trust land, open space, common land or fuel or field garden allotment included in or affected by the Order Land.

8.3 Statutory Undertakers' Land

8.3.1 Section 127 of the 2008 Act applies to land which has been acquired by statutory undertakers and the Secretary of State is satisfied that the land is used or held for the purposes of their undertaking, and places restrictions on the compulsory acquisition of such land, where a representation is made by a statutory undertaker in relation to a DCO application and is not withdrawn by the close of the examination of that application.

8.3.2 Section 127(2) of the 2008 Act provides that a DCO may include provisions authorising the compulsory acquisition of statutory undertakers' land only to the extent that the Secretary of State is satisfied (per subsection 127(3)) that the nature and situation of the statutory undertaker's land is such that:

- it can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- if purchased, it 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.

8.3.3 Section 127(5) of the 2008 Act provides that a DCO may include provisions authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Secretary of State is satisfied of the matters set out in subsection 127(6), which are that the nature and situation of the land are such that:

- the right can be purchased without serious detriment to the carrying on of the undertaking, or
- 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 other land belonging to, or available for acquisition by, them.

8.3.4 The Applicant recognises that where section 127 applies to land or rights which are required to be acquired to enable the delivery of the Proposed Development, and the statutory undertaker which owns such land or right(s) makes a representation to the Secretary of State in relation to the **Draft DCO (Volume 3.1)** and does not withdraw that representation before the completion of the examination into the



Application, the Applicant would be required to seek confirmation that the Secretary of State was satisfied of the matters set out in subsections 127(3) and 127(6).

8.3.5 Some statutory undertakers are also landowners. The Applicant has contacted all statutory undertakers to understand the impacts upon their land. These are:

- Anglian Water Services Limited;
- Cadent Gas Limited;
- Eastern Power Networks plc;
- Fulcrum Pipelines Limited;
- Network Rail Infrastructure Limited;
- Openreach Limited;
- Sky Telecommunications Services Limited;
- Virgin Media Limited; and
- Vodafone Limited.

8.3.6 In addition, the Applicant has been in discussions with National Highways, Cambridgeshire County Council and Norfolk County Council regarding those parts of the Proposed Development that will be located within the public highway.

8.3.7 The Applicant has also been in discussions with Hundred of Wisbech Internal Drainage Board and King's Lynn Internal Drainage Board regarding the impact of the Proposed Development on drains within their respective drainage districts.

8.3.8 A summary of these negotiations and correspondence can be found within **Appendix B**.

8.3.9 The Applicant has included protective provisions for the benefit of affected statutory undertakers within the **Draft DCO (Volume 3.1)** to ensure that no serious detriment is caused to their undertaking. The Applicant has either has agreed, or is seeking to agree, the protective provisions, and/or a separate agreement, with each statutory undertaker. The Applicant is confident that agreement will be reached prior to the close of the Examination.

8.4 Other Consents

8.4.1 Other consents are or may be required in order for the Proposed Development to be constructed and subsequently operated. The **Other Consents and Licences** document (**Volume 5.4**) sets out the additional consents required and when they will be applied for. Some of these additional consents are identified below:

8.5 Grid Connection Agreement

8.5.1 The Applicant has accepted a connection offer from UKPN which demonstrates that a Grid Connection to the Walsoken DNO Substation is technically and financially viable.



8.5.2 The Applicant is in discussion with UKPN in respect of a voluntary agreement to allow for the construction, operation and maintenance of the Applicant's Walsoken Substation. Further detail is provided in the **Grid Connection Statement (Volume 7.2)**.

8.6 **Environmental Permit**

8.6.1 As required by the Environmental Permitting (England and Wales) Regulations 2016, the Applicant will submit an application for an Environmental Permit, required to operate EfW CHP Facility, to the Environment Agency. The Applicant has been in discussions with the Environment Agency about an Environmental Permit and supplied the Environment Agency with information in relation to the same. The Applicant is seeking to produce a Statement of Common Ground with the Environment Agency before any examination of the DCO application.



9. Human Rights

9.1.1 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.

9.1.2 The following Articles of the Convention are relevant to the Secretary of State's decision as to whether the DCO should be made so as to include powers of compulsory acquisition:

- Article 1 of the First Protocol to the Convention: this protects the right of everyone to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles.
- Article 6: this entitles those affected by the powers sought in the **Draft DCO (Volume 3.1)** to a fair and public hearing of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision making process.
- Article 8: this protects private and family life, home and correspondence. No public authority can interfere with these rights except such as in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.

9.1.3 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.

9.1.4 The **Draft DCO (Volume 3.1)** has the potential to infringe the rights of persons who hold interests in land within the Order limits under Article 1 of the First Protocol and Article 8. Such an infringement is authorised by law so long as:

- the statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
- the interference with the convention right is proportionate.

9.1.5 In preparing the Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the **Draft DCO (Volume 3.1)**. The Applicant considers that there would be a significant public benefit arising from the grant of the DCO and consequently there is a compelling case in the public interest for compulsory acquisition powers to be granted. The Applicant has concluded 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.

9.1.6 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the 2008 Act, the Applicant has consulted with persons set out in the categories contained in Section 44 of the 2008 Act, which includes owners of land within the Order limits and those



who may be able to make claims either under Sections 7 and 10 of the Compulsory Purchase Act 1965 in respect of injurious affection or under Part 1 of the Land Compensation Act 1973. Also, the beneficiaries of rights overridden by the exercise of powers in the **Draft DCO (Volume 3.1)** would be capable of making claims under Section 10 of the Compulsory Purchase Act 1965.

9.1.7 Furthermore, representations can also be made in response to any notice given under Section 56 of the 2008 Act for consideration at examination of the Application by the examining authority and in any written representations procedure which the examining authority decides to uphold or at any compulsory purchase hearing held under Section 92 of the 2008 Act.

9.1.8 Should the DCO be made, any person aggrieved may challenge the DCO in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the 2008 Act.

9.1.9 In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body to determine the compensation payable.

9.1.10 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the **Draft DCO (Volume 3.1)** of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in **Section 6** of this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition. The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the DCO, including the grant of compulsory acquisition powers.



10. Further Information

10.1 Negotiation of Sale

10.1.1 Owners and occupiers of property affected by the **Draft DCO (Volume 3.1)** who wish to negotiate a sale or discuss matters of compensation should contact the Applicant by email at medworth@mrvuk.co.uk or by telephone on 01945 232 231.

10.2 Compensation

10.2.1 Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in a series of Guidance by the Department for Levelling Up, Housing and Communities entitled "*Compulsory purchase and compensation*" (December 2021) which is available, free of charge, on the Government's website.



11. Conclusions

- 11.1.1 The Applicant submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the **Draft DCO (Volume 3.1)** for the purposes of the Proposed Development meets the conditions of Section 122 of the 2008 Act as well as the considerations in the 2013 Guidance.
- 11.1.2 The acquisition of land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is no more than is reasonably required for or to facilitate or is incidental to the Proposed Development. Furthermore, the land identified to be subject to compulsory acquisition, as is shown in the **Draft DCO (Volume 3.1)**, the **Works Plan (Volume 2.3)** and other information both in this Statement and in other documents accompanying the Application, is no more than is reasonably necessary for that purpose and is proportionate.
- 11.1.3 The need for the Proposed Development is clearly set out in NPS EN-1 and NPS EN-3 and the Draft NPS EN-1 and Draft NPS EN-3. These demonstrate that there is a compelling case in the public interest for the land, and rights over land and imposition of restrictions, to be acquired compulsorily.
- 11.1.4 All reasonable alternatives to compulsory acquisition have been explored. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, as well as secure the removal of matters affecting the Order Land that may impede the Proposed Development, wherever possible.
- 11.1.5 Given the national and local need for the Proposed Development and the support for it found in policy, as well as the suitability of the Order Land (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.
- 11.1.6 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose, the construction and operation of a nationally significant infrastructure project for which there is an identified need, namely the Proposed Development, and is necessary and proportionate to that purpose. The Applicant considers that the substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be suffered by those whose land or interests are to be acquired, and therefore justifies interfering with that land or rights.
- 11.1.7 The Applicant has set out clear and specific proposals for how the Order Land will be used.
- 11.1.8 As set out in the **Funding Statement (Volume 4.2)** the requisite funds are available to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition.



Appendix A

Details of the purpose for which Compulsory Acquisition and Temporary Possession Powers are sought

Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
1/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
1/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
1/1c	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
1/1d	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
1/1e	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
1/2a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8 and 9	25	Schedule 8
1/2b	Acquisition of land for the construction, operation and maintenance of the electrical substation	8 and 9	23	N/A



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
2/1a	Acquisition of rights over the land for works to construct and install the Grid Connection	8	25	Schedule 8
2/1b	Acquisition of rights over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
3/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
3/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
4/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
4/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
4/1c	Temporary possession for works to construct the Grid Connection	8	32	Schedule 10
4/1d	Temporary possession for works to construct the Grid Connection	8	32	Schedule 10
5/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
5/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
5/1c	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
6/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
6/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
6/1c	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
6/1d	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
6/1e	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
6/1f	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
6/1g	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
6/1h	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
6/1i	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
6/1j	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	7	25	Schedule 8
6/1k	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	7	25	Schedule 8
6/2a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
6/2b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	8	25	Schedule 8
7/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	7	25	Schedule 8
8/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	7	25	Schedule 8
8/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	7	25	Schedule 8
8/1c	Temporary possession for works to construct the Grid Connection	7	32	Schedule 10



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
8/2a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	7	25	Schedule 8
9/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	7	25	Schedule 8
9/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	7	25	Schedule 8
9/1c	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection	7	25	Schedule 8
10/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection and the potable Water Connection	6A, 7	25	Schedule 8
10/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the potable Water Connection	6A	25	Schedule 8
10/1c	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection and the potable Water Connection	6A	25	Schedule 8
10/2a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the potable Water Connection	6A	25	Schedule 8



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
10/2b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the potable Water Connection	6A	25	Schedule 8
10/2c	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the potable Water Connection	6A	25	Schedule 8
10/2d	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the potable Water Connection	6A	25	Schedule 8
10/2e	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection and the potable Water Connection	6A, 7	25	Schedule 8
10/2f	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection and the potable Water Connection	6A, 7	25	Schedule 8
10/2g	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the potable Water Connection	6A	25	Schedule 8
10/3a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the potable Water Connection	6A	25	Schedule 8
10/4a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the potable Water Connection	6A	25	Schedule 8



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
10/5a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection and the potable Water Connection	6A, 7	25	Schedule 8
11/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services, Access Improvements on New Bridge Lane, the Grid Connection and the potable Water Connection	4A, 6A, 7	25	Schedule 8
11/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
11/1c	Acquisition of land for access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane, including the dedication of land as public highway if required	4A	23	N/A
11/1d	Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility	2B, 4A, 6A, 7	23	N/A
11/1e	Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility	2B, 4A	23	N/A
11/2a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection and the potable Water Connection.	6A, 7	25	Schedule 8



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
11/2b	Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility	1, 1A, 2A, 2B, 3	23	N/A
11/2c	Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility	1, 1A, 2A, 2B, 3	23	N/A
11/2d	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect drainage facilities	N/A	25	Schedule 8
11/2e	Temporary possession of the land for the Temporary Construction Compound and laydown area	5	32	Schedule 10
11/2f	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect drainage facilities	N/A	25	Schedule 8
11/2g	Temporary possession of the land for the Temporary Construction Compound	5	32	Schedule 10
11/2h	Temporary possession of the land for the Temporary Construction Compound	5	32	Schedule 10
11/2i	Temporary possession of the land for the Temporary Construction Compound	5	32	Schedule 10
11/2j	Temporary possession of the land for the Temporary Construction Compound	5	32	Schedule 10



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
11/2k	Temporary possession of the land for the Temporary Construction Compound	5	32	Schedule 10
11/2l	Temporary possession of the land for the Temporary Construction Compound	5	32	Schedule 10
11/2m	Temporary possession of the land for the Temporary Construction Compound	5	32	Schedule 10
11/2n	Temporary possession of the land for the Temporary Construction Compound	5	32	Schedule 10
11/2o	Temporary possession of the land for the Temporary Construction Compound	5	32	Schedule 10
11/3a	Acquisition of land for access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane, including the dedication of land as public highway if required	4A	23	N/A
11/3b	Temporary possession for the construction of the new site access and Access Improvements on New Bridge Lane	4A	32	Schedule 10
11/4a	Acquisition of land for access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane, including the dedication of land as public highway if required	4A	23	N/A
11/4b	Acquisition of land as a mitigation measure to ensure 9 New Bridge Lane is not used for residential use	-	23	N/A



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
11/5a	Acquisition of land for access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane, including the dedication of land as public highway if required	4A	23	N/A
11/5b	Acquisition of land for access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane, including the dedication of land as public highway if required	4A	23	N/A
11/6a	Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility	2B	23	N/A
11/6b	Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility	1, 1A, 2A, 2B, 3	23	N/A
11/7a	Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility	1, 1A, 2A, 2B, 3	23	N/A
11/7b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect drainage facilities	N/A	25	Schedule 8
11/7c	Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility	1, 1A, 2A, 2B, 3	23	N/A
11/8a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect an acoustic fence	10	25	Schedule 8



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
12/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/1c	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/1d	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/1e	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/1f	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
12/1g	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/1h	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/1i	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/1j	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/1k	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/1l	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
12/2a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/3a	Acquisition of land for access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane, including the dedication of land as public highway if required	4A	23	N/A
12/3b	Acquisition of land for access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane, including the dedication of land as public highway if required.	4A	23	N/A
12/4a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane	4A	25	Schedule 8
12/5a	Acquisition of land for access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane, including the dedication of land as public highway if required.	4A	23	N/A
12/5b	Temporary possession for the construction of access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane	4A	32	Schedule 10
13/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3A	25	Schedule 8



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
13/2a	Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility	1, 1A, 1B, 2A, 2B, 3	23	N/A
13/3a	Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility, Access Improvements on Algores Way and foul Water Connection	1, 1A, 1B, 2A, 2B, 3, 4B, 6B	23	N/A
13/4a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect drainage facilities	-	25	Schedule 8
13/4b	Temporary possession of the land for the Temporary Construction Compound	5	32	Schedule 10
13/4c	Acquisition of land for access to the EfW CHP Facility Site, Access Improvements on Algores Way and foul Water Connection, including the dedication of land as public highway if required	4B, 6B	23	N/A
13/4d	Acquisition of land for access to the EfW CHP Facility Site, including the dedication of land as public highway if required	-	23	N/A
13/5a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the foul Water Connection	6B	25	Schedule 8
14/1a	Acquisition of land for access to the EfW CHP Facility Site, including the dedication of land as public highway if required.	-	23	N/A



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
15/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3A	25	Schedule 8
15/2a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3A	25	Schedule 8
15/2b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3A	25	Schedule 8
16/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3A	25	Schedule 8
16/1b	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3B	25	Schedule 8
16/2a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3A	25	Schedule 8
16/3a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3A	25	Schedule 8



Plot number	Purpose for acquisition/temporary possession	Work Number	Draft DCO Article	Schedule in the Draft DCO
16/4a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3B	25	Schedule 8
16/5a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3B	25	Schedule 8
17/1a	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Combined Heat and Power Connection	3B	25	Schedule 8



Appendix B

Negotiations with Owners of Interests in Land and Statutory Undertakers

The table below sets out each affected landowner and includes details of the landowner's affected plots together with the status of negotiations.

Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of negotiations
11/1a, 11/1e, 11/6a, 11/6b, 11/7a, 11/7b, 11/7c, 13/3a	Alboro Developments Limited	<p>Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services, Access Improvements on New Bridge Lane, the Grid Connection and the potable Water Connection.</p> <p>Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility.</p> <p>Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect drainage facilities.</p> <p>Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility, Access Improvements on Algores Way and foul Water Connection.</p>	On 21 June 2019, the Applicant entered into an Option for Lease with Alboro Developments Limited.



Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of negotiations
10/2c, 10/2d, 10/2e, 10/2g, 10/3a	Anthony James Leach (Landowner)	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the Grid Connection and the potable Water Connection.	The Applicant first contacted the landowners on 24 May 2021. The Applicant has made regular contact with the landowners via email and at an in-person meeting in May 2022 to discuss the Proposed Development and regarding the terms of a voluntary agreement.
	Francis David Leach (Landowner)		
	Robert Leach (Landowner)		
	William Leach (Landowner)		The Applicant provided the landowners with a draft Option Agreement and draft Deed of Easement on 10 June 2022. Discussions have also taken place regarding reinstatement of the land following construction.
			The Applicant is confident that a voluntary agreement will be entered into prior to the close of the Examination.
11/1b, 11/4a, 11/4b	Samantha Perrin (Landowner)	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane. Acquisition of land for access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane, including the dedication of land as public highway if required.	First contact was made with the landowner on 8 January 2021. Between January 2021 and March 2022 the Applicant made regular attempts to contact the landowner via telephone, letter and attending at the property in person without success. Once it became apparent that the landowner was no longer living at 9 New Bridge Lane, a process server was used to locate her current address as part of the diligent enquiry process.



Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of negotiations
		Acquisition of land as a mitigation measure to ensure 9 New Bridge Lane is not used for residential use.	<p>The Applicant issued an initial offer to purchase the property via email in April 2022 and the landowner engaged in negotiations.</p> <p>The Applicant issued a formal offer on 6 June 2022 which has been accepted. Both the landowner and the Applicant have instructed solicitors in relation to the purchase of the property.</p> <p>The Applicant is confident that a voluntary agreement will be entered into prior to the close of the Examination.</p>
<p>10/2f, 10/5a, 11/1a, 11/1d, 11/2a, 11/2b, 11/2c, 11/2d, 11/2e, 11/2f, 11/2g, 11/2h, 11/2i, 11/2j, 11/2k, 11/2l, 11/2m, 11/2n, 11/2o, 11/7a, 11/7b, 11/7c, 13/3a, 13/4a, 13/4b, 13/4c,</p>	<p>Fenland District Council (Landowner)</p>	<p>Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect the grid connection and the potable Water Connection.</p> <p>Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services, access improvements on New Bridge Lane, the Grid Connection and the potable Water Connection.</p> <p>Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility.</p>	<p>The Applicant first contacted Fenland District Council in September 2020 regarding survey access. Fenland District Council opposed the Proposed Development and at a Council Meeting on 8 September 2020 the Council adopted a motion to "<i>help defeat the incinerator proposal</i>" which included a moratorium on all sales of land in proximity to the Proposed Development.</p> <p>Voluntary access could not be agreed and the Applicant made an application pursuant to section 53 of the Planning Act 2008 in February 2021 which was granted in June 2021.</p>



Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of negotiations
13/4d, 14/1a		Acquisition of land for the construction, operation and maintenance of the EfW CHP Facility, Access Improvements on Algores Way and foul Water Connection.	In February 2022, the Applicant sent a letter to the Chief Executive at Fenland District Council offering to discuss the voluntary acquisition of the land. No response was received.
		Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect drainage facilities.	The Applicant issued a financial offer to purchase the land on 9 June 2022.
		Temporary possession of the land for the temporary construction compound and laydown area.	On 23 June 2022, Fenland District Council responded by letter confirming that Fenland District Council was and remains opposed to the Proposed Development and did not wish to engage in further discussions regarding a voluntary agreement.
		Acquisition of land for access to the EfW CHP Facility Site, Access Improvements on Algores Way and foul Water Connection, including the dedication of land as public highway if required.	The Applicant remains willing to discuss the terms of a voluntary agreement with Fenland District Council.
		Acquisition of land for access to the EfW CHP Facility Site, including the dedication of land as public highway if required.	
11/1b, 11/3a, 11/3b, 12/1a, 12/5a, 12/5b	Wayne Cowling (Landowner)	Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services and Access Improvements on New Bridge Lane.	The Applicant has been in contact with the landowner since August 2021. The Applicant has made regular contact with the landowner via letter and at in person meetings.



Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of negotiations
		<p>Acquisition of land for access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane, including the dedication of land as public highway if required.</p> <p>Temporary possession for the construction of the new site access and Access Improvements on New Bridge Lane.</p> <p>Temporary possession for the construction of access to the EfW CHP Facility Site and Access Improvements on New Bridge Lane.</p>	<p>The landowner expressed an interest in selling his whole property. The landowner has remained engaged in discussions.</p> <p>The Applicant made an offer to purchase the land including a lease back arrangement on 10 June 2022. The Applicant is currently chasing the landowner for a response.</p> <p>The Applicant is hopeful that a voluntary agreement will be entered into prior to the close of the Examination.</p>
<p>11/1a, 11/8a</p>	<p>Welle Streame Ltd. (Landowner)</p>	<p>Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect access to the EfW CHP Facility Site, services, Access Improvements on New Bridge Lane, the Grid Connection and the potable Water Connection.</p> <p>Acquisition of rights and imposition of restrictions over the land to construct, operate, maintain and protect an acoustic fence.</p>	<p>The Applicant first contacted the landowner in June 2020 requesting access for surveys. Voluntary access could not be agreed and the Applicant made an application pursuant to section 53 of the Planning Act 2008 in February 2021.</p> <p>Since June 2021, the Applicant has regularly contacted the landowner via telephone, letters and at a meeting in April 2022</p> <p>The Applicant has offered to enter into an easement agreement for the land required for the acoustic barrier and proposed an option fee on 13 May 2022. The Applicant is currently chasing the landowner for a response.</p>



Plot Numbers	Land Interest	Reason for acquisition or temporary use	Status of negotiations
			The Applicant is hopeful that a voluntary agreement will be entered into prior to the close of the Examination.

The table below includes each statutory undertaker or other utility and includes details of the affected plots together with the status of negotiations.

Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
11/1c, 11/4a, 11/4b, 11/5a, 11/5b, 13/1a, 15/1a, 15/2a, 15/2b, 16/1a, 16/1b, 16/3a, 16/4a	Network Rail Infrastructure Limited	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Network Rail's undertaking.</p> <p>The Protective Provisions in the Draft DCO ensure that Network Rail's land and apparatus will be protected and access maintained during construction.</p> <p>The Applicant is not intending to extinguish any rights belonging to Network Rail. However, the Applicant cannot agree to not utilise the compulsory acquisition powers in the Draft DCO until a voluntary agreement for the necessary property rights has been entered into.</p>	<p>Network Rail owns land and has decommissioned apparatus within the Order Land. The Proposed Development has been designed to accommodate the potential reopening of the March to Wisbech Railway in the future.</p> <p>To introduce the Proposed Development and commence the Business and Technical Clearance process, the Applicant first contacted Network Rail in December 2019.</p> <p>Post statutory consultation, in September 2021 the Applicant and Network Rail established a monthly progress meeting to recommence the Business and Technical Clearance process and commence discussions relating to protective provisions.</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>To date, the Applicant has secured Business Clearance with Network Rail and is currently in discussions about the Technical Clearance.</p> <p>Draft Heads of Terms are being discussed relating to a potential bridge or other form of crossing in the event that the March to Wisbech Railway is brought back into use in the future.</p> <p>The Applicant's solicitors are also negotiating protective provisions and a Framework Agreement with Network Rail's solicitors.</p> <p>The Applicant has included Protective Provisions for the benefit of Network Rail in Part 8 of Schedule 11 to the Draft DCO.</p>
<p>1/1a, 1/1e, 1/2a, 1/2b, 2/1b, 5/1b, 5/1c, 6/1b, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 8/1b, 8/1c, 9/1c, 11/1b, 11/2e, 11/2m, 11/3a, 11/3b, 11/4a, 11/4b, 12/1a,</p>	<p>Eastern Power Networks plc (EPN)</p>	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of EPN's undertaking.</p> <p>The Protective Provisions in the Draft DCO ensure that EPN'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 EPN's</p>	<p>EPN owns land and has apparatus within the Order Land. EPN is part of UK Power Networks (UKPN).</p> <p>Initial approaches were made to UKPN with a request for a Point of Connection (POC) in July 2019.</p> <p>Discussions took place between August 2019 and June 2021 regarding a POC at both Walpole DNO Substation and Walsoken DNO Substation.</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
<p>12/1b, 12/1c, 12/1d, 12/1f, 12/1g, 12/1h, 12/1j, 12/1k, 12/1l, 12/3a, 12/4a, 12/5a, 12/5b, 13/1a, 13/2a, 13/3a, 13/4c, 13/4d, 14/1a, 16/1a, 16/1b, 16/3a, 16/4a, 16/5a, 17/1a</p>		<p>agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to EPN.</p>	<p>Following the close of the statutory consultation in August 2021, discussions continued with UKPN and it was confirmed with UKPN that the preferred POC would be at Walsoken DNO Substation.</p> <p>The Applicant entered into discussions with UKPN in May 2022 with respect to a lease for the land required, at the Walsoken DNO Substation, for the Applicant's substation and POC works. UKPN issued draft Heads of Terms (HOTs) and a draft lease to the Applicant on 17 May 2022.</p> <p>Following a review of the draft HOTs the Applicant proposed some amendments, the majority of which have been accepted by UKPN.</p> <p>Discussions are ongoing and the Applicant hopes to be in a position to agree a draft Option to Lease and Draft Lease with UKPN soon.</p> <p>The Applicant has included Protective Provisions for the benefit of EPN in Part 4 of Schedule 11 of the Draft DCO.</p>
<p>1/1a, 1/1b, 1/1c, 1/2a, 1/2b, 2/1b, 5/1c, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1j, 6/1k,</p>	<p>Anglian Water Services Limited (Anglian Water)</p>	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Anglian Water's undertaking.</p>	<p>Anglian Water Limited has apparatus located within the Order Land. The Applicant commenced discussions relating to protective provisions in April 2020.</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
6/2a, 6/2b, 10/1a, 10/2e, 10/2f, 10/2g, 10/3a, 10/5a, 11/1a, 11/1b, 11/1c, 11/1d, 11/2a, 11/2e, 11/2k, 11/2l, 11/2m, 11/2n, 11/2o, 12/1a, 12/1b, 12/1d, 12/1g, 12/1h, 12/1l, 12/4a, 13/1a, 13/3a, 13/4a, 13/4c, 13/4d, 13/5a, 14/1a,15/1 a, 16/1a, 16/2a, 16/3a, 16/4a		<p>The Protective Provisions in the Draft DCO ensure that Anglian Water'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 Anglian Water's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to Anglian Water.</p>	<p>The Applicant and Anglian Water have agreed the foul and potable water connection points for the Proposed Development into Anglian Water's infrastructure. The Applicant and Anglian Water have also agreed to include powers within the DCO to install the Water Connections for the benefit of both the Applicant and Anglian Water.</p> <p>The Applicant has included Protective Provisions for the benefit of Anglian Water in Part 7 of Schedule 11 to the Draft DCO which incorporate comments made by Anglian Water.</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
<p>1/1a, 1/1b, 1/1c, 6/1b, 6/1c, 6/1d, 6/1i, 6/1j, 6/2a, 10/2e, 10/2f, 10/3a, 12/1a, 12/1h, 12/1j, 12/1k, 12/1l, 13/4c, 13/4d, 14/1a, 16/1a, 16/1b, 16/2a, 16/4a, 17/1a</p>	<p>Cadent Gas Limited</p>	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Cadent Gas Limited's undertaking.</p> <p>The Protective Provisions in the Draft DCO ensure that Cadent Gas Limited'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 Cadent Gas Limited's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to Cadent Gas Limited.</p>	<p>Cadent Gas Limited has apparatus located within the Order Land. The Applicant commenced discussions with Cadent Gas Limited relating to protective provisions and a side agreement in February 2022.</p> <p>The Applicant and Cadent Gas Limited are currently negotiating the protective provisions and terms of the side agreement.</p> <p>The Applicant has included Protective Provisions for the benefit of Cadent Gas Limited in Part 3 of Schedule 11 to the Draft DCO.</p>
<p>11/2e, 11/2k, 11/2l, 11/2m, 11/2n, 11/2o</p>	<p>Fulcrum Pipelines Limited</p>	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Fulcrum Pipelines Limited's undertaking.</p> <p>The Protective Provisions in the Draft DCO ensure that Fulcrum Pipelines Limited's apparatus will be protected and access maintained during construction.</p>	<p>Fulcrum Pipelines Limited has gas apparatus located within the Order Land (in New Bridge Lane).</p> <p>The Applicant has included Protective Provisions for the benefit of gas transporters in Part 1 of Schedule 11 to the Draft DCO.</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
<p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Fulcrum Pipelines Limited's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to Fulcrum Pipelines Limited.</p>			
<p>1/1a, 1/1b, 1/1c, 1/2a, 1/2b, 4/1c, 5/1b, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1k, 6/2a, 6/2b, 8/1c, 10/1a, 10/2b, 10/2e, 10/2g, 10/3a, 10/5a, 11/1a, 11/1d, 11/1e, 11/2a, 11/3a, 11/4a, 11/4b, 11/5b, 11/6a, 12/1a, 12/1b, 12/1c, 12/1d, 12/1f,</p>	<p>Openreach Limited</p>	<p>The Applicant is not proposing to extinguish any rights or remove any apparatus belonging to Openreach Limited.</p>	<p>Openreach Limited has apparatus located within the Order Land. The Applicant first contacted Openreach in January 2022 and met Openreach to discuss protective provisions in March 2022. The Applicant has provided Openreach with a copy of the draft Protective Provisions.</p> <p>The Applicant has included Protective Provisions for the benefit of electronic communications code network operators in Part 2 of Schedule 11 to the Draft DCO.</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
12/1g, 12/1j, 12/1k, 12/1l, 12/2a, 12/3a, 12/3b, 12/5a, 13/2a, 13/3a, 13/4c, 13/4d, 13/5a, 14/1a, 16/1a, 16/3a, 16/4a, 17/1a	Sky Telecommunications Services Limited	The Applicant is not proposing to extinguish any rights or remove any apparatus belonging to Sky Telecommunications Services Limited.	Sky Telecommunications Services Limited has apparatus located within the Order Land. The Applicant has included Protective Provisions for the benefit of electronic communications code network operators in Part 2 of Schedule 11 to the Draft DCO.
1/1a, 1/1b, 1/1c, 1/1d, 1/1e, 1/2a, 1/2b, 2/1a, 2/1b, 3/1a, 3/1b, 4/1a, 4/1b, 5/1a, 5/1b, 5/1c, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 7/1a, 8/1a, 8/1b, 8/2a, 9/1a, 9/1b, 9/1c, 10/1a, 12/1a, 12/1h, 12/1k, 12/1l, 13/4c, 13/4d, 14/1a,			



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
16/1a, 16/3a, 16/4a			
1/1a, 1/1b, 1/1c, 1/1d, 1/1e, 1/2a, 1/2b, 2/1a, 2/1b, 3/1a, 3/1b, 4/1a, 4/1b, 5/1a, 5/1b, 5/1c, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 7/1a, 8/1a, 8/1b, 8/2a, 9/1a, 9/1b, 9/1c, 10/1a, 12/1a, 12/1h, 12/1k, 12/1l, 13/4c, 13/4d, 14/1a, 16/1a, 16/3a, 16/4a	Virgin Media Limited	The Applicant is not proposing to extinguish any rights or remove any apparatus belonging to Virgin Media Limited.	Virgin Media Limited has apparatus located within the Order Land. The Applicant has included Protective Provisions for the benefit of electronic communications code network operators in Part 2 of Schedule 11 to the Draft DCO.
1/1a, 1/1b, 1/1c, 1/1d, 1/1e, 1/2a, 1/2b, 2/1a, 2/1b, 3/1a, 3/1b, 4/1a, 4/1b, 5/1a, 5/1b, 5/1c, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f,	Vodafone Limited	The Applicant is not proposing to extinguish any rights or remove any apparatus belonging Vodafone Limited.	Vodafone Limited has apparatus located within the Order Land. The Applicant has included Protective Provisions for the benefit of electronic communications code network operators in Part 2 of Schedule 11 to the Draft DCO.



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 7/1a, 8/1a, 8/1b, 8/2a, 9/1a, 9/1b, 9/1c, 10/1a, 12/1a, 12/1h, 12/1k, 12/1l, 13/4c, 13/4d, 14/1a, 16/1a, 16/3a, 16/4a	National Highways Limited	The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of National Highway's undertaking.	<p>National Highways owns land and has apparatus within the Order Limits. To introduce the project and discuss matters relating to the Strategic Highway Network, the Applicant first contacted National Highways (previously Highways England) in December 2019. In October 2021 National Highways and the Applicant reached agreement to install the Grid Connection under the verge of the A47 between New Bridge Lane and Broadend Road.</p> <p>In November 2021 the Applicant and National Highways commenced discussions on the method of construction to install the potable Water Connections across the A47; either open cut or horizontal directional</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>drilling (HDD). These negotiations are ongoing, therefore both options are included in the DCO Application.</p> <p>In February 2022 the Applicant, National Highways, and the Water Management Alliance (King's Lynn Internal Drainage Board) met to discuss and agree an approach to install the Grid Connection within the verge of the A47 at points where it crosses IDB drains. The parties have reached an agreement and will prepare a statement of common ground for submission into Examination.</p> <p>The Applicant has included Protective Provisions for the benefit of National Highways in Schedule 11 of the draft Order.</p>
<p>8/2a, 10/1a, 10/1b, 10/2c, 10/2d, 10/2e, 10/2g, 10/3a, 10/4a, 11/1d, 11/1e, 11/2a 11/2d, 11/2e,</p>	<p>Hundred of Wisbech Internal Drainage Board</p>	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the IDB's undertaking. The Protective Provisions in the Draft DCO ensure that IDB watercourses will be protected and access maintained during construction. The Applicant is not intending to extinguish any rights belonging to the IDB.</p>	<p>The Hundred of Wisbech Internal Drainage Board has apparatus within and adjacent to the Order limits. To introduce the project, the Applicant first contacted the Hundred of Wisbech Internal Drainage Board, via their agents the Middle Level Commissioners, in January 2020 and met representatives onsite in August 2020. To protect the Hundred of Wisbech Internal Drainage</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
<p>11/2f, 11/2g, 11/6a, 11/6b, 11/7a, 11/7b, 11/7c, 12/1a, 12/5a, 12/5b, 13/3a, 13/4a, 16/1a</p>			<p>Board’s interests, the Applicant has incorporated amendments into the layout of the EfW CHP Facility Site, Access Improvements and Water Connections.</p> <p>The Applicant has included Protective Provisions for the benefit of the IDB in Part 6 of Schedule 11 to the Draft DCO.</p>
<p>2/1a, 5/1b</p>	<p>King’s Lynn Internal Drainage Board</p>	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the IDB's undertaking. The Protective Provisions in the Draft DCO ensure that IDB watercourses will be protected and access maintained during construction. The Applicant is not intending to extinguish any rights belonging to the IDB.</p>	<p>King’s Lynn Internal Drainage Board has apparatus within and adjacent to the Order limits. To introduce the project, the Applicant first contacted King’s Lynn Internal Drainage Board, via their agents the Water Management Alliance, in July 2020. In April 2021, the Applicant was provided with King’s Lynn Internal Drainage Board’s standard Protective Provisions.</p> <p>In February 2022 the Applicant, National Highways, and the Water Management Alliance (King’s Lynn Internal Drainage Board) met to discuss and agree an approach to install the Grid Connection within the verge of the A47 at points where it crosses IDB drains. The parties have reached</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>an agreement and will prepare a statement of common ground for submission into Examination.</p> <p>The Applicant has included Protective Provisions for the benefit of the IDB in Part 6 of Schedule 11 to the Draft DCO.</p>

