



OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

The Written Summary of the Applicant's Oral Submissions at Compulsory Acquisition Hearing 1

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Written Summary of the Applicant's Oral Submissions – CAH1



This note summarises the submissions made by Oaklands Farm Solar Limited (the “Applicant”) at the Compulsory Acquisition Hearing on 23 October 2024. This document does not purport to summarise the oral submissions of parties other than the Applicant. Summaries of submissions made by other parties are only included where necessary in order to give context to the Applicant’s submissions.

1 COMPULSORY ACQUISITION HEARING

Agenda Item 3 – The Book of Reference, Statement of Reasons, and Land Plans

- 1.1 The Applicant was asked by the Examining Authority to run through the position in terms of the Applicant’s due diligence and any related corrections and updates to the Book of Reference, Statement of Reasons and Land Plans.
- 1.2 The Applicant confirmed Book of Reference Revision B [AS-009], provided in response to the Examining Authority’s Section 51 Advice, resulted in the inclusion of Derbyshire County Council for the Cross Britain Way on plots 02-055 and 02-056, with Derbyshire County Council listed as a Category One occupier interest.
- 1.3 The Applicant confirmed that ahead of issuing Section 56 notices, Dalcour Maclaren, the Applicant’s Land Agents, carried out a data refresh to ensure the accuracy of the Book of Reference. This included refreshing all HM Land Registry registers, which showed that Barclays Security Trustee Limited no longer held an interest within the Order Limits for a Mortgage Charge on plots 02-051, 02-052, 02-053, 02-054, 02-055 and 03-060.
- 1.4 The Applicant confirmed this was omitted from being updated in the Book of Reference until Deadline 3 due to clerical error, where it was noted in the next data refresh carried out. As such, Barclays Security Trustee Limited were removed from the Book of Reference.
- 1.5 The Applicant confirmed that at Deadline 3, the Applicant chose to correct a clerical error in Revision C of the Book of Reference [REP3-017], adding a qualifier to the entry for James John Henry Gallimore on plot 01-026. This qualifier stated Mr Gallimore’s interest in the plot is for a right of access.
- 1.6 Also at Deadline 3, following a registered address check as part of the data refresh exercise, the Applicant found that Openreach Limited had changed their registered company address. This was updated in the Book of Reference for plots 01-002, 01-003, 01-005, 01-008, 01-012, 01-015, 01-016, 01-021, 01-022, 01-026, 02-045, 02-051, 02-053 and 02-057.
- 1.7 The Applicant confirmed that the only changes to the Book of Reference submitted at Deadline 4 [REP4-027] were made to the introduction pages and that no changes were identified to land interests.
- 1.8 The Applicant was asked by the Examining Authority to run through the steps the Applicant has taken to identify unknown rights.
- 1.9 The Applicant confirmed that throughout the course of the proposed development, Dalcour Maclaren, on behalf of the Applicant, have attempted to identify those who hold all the interests within the Order Limits. However, the Applicant confirmed this cannot always be done, as some interests that are identified through desktop referencing, cannot always be traced.
- 1.10 The Applicant advised this was because some land will not be registered with HM Land Registry and for these land parcels, Dalcour Maclaren created ‘unregistered land parcels’.

- 1.11 The Applicant confirmed that site notices were erected during contact referencing, statutory consultation periods, section 56 Notification and ahead of Hearing dates for the Examination.
- 1.12 The Applicant confirmed to the Examining Authority that the notices were put in publicly accessible areas with a plan of the land in question, attached to a wooden stake. The notices were monitored for a period of at least 4 weeks, depending on the task in hand: for example, during statutory consultation, these notices were in place for 6 weeks.
- 1.13 The Applicant acknowledged that some registered land would have third party interests where it is not immediately obvious who holds them. For these interests, the Applicant confirmed it included a list of unknown interests prepopulated onto the Land Interest Questionnaire for the holder of the Freehold title, and again site notices were erected.
- 1.14 The Applicant confirmed that where it has not been able to identify the owner of a piece of unregistered land, it has included the adjacent freeholders as assumed freeholders.
- 1.15 The Applicant reiterated that as Examination continues, it will continue to erect site notices at relevant times and attempt to identify who may hold the unknown interests.
- 1.16 The Examining Authority asked that this detail be provided at Deadline 5 as a summary of submissions. **The Applicant has actioned this request in the form of this document.**
- 1.17 Regarding amendments made to the Statement of Reasons, the Applicant reiterated its response to ExQ 2.1, which confirmed the Applicant updated Appendix 1 of the Statement of Reasons [REP4-027] to correct the full name for Elisabeth Goodson to include her middle names: Elisabeth Albinia Dolben Goodson, and to include the relevant plot numbers for E.On UK plc, which had been omitted.
- 1.18 Regarding amendments to the Land Plans [AS-002], the Applicant confirmed that, following the Examining Authority's Section 51 Advice, the acquisition colour for plots 01-021 and 03-058 on the Land Plans was altered from 'Acquisition of Rights' to 'Temporary Possession'. The Applicant reiterated that the correct Acquisition for these plots had already been applied in the Book of Reference.
- 1.19 Also further to Section 51 Advice, minor formatting amendments were made to the Land Plans. This resulted in better label identifiers and the use of a thicker boundary for plots, in order to contrast better against the OS topographical background mapping. A key was also added into the plan legend for the Acquisition types.
- 1.20 The Applicant confirmed no other corrections or updates have been required for the Land Plans.

Agenda Item 4 – Land Rights Powers in the Draft Development Consent Order

- 1.21 The Applicant was asked by the Examining Authority to confirm whether point AS-E1 as referenced in Schedule 8 of the draft Development Consent Order, was outside the redline boundary.
- 1.22 The Applicant confirmed that point AS-E1 as it appeared on the Streets, Access and Rights of Way Plan comprised a large area of land, which, at that point, fell outside the Order Limits. The Applicant confirmed that Plot 03-058, which is also referenced in the same cell as point AS-E1 of the table within Schedule 8, fell within the Order Limits.
- 1.23 The Applicant was asked by the Examining Authority to confirm that Plots 03-058 is part of the area originally shown as AS-E1. The Applicant confirmed that was correct.
- 1.24 The Applicant was informed by the Examining Authority that they had a concern powers were being requested for land outside the Order Limits. The Applicant confirmed this was not the case and that the reference to point AS-E1 would be deleted from Schedule 8 of the draft Development Consent Order and the reference to Plot 03-058 would be retained.

- 1.25 The Applicant confirmed that the redline boundary has not been changed since the application was made, and that Plot 03-058 has always been within the Order limits.

Agenda Item 5 – Individual Objections and Voluntary Agreements

- 1.26 The Applicant was asked by the Examining Authority to provide an update on the Applicant's Schedule on discussions with the different groups of Affected Persons. The Applicant confirmed there is only one update at this time to the Schedule of Progress Regarding Affected Persons, and this is to correct an error in the version submitted by the Applicant at Deadline 4 [REP4-029].
- 1.27 The Applicant noted that in the Status Update section under column "Notes" for Elisabeth Abinia Dolben Goodson of Fairfields Farm, it was incorrectly stated "Easement for cabling and construction access **secured** via signed Option Agreement". The Applicant informed the Examining Authority that this was an error and should have reflected that this negotiation was "ongoing", as correctly reflected in the "Option Agreement Status" column.
- 1.28 The Applicant confirmed that while the negotiations are advanced and the Applicant hopes to conclude these in the coming weeks, the Option for Cable and Access Easement with Elisabeth Albinia Dolben Goodson is still under negotiation. Negotiations for the other outstanding land agreements with tenant farmer Peter Avery of Fairfields Farm and with National Grid Electricity Transmission plc for a grid cabling easement and access at Drakelow substation continue to progress and the Applicant committed to provide the Examining Authority with a corrected and updated Schedule of Progress Regarding Affected Parties at Deadline 5. **The Applicant has submitted this revised version as part of its Deadline 5 submissions.**

Agenda Item 6 – Statutory Undertakers and Protective Provisions

- 1.29 The Applicant was asked by the Examining Authority to provide an updated on protective provisions including side agreements.
- 1.30 The Applicant confirmed in regard to National Grid Electricity Transmission plc ("NGET") that Protective Provisions with NGET are nearly agreed with a few outstanding points regarding defined terms. The Applicant last provided comments on defined terms, which is the only point left outstanding, on 2 October 2024 and NGET responded on 22 October 2024. The Applicant considers these points to be capable of resolution and anticipates these will be agreed before the close of examination.
- 1.31 The Applicant confirmed in regard to National Grid Distribution (East Midlands) plc ("NGED") that, as set out in the Applicant's Deadline 4 submissions [REP4-024], the Protective Provisions between the Applicant and NGED were agreed on 8 March 2024. These are included in the draft Development Consent Order at Part 3 (For the Protection of National Grid Electricity distribution (East Midlands) plc) of Schedule 10 of the draft Development Consent Order. The Applicant also confirmed that the Applicant and NGED have agreed the terms of an Asset Protection Agreement and engrossments of this agreement are in circulation.
- 1.32 The Applicant confirmed in regard to Cadent Gas Limited ("Cadent Gas"), that the Protective Provisions between Cadent Gas and the Undertaker are close to agreed, subject to final sign-off, and the Applicant hoped to include the agreed provisions in the revised draft Development Consent Order to be submitted at Deadline 5.
- 1.33 The Applicant confirmed in regard to Network Rail Infrastructure Limited ("NRIL") that the position remains as set out in NRIL's Deadline 2 response where NRIL withdrew its objection to the development on 19 August 2024 [REP2-004], on that basis that NRIL does not have any operational railway assets in proximity to the application site.
- 1.34 The Applicant confirmed in regard to other statutory undertakers as follows:

- (a) South Staffordshire Water plc – Protective Provisions were agreed between the Applicant and South Staffordshire Water plc on 25 April 2024 and are reflected in Part 5 of Schedule 10 of the draft Development Consent Order.
- (b) BT Openreach and Vodafone Limited – Neither statutory undertaker has engaged with attempts made by the Applicant to progress Protective Provisions or during the course of Examination. The Applicant has therefore protected each of BT Openreach and Vodafone Limited by way of the Protective Provisions in Part 6 (For the Protection of Operators of Electronic Communications Code Networks) of Schedule 10 of the draft Development Consent Order.
- (c) Severn Trent Water – STW has not engaged with the Applicant or during the course of the Examination to progress Protective Provisions. The Applicant has therefore protected STW under Part 1 (Protection for Electricity, Gas, Water and Sewerage Undertakers) of Schedule 10 of the draft Development Consent Order.

1.35 The Applicant was asked by the Examining Authority to provide a further update on the progress of protective provisions at Deadline 5. The Applicant confirmed that it would. **The Applicant has provided this information within its Schedule of Progress - Statutory Undertakers and Protective Provisions submitted as part of its Deadline 5 submissions.**

Agenda Item 7 – Compensation, Funding, and Possible Impediments

1.36 The Applicant reiterated its submissions at Deadline 4 and at previous deadlines and confirmed BayWa r.e.'s shareholders and financing partners remain fully committed to the long-term development of renewable energy projects, which is evidenced by the recent funding uplift provided to BayWa r.e. AG.