



# OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

Statement of Reasons

November 2024

Document Ref: EN010122/D6/4.1

Version: Deadline 6 - Clean

# The Oaklands Farm Solar Park Development Consent Order 202[ ]

---

## STATEMENT OF REASONS

---

Planning Act 2008	
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009	
Regulation Number	Regulation 5(2)(d)
Planning Inspectorate Authorised Development Reference	EN010122
Application Document Reference	EN010122/APP/4.1
Author	

Revision	Date	Description

**CONTENTS**

<b>1</b>	<b>INTRODUCTION.....</b>	<b>3</b>
<b>2</b>	<b>GLOSSARY .....</b>	<b>5</b>
<b>3</b>	<b>BACKGROUND TO THE AUTHORISED DEVELOPMENT .....</b>	<b>9</b>
<b>5</b>	<b>NEED FOR AND BENEFITS OF THE AUTHORISED DEVELOPMENT .....</b>	<b>12</b>
<b>6</b>	<b>POWERS OF COMPULSORY ACQUISITION.....</b>	<b>18</b>
<b>7</b>	<b>SITE SELECTION.....</b>	<b>20</b>
<b>8</b>	<b>ENGAGEMENT WITH AFFECTED PARTIES .....</b>	<b>22</b>
<b>9</b>	<b>CASE FOR POWERS OF ACQUISITION SOUGHT .....</b>	<b>23</b>
<b>10</b>	<b>HUMAN RIGHTS .....</b>	<b>25</b>
<b>11</b>	<b>CONCLUSION .....</b>	<b>28</b>
	<b>APPENDIX 1 .....</b>	<b>29</b>
	<b>APPENDIX 2.....</b>	<b>37</b>

## 1 INTRODUCTION

- 1.1 This Statement of Reasons (“**Statement**”) forms part of a suite of documents supporting an application under Section 37 of the Planning Act 2008 to the Secretary of State for the Department for Energy Security and Net Zero (“**DESNZ**”) for a Development Consent Order (“**DCO**”). This Statement should be read in conjunction with those documents that relate to the compulsory acquisition powers sought as part of the Authorised Development, including the:
- (a) Draft Development Consent Order (REP1-003);
  - (b) Explanatory Memorandum (REP1-005);
  - (c) Land Plans (AS-002);
  - (d) Works Plans (AS-003);
  - (e) Funding Statement (APP-020);
  - (f) Book of Reference (AS-009); and
  - (g) Planning Statement (APP-181).
- 1.2 The development proposal relates to the construction, operation, maintenance and decommissioning of Oaklands Farm Solar Park (the “**Authorised Development**”) a renewable led energy scheme. The main elements of the Authorised Development will be the construction and operation of a solar and associated battery installation comprising over 50MW solar PV and energy storage. There will also be electrical connection infrastructure and the point of connection into the local electricity grid is directly to the Drakelow 132kv Substation (“**Substation**”) to the north of the site.

### **Purpose of the Report**

- 1.3 This Statement details the overarching need for the Authorised Development. It sets out how the Authorised Development is consistent with Government policy, which identifies a need for low-carbon and renewable energy in order to address climate change, to meet the legal commitment to Net Zero, and to ensure a secure, diverse and affordable energy supply. Government policy requires a mix of renewable energy projects, without preference for technology or scale, to achieve these objectives. The co-location of the battery energy storage system reflects a developing trend that will offer flexibility in operation and maximise energy resources in a balanced and efficient way.
- 1.4 This Statement is required because the DCO, if made, would authorise the compulsory acquisition of interests or rights in land. The DCO would also confer on the Applicant additional powers including:
- (a) extinguishment of private rights of land;
  - (b) acquisition of subsoil only;
  - (c) rights under or over streets;
  - (d) imposition of restrictive covenants;
  - (e) temporary use of land for carrying out the Authorised Development; and
  - (f) temporary use of land for maintaining the Authorised Development.

- 1.5 The Applicant's rationale and justification for seeking powers of compulsory acquisition are set out below. The Applicant considers that there is a clear and compelling case in the public interest for the inclusion of powers of compulsory acquisition within the Order to secure the land and interests which are required for the Authorised Development. The public benefit of allowing the Authorised Development to proceed outweighs the infringement of private rights which would occur should powers of compulsory acquisition be granted and exercised.

#### **Structure of this Statement**

- 1.6 This Statement:
- (a) sets out the background against which the DCO is made, and provides a description of the Authorised Development;
  - (b) explains the need for the Authorised Development;
  - (c) provides a statement of the statutory authority for the proposed acquisition of land and rights by the Applicant;
  - (d) describes the Order Land;
  - (e) sets out policy background;
  - (f) explains the relationship between the DCO and the Human Rights Act 1998;
  - (g) considers alternatives to compulsory acquisition and sets out the Applicant's justification for making the DCO;
  - (h) describes the case for acquisition of individual interests and rights and explains the Applicant's engagement with the affected landowner and third parties; and
  - (i) considers the funding and financial implications of the Authorised Development.
- 1.7 The purpose of the DCO is to authorise the construction and operation of a solar and associated battery installation comprising over 50MW solar PV energy storage, which will help to meet the identified national need for new renewable energy generating capacity.
- 1.8 The DCO seeks to include powers to compulsorily acquire land rights which are required to connect the Authorised Development to the National Grid. The Applicant has attempted to acquire the land and rights required voluntarily but has been unable to acquire all rights, and accordingly requires to seek powers of compulsory acquisition.

## 2 GLOSSARY

“2008 Act”	The Planning Act 2008 (as amended) which is the legislation in relation to applications for NSIPs, including pre-application consultation and publicity, the examination of applications and decision making by the Secretary of State
“Applicant”	Oaklands Farm Solar Limited
“Application”	The Application for a Development Consent Order made to the Secretary of State under Section 37 of the 2008 Act in respect of the Authorised Development, required pursuant to Section 31 of the 2008 Act because the Authorised Development comprises an NSIP under Section 14(1)(a) and Section 15 of the 2008 Act by virtue of it comprising the construction of a generating station in England or Wales of more than 50 MW
“Application Documents”	The documents submitted as part of the Application process indexed in the Application Guide (AS-001) including but not limited to the application form, a draft Order, the Environmental Statement, the Outline CEMPs and associated plans which set out the parameters for the Authorised Development
“Associated Development”	Defined under Section 115(2)(a) of the 2008 Act as development which is associated with the development for which development consent is required and that has a direct relationship with it. Associated Development should either support the construction or operation of the Principal Development, or help address its impacts. It should not be an aim in itself but should be subordinate to the Principal Development
“Authorised Development”	The development to which the Application relates and which requires a DCO, as described in Schedule 1 to the Order, comprising the Principal Development and Associated Development

“Book of Reference”	The Book of Reference (AS-009) accompanying the Application defined in Regulation 7 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)
“Consultation Report”	The Consultation Report (AS-010) accompanying the Application which explains the consultation undertaken by the Applicant in accordance with the 2008 Act
“DCO”	A Development Consent Order made by the relevant Secretary of State pursuant to Section 103(1) of the 2008 Act to authorise an NSIP. A DCO does or can incorporate or remove the need for a range of consents which would otherwise be required for a development
the “draft Order”	The draft Development Consent Order submitted with the Application Documents
“EIA”	Environmental Impact Assessment. The assessment of the likely significant environmental effects of the Authorised Development undertaken in accordance with the EIA Regulations
“EIA Regulations”	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) setting out how the EIA of NSIPs must be carried out and the procedures that must be followed
“ES”	The Environmental Statement (APP-071 – APP-180) accompanying the Application documenting the findings of the EIA, including the updates to the ES which have been submitted during the examination of the Application
“Explanatory Memorandum”	The Explanatory Memorandum to the draft DCO that explains the intended purpose and effect of the draft DCO and the authorisations and powers that the Applicant seeks

“Land Plans”	The plans (AS-002) showing the land to be used for the Authorised Development and to be certified as the “land plans” by the Secretary of State under article 35 of the Order
“LEMP”	Landscape and ecological management plan to be prepared in accordance with the Requirement at Part 2 to Schedule 1 of the draft Order (REP1-013)
“Local Planning Authority”	South Derbyshire District Council
the “made Order”	The Oaklands Farm Solar Park Order, being the DCO that would be made by the Secretary of State authorising the Authorised Development
“MW”	Megawatts
“NSIP”	Defined under Section 14(1) of the 2008 Act
“Order Land”	The land within the limits of land to be acquired or used and described in the Book of Reference
“Order Limits”	The limits shown on the Land Plans within which the authorised development may be carried out and land acquired or used
“Planning Inspectorate”	The Planning Inspectorate. A Government agency responsible for receiving and administering the acceptance and examination of applications for NSIPs on behalf of the Secretary of State
“Planning Statement”	The Planning Statement (APP-181) accompanying the Application which explains the national local policy support for the Authorised Development together with updates submitted during the examination of the Application



“Principal Development”	The development to which the Application relates and which requires a DCO as described in Schedule 1 to the draft Order
“Statement of Reasons”	This document - it explains the national need for the Authorised Development and sets out the justification for the acquisition or interference with the Order Land
“Secretary of State”	The Secretary of State for Energy Security and Net Zero who will determine the Application
“Undertaker”	The Applicant or such other person who takes the benefit of the DCO following the procedure within Article 5 of the draft Order
“Works Plans”	The plans (AS-003) which shown the Work Nos referred to in Part 1 of Schedule 1 to the draft Order

### **3 BACKGROUND TO THE AUTHORISED DEVELOPMENT**

- 3.1 The Applicant proposes to develop a solar generating station and all related connections and infrastructure.
- 3.2 The Authorised Development is an NSIP under sections 14(1)(a) and 15(2) of the 2008 Act, as at the time of application, it consists of a generating station, being a ground mounted solar photovoltaic generating station with a capacity of over 50MW.
- 3.3 As the Authorised Development would be an NSIP development consent must be obtained from the Secretary of State and an application for a DCO must be made to the Secretary of State, care of the Planning Inspectorate, under section 37 of the 2008 Act.

#### **Associated Development**

- 3.4 Guidance on associated development has been issued by the Secretary of State. In this guidance associated development is described as being “*typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project*” (paragraph 6) and requiring “*a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts. Associated development should not be an aim in itself but should be subordinate to the principal development*” (paragraph 5).<sup>1</sup>
- 3.5. In some cases there may be some overlap between the Principal Development and the Associated Development. All elements of the proposed development either constitute part of the Principal Development or are associated development within the meaning of section 115(2) of the 2008 Act, and so can properly be authorised by the made Order.

---

<sup>1</sup> Department for Communities and Local Government, Planning Act 2008: Guidance on associated development applications for major infrastructure projects, April 2013

#### 4 **AUTHORISED DEVELOPMENT DESCRIPTION**

4.1 The Authorised Development comprises the construction and operation of a solar and battery installation comprising:

- (a) solar photovoltaic (“**PV**”) modules and mounting structures;
- (b) solar inverter units;
- (c) transformer units for solar output;
- (d) battery energy storage system (“**BESS**”);
- (e) electrical cabling and connection to the National Grid; and
- (f) underground electrical connections and cabling.

4.2 A full Authorised Development description is included in Chapter 4 of the ES (APP-096).

##### **Solar Park**

4.3 The solar park will be located within Work No 1. General works relating to the solar park are included within Work No 7. The BESS will be located within Work No 2. The onsite substation will be located within Work No 3.

##### **Cable Route**

4.4 The electrical cabling connecting the solar park to the Substation will be within Work No 4. Connection installation works at the Substation will be within Work No 5.

##### **Access**

4.5 Temporary construction and decommissioning of access tracks and compounds will be within Work No 6. Works to facilitate access for all works excluding the connection installation works at the Substation are included within Work No 8.

4.6 The Order Land includes land for the creation of a new permissive path crossing the solar park, to be located within Work No 10.

##### **Mitigation works, habitat creation and enhancement**

4.7 The Order Land includes areas for ecological and environmental mitigation works, habitat creation or enhancement and landscape and biodiversity enhancement measures. These works are proposed on existing agricultural land, verges and hedgerows alongside and in proximity to the cable corridor and solar arrays as part of the below Works (together the “**Plots**”).

Works Number	Plot Number
7	02-043, 02-045, 02-047, 02-048, 02-050, 02-051, 02-052, 02-053, 02-054, 02-055, 02-056, 02-057, 03-058, 03-059, 03-060, 04-061
9	02-051, 02-052, 02-053, 02-054, 02-055, 02-056, 02-057, 03-059, 03-060, 04-061, 04-062

- 4.8 As these areas are proposed alongside and in proximity to the cable corridor and solar arrays, freehold interests are sought over these Plots, in order to be able to comply with the anticipated requirements of the LEMP (REP1-013) which will require ongoing inspection and maintenance of restored and created habitat until established, to enable access to the land. The ability to undertake works and prevent activities which would conflict with the requirements is also needed for a period post-construction, which is expected to be 40 years.

## 5 NEED FOR AND BENEFITS OF THE AUTHORISED DEVELOPMENT

5.1 The Planning Statement for the Authorised Development (APP-181) sets out in detail the need for the Authorised Development and the contribution it would make towards achieving the objectives of policy, including UK Government policy, as set out in the National Policy Statements. That case is not repeated in full here and this Statement should be read alongside the Planning Statement.

### 5.2 THE UK'S LEGAL COMMITMENT TO REDUCE CARBON EMISSIONS

#### The Climate Change Act 2008

5.3 On 1 May 2019, the UK Government declared a climate emergency and recognised the need for the expansion of renewable energy systems and a move away from fossil fuels. This led to a modification of the Climate Change Act 2008 which provides statutory targets for the UK to reduce its greenhouse gas emissions by 2050 against a 1990 baseline.

5.4 In response to the climate emergency, the Government made the Climate Change Act 2008 (2050 Target Amendment) Order 2019 which modified the statutory targets to a reduction in gas emissions of at least 100% by 2050, compared to 1990 levels (the "Net Zero Target").

5.5 The Net Zero Strategy: Build Back Better paper (the "Net Zero Strategy") provides the framework for the UK achieving the Net Zero Target setting out the following demands on renewable energy systems, including solar:

- (a) The UK *"will fully decarbonise our power system by 2035"*.
- (b) There will be *"40GW of offshore wind by 2030, with more onshore, solar, and other renewables"*.
- (c) *"[The sixth carbon budget] also requires a sustained increase to the deployment of land-based renewables such as local supported onshore wind and solar in the 2020s and beyond"*. Emphasis added.

5.6 Delivery of renewable energy generation, including the Authorised Development, must continue in order to meet the Net Zero Target and reduce emissions sufficiently in line with the sixth carbon budget.

5.7 The Climate Change Committee (the "CCC") published its statutory 2022 Progress Report to Parliament on 29 June 2022 with an accompanying Monitoring Framework.

5.8 On page 249 of its report, the CCC is clear that *"for... solar, the annual amounts entering construction will need to ramp up significantly over the 2020s to be on track for the Government's objectives for installed capacity."*

5.9 Page 254 of the report, in respect of solar and the Energy Security Strategy, states;

*"The Government set out an expectation for a five-fold increase on currently installed capacity by 2035, which would equate to a total of 70GW. It also committed to consult in 2022 on amending planning rules to strengthen policy in favour of development and ground-mounted solar on non-protected land, and to consult on radically simplifying planning processes for rooftop solar."*

- 5.10 There is a clear drive towards renewable energy systems, including solar, where changes to the planning system are considered necessary to ensure projects, such as the Authorised Development, are consented in light of how urgently their deployment is required. The Authorised Development, and clean energy sectors, has a significant role in achieving the Net Zero Target.

### **International Obligations: United Nations Convention on Climate Change**

- 5.11 The Conference of Parties (COP) reviews the implementation of the Convention. In 2021, the COP negotiated a global agreement with the key goal of limiting increases of global temperatures to “well below 2C compared to pre-industrial levels.” The parties also agreed to “pursue efforts to” limits the temperature increase to 1.5C. This was a development of the Paris Agreement and represents a binding and universal agreement on climate from all the parties. The agreement was reached by 196 parties, seeking to prevent a “climate catastrophe” by keeping temperature rises within 1.5C.

### **5.12 PLANNING POLICY POSITION**

#### **National Policy Statements**

- 5.13 The National Policy Statements (the “**NPSs**”) were established to set out the national policy for energy infrastructure in England and Wales. Since the NPSs were first drafted in 2011, there has been a shift in the urgency to reduce carbon emissions. In response to this, the Government ran a consultation on the revised energy NPSs in September 2021 and March 2023 to June 2023. The revised energy NPSs were designated on 17 January 2024.
- 5.14 The Overarching National Policy Statement for Energy (EN-1) sets out the important role of solar in combatting climate change, noting “*our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.*” NPS EN-1, when combined with the relevant technology-specific energy NPS, provides the primary basis for decisions made by the Secretary of State in respect of renewable development.
- 5.15 Part 3 of NPS EN-1 sets out that, without significant amounts of new large-scale energy infrastructure, the Government’s energy and climate change objectives cannot be met, and that: “*Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.*” “Low carbon infrastructure” is defined as including “*for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion*”. Part 4 of NPS EN-1 states: “*Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs.*”
- 5.16 It is therefore not necessary, when determining applications for solar parks, to demonstrate a specific need for the principle of solar park development and there is a presumption in favour of granting consent to applications for energy NSIPs, such as the Authorised Development.
- 5.17 Beyond the principle of solar park development being needed, it is important to note that the targets within the NPS require a level of deployment such that all currently planned and proposed solar park schemes are necessary. NPS EN-1 provides that, in relation to the weight to be given to that identified need, the Secretary of State has determined that substantial weight

should be given to this when considering applications for development consent under the 2008 Act.

- 5.18 The NPS for Renewable Energy Infrastructure (EN-3) has a chapter dedicated to *Solar Photovoltaic Generation* and highlights the Government's commitment "to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions."
- 5.19 The Government has also stated the need for energy security, including:
- (a) the need to secure safe, affordable, reliable energy, preferably generated in the UK for the UK market;
  - (b) the need to replace existing ageing energy generation infrastructure;
  - (c) the need to meet expected electricity demand whilst meeting climate change commitments; and
  - (d) the need to maximise social and economic opportunities for the UK from energy infrastructure investment, as noted in the Clean Growth Strategy.<sup>2</sup>
- 5.20 In accordance with the NPS EN-1, the Authorised Development would make a significant contribution to meeting national need. Specifically, the Authorised Development:
- (a) meets need in the UK for the types of infrastructure covered by EN-1, and contributes significantly towards the delivery of a UK net zero consistent system (paragraph 3.3.20), necessary in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions;
  - (b) would contribute towards the UK Government's commitment to sustained growth in solar capacity to ensure the UK can meet the Net Zero Target as identified in NPS EN-3; and
  - (c) would contribute to the delivery of the 70GW of renewable solar energy ambition set out in the British Energy Security Strategy (as discussed below), as referenced in NPS EN-3.
- 5.21 The Authorised Development should therefore be assessed on the basis that the Government has demonstrated that there is a need for renewable energy infrastructure, that the scale of the need is significantly in excess of what is currently being promoted and that the need for renewable energy is urgent. In accordance with NPS policy, substantial weight should be given to the contribution which the Authorised Development would make towards satisfying this need and there is a presumption in favour of granting consent for the application.

### **The National Planning Policy Framework**

- 5.22 The National Planning Policy Framework (the "NPPF") provides the planning policies of the UK Government in England, and details how these should be applied. There is a presumption in favour of sustainable development. While the NPPF does not contain specific policies for

---

<sup>2</sup> Department for Business, Energy and Industrial Strategy, 2017

NSIPs, it may be a relevant and important consideration in the determination of applications for development consent.

5.23 Paragraph 159 sets out, *“New development should be planned for in ways that:*

- (a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- (b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”*

5.24 At paragraph 160, the NPPF provides, *“To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- (a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);*
- (b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- (c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”*

5.25 Finally, paragraph 163 advises local planning authorities when determining planning applications for renewable and low carbon development should *“not require applicants to demonstrate the overall need for renewable or low carbon energy... and approve the application if its impacts are (or can be made) acceptable.”*

## 5.26 **UK ENERGY STRATEGIES**

### **British Energy Security Strategy**

5.27 The British Energy Security Strategy (the “ESS”) focuses on the development of ground-mounted solar and strengthening policy in favour of development on non-protected land.

5.28 Notably, the ESS commits to *“[continuing to support] the effective use of land by encouraging large scale projects to locate on previously developed, or lower value land, where possible, and ensure projects are designed to avoid, mitigate, and where necessary, compensate for the impacts of using greenfield sites.”*

5.29 The ESS also sets out the framework driving forward solar deployment, with updated planning documents to streamline the consenting process identified as an aim for 2022.

5.30 This is followed by the 2024 ambition of *“enabling improvements in [the] infrastructure and connectivity”*. These changes coincide with the application and implementation of the Authorised Development.



- 5.31 The identified trend is that the Government is focussing on clean energy supply to lower the UK's carbon emissions and move away from fossil fuels and energy provided by other countries. There is a need for the Authorised Development to support and achieve this goal.

### **The National Grid – Future Energy Scenario**

- 5.32 National Grid's 2023 Future Energy Scenario draws on the significance of renewable energy projects, such as the Authorised Development, in delivering net zero with 89 GW to 119 GW of electricity generated by solar and wind developments connected by 2030 under National Grid's net zero scenarios.
- 5.33 It is clear from this that the Authorised Development is necessary in the face of climate change and the demand for green energy to supply our spaces with clean power. National Grid identifies that *“moving away from the combustion of fossil fuels is a necessary step in the transition to a sustainable energy system [and] involves energy consumers fuel switching to low carbon fuels.”*

### **The UK's Solar PV Strategy**

- 5.34 The UK's Solar PV Strategy sets out the Government's vision for solar PV in the UK and identifies *“[s]olar PV [as] one of the eight key renewable energy technologies that can help to create a clean, balanced UK energy mix.”* Emphasis added.

- 5.35 The vision is set around four guiding principles:

- (a) Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers.
- (b) Support for solar PV should deliver genuine carbon reduction that help meet the UK's target of 15 per cent renewable energy of gross final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood.
- (c) Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.
- (d) Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

- 5.36 As set out in the supporting documents, including the Environmental and Planning Statements, the Authorised Development achieves each of these principles.

### **5.37 AUTHORISED DEVELOPMENT BENEFITS**

- 5.38 In relation to the benefits of the Authorised Development, NPS EN-1 is clear that in addition to any adverse impacts of a development the Secretary of State should take into account a

scheme's potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long term or wider benefits.

5.39 Paragraph 4.3.4 provides that:

*"This information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being."*

5.40 The Authorised Development includes significant benefits embedded within its design, and through mitigation measures, plans and strategies which are established under the draft Order's requirements. The key benefits of the Authorised Development are:

- (a) delivery of large scale solar, which has a critical role to play in achieving the decarbonisation of the UK electricity network. It is fundamental to the UK progressing towards and achieving its zero carbon ambitions, as recognised by the clear targets for the amount of electricity to be generated in the UK from solar technologies;
- (b) its ability to start delivering renewable energy to the grid quickly, with a lower lead in time compared to other renewable and low carbon technologies, with a secured connection date of June 2027;
- (c) the inclusion of a BESS ensures that the electricity generated by the Authorised Development can be managed, optimised, and delivered to the wider electricity grid when the time is right.
- (d) the BESS also provides the opportunity to store electricity from the electricity grid, with BESS facilities recognised as being increasingly important to a resilient, well-functioning electricity network, which can meet supply and demand requirements from energy sources that now include increasing renewable energy technologies, and encourage the deployment of further renewable projects.

5.41 The need for and the benefits of the Authorised Development demonstrate that there is a very strong and compelling case in the public interest for the Authorised Development to be delivered. In order to ensure delivery of the Authorised Development, the powers of compulsory acquisition sought are required and proportionate.

## **6 POWERS OF COMPULSORY ACQUISITION**

- 6.1 The Application has been made under the 2008 Act for a DCO granting consent to construct and operate the Authorised Development, including powers of compulsory acquisition for the land needed to do that.
- 6.2 Section 120 of the 2008 Act provides what may be included within a DCO, including provisions on ancillary matters to the development consented. Those ancillary matters may include the acquisition of land, and the creation, suspension and extinguishment of interests in or rights over land as set out in Schedule 5 to the 2008 Act.
- 6.3 The draft Order contains the following provisions:
- (a) Article 17 authorises the compulsory acquisition of land;
  - (b) Article 19 authorises the acquisition of rights over land, including by the creation of rights;
  - (c) Article 20 provides for the extinguishment of private rights in land which is compulsorily acquired; and
  - (d) Article 22 allows the Applicant to compulsorily acquire the subsoil of land only.
- 6.4 Article 18 sets a time limit for the Applicant to exercise the compulsory purchase powers and provides that notices under such powers must be served within 5 years of the date of the made Order. The draft Order also amends the compensation enactments to extend their provisions to include acquisition of rights in land only as well as the land itself.
- 6.5 Section 122 of the 2008 Act sets out the purposes for which compulsory acquisition may be authorised and lists the conditions which must be met. This provides that the Secretary of State must be satisfied that the land;
- (a) is required for the development to which the development consent relates; or
  - (b) is required to facilitate or is incidental to that development,
- and that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 6.6 The plots to be compulsorily acquired, are set out in the Book of Reference (AS-009).

### **Consideration of alternatives to compulsory acquisition**

- 6.7 The objective to avoid or minimise compulsory acquisition was an important factor in selecting the current location for the Authorised Development. Details of engagement with affected parties are detailed in Section 8 of this Statement.
- 6.8 In the absence of compulsory acquisition, all of the land and rights required to allow the Authorised Development to be constructed and operated may not be secured, and therefore the Authorised Development would not proceed.
- 6.9 The Applicant needs to have certainty that the required rights and land can be obtained within a reasonable timeframe. Given the clear policy support for the development of renewable, clean energy projects, the granting of compulsory acquisition powers to the Undertaker represents a proportionate and legitimate interference with private rights and to be in the public benefit.



## 7 SITE SELECTION

- 7.1 The Applicant has undertaken a logical, staged process to arrive at the Authorised Development's location and design. The Site Selection and Design ES Chapter (APP-086) sets out the approach taken, including consideration of alternatives and technical assessments. The ES Chapter identifies where alternatives are considered to either not be commercially viable or physically/technically unsuitable to the extent that they carry significant risk to the implementation of the Authorised Development.
- 7.2 The following comprises a brief summary of the Site Selection process undertaken by the Applicant and should be read together with ES Chapter 3.
- 7.3 As part of a site search process in 2020 to identify suitable solar opportunities in the UK, the Applicant assessed grid capacity on the distribution and national grid networks to identify substations with available capacity. This assessment identified the Substation.
- 7.4 The Applicant had also been in discussion with its sister company Cefetra, a major grains and animal feed trader, to identify client farmers throughout the UK who may have an interest in solar development on available land.
- 7.5 Cefetra initially recognised that Oaklands Farm presented a potential solar development opportunity due to the proximity of large areas of suitable land adjacent to the Substation.
- 7.6 A thorough feasibility assessment was undertaken in 2020 which assessed the Order Land's viability to support a large-scale solar project.
- 7.7 The assessment found that the existing physical constraints such as utilities, watercourses, road and rail infrastructure would not impose significant limitations and that the Order Land has a generally low flood risk.
- 7.8 The Order Land has no ecological designations that could pose a constraint to development and an assessment of local populations and individual properties surrounding the Order Land determined that it would be possible to introduce appropriate mitigation to address any potential visual and noise impacts.
- 7.9 The feasibility assessment concluded the Site was suitable for solar and associated BESS development. No significant constraints were identified to suggest the Site should not be taken forward for more detailed consideration with all potential environmental impacts were subject to further assessment through the EIA.
- 7.10 As part of the feasibility assessment, the Applicant assessed whether there were other sites close to the Substation that were preferable to the Order Land or could offer additional development opportunities.
- 7.11 The sequential assessment employed Geographic Information System mapping tools to identify development constraints or exclusion zones including flood zones, woodland, developed land and any sites designated for landscape, biodiversity or heritage reasons.
- 7.12 Two sifting exercises were subsequently conducted comparing the remaining suitable areas in the vicinity of the Substation against the proposed Oaklands Farm site of approximately 172 hectares. The Oaklands Farm area was concluded to be the best performing site, while the Park Farm area was found to have the most direct grid route and was therefore considered a logical extension to the Oaklands Farm area.

- 7.13 The review concluded that none of the alternative sites identified would be less sensitive or otherwise more suitable than the Oaklands Farm area.
- 7.14 No potential sites were identified closer to the grid connection than Oaklands Farm, apart from the Park Farm area. Considering the site selection criteria, the Oaklands Farm area, together with the later addition of the Park Farm area, was considered to be a suitable and available site for renewable energy development.
- 7.15 Following positive discussions in 2020 with the main landowner, subsequent site visits and the feasibility assessment, Oaklands Farm was selected as a development opportunity to pursue.
- 7.16 Through further engagement into late 2020 with National Grid it was determined that a grid connection for 105MW (peak, DC output) with acceptable connection and reinforcement costs was likely available at the Substation.
- 7.17 During discussions with the landowner and assessment of possible grid connection routes, it was determined that land to the north of Oaklands Farm lying adjacent to the Substation could be suitable for laying a shorter, more direct grid connection route and possibly solar development.
- 7.18 Further to these discussions, National Grid confirmed that additional viable capacity was available and therefore the electrical capacity of the Authorised Development was increased to accommodate the Park Farm solar capacity.
- 7.19 The Scoping layout incorporated this expansion of solar PV capacity on the Park Farm area, and over the course of 2021/2022, the layout design of additional solar capacity and associated BESS was refined and presented as part of statutory consultation in Spring 2022, assessed within the accompanying Preliminary Environmental Information Report.
- 7.20 Following statutory consultation, the landowners of Park Farm reviewed their long-term plans and opted to continue their current land practices. As a result, the Park Farm area was no longer available to the Application for solar panels. However, the proposed construction access and grid connection cabling could be accommodated within the Park Farm area and are included in the Authorised Development.
- 7.21 As part of design freeze for the Application, the Site boundary has been reduced to reflect the removal of solar panels, access point, and woodland planting areas from the Park Farm area in the north, removal of solar panels adjacent to Oaklands Farm, confirmation of the cable route into the Substation and the revised construction traffic route through the Site.
- 7.22 There is not considered to be a more suitable site within the area of search for connection to the Substation with less sensitivity, such that the Site was selected for the Authorised Development.

## 8 ENGAGEMENT WITH AFFECTED PARTIES

- 8.1 All relevant landowners, lessees, tenants and occupiers identified by diligent enquiries have been notified of the Authorised Development and included in the consultation process.
- 8.2 In carrying out diligent enquiries, there was no Special Category Land or Crown Land identified within the Order Land.
- 8.3 Pre-application consultation under section 42 of the Act commenced 21 April 2022 and closed on 6 June 2022, exceeding the statutory 42-day minimum timescale.
- 8.4 Due to a material change to the proposed Order Limits, a period of targeted non-statutory consultation was held between 9 March 2023 and until 21 April 2023.
- 8.5 Landowners and occupiers (where appropriate) have been contacted with a view to entering into negotiations to acquire land or rights over the Order Land as necessary and Heads of Terms have been agreed with all private landowners for the underground cable which connects the array site with the connection point at the Substation.
- 8.6 The Applicant has successfully concluded the commercial negotiations and entered into an option agreement covering around 50% of the cable route.
- 8.7 There are outstanding landowners and occupiers who are yet to enter into an option agreement, and they account for 50% of the cable route. The Applicant is in active negotiations with these landowners and occupiers.
- 8.8 The Applicant has successfully concluded the commercial negotiations and entered into an option agreement in relation to the solar array and BESS area.
- 8.9 In accordance with the Department for Communities and Local Government's *Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land* (the "**CA Guidance**"), the Applicant will continue to seek to acquire the land, the rights and other interests and the temporary use of land, as well as secure the removal of rights affecting the Order Land that may impede the Authorised Development, by agreement wherever practicable.
- 8.10 The current position in respect of negotiations with the outstanding landowners is provided at Appendix 1 and will be updated during the examination of the application.
- 8.11 There are several interests identified in the Book of Reference (AS-009) where it has not been possible to identify ownership, occupation or interests in land. The Applicant has carried out searches and enquiries with the Land Registry, site visits and notices have been erected on site to seek to identify unknown landowners, occupiers or persons with an interest in the land.
- 8.12 The statement "Unknown" is given in the Book of Reference when diligent enquiries has been carried out and it has still not been possible to obtain information.
- 8.13 Where responses were received, due diligence has been carried out and the details of the interests are noted in the Book of Reference (AS-009).

**9 CASE FOR POWERS OF ACQUISITION SOUGHT**

9.1 This section sets out the Applicant’s proposals and justification for each class of acquisition. This includes explaining where the Applicant is seeking necessary flexibility for the detailed design stage, and it may be that the final land take is less than identified.

9.2 The Applicant is in discussions with the necessary landowners with the intention of reaching a voluntary agreement for land rights required. Powers of compulsory acquisition are therefore sought on a precautionary basis to ensure that the Authorised Development can be delivered, should the landowners default on that agreement or where unknown interests in the land emerge. While the Applicant has undertaken a thorough and diligent land referencing and investigatory exercise, this possibility cannot be excluded and the Applicant requires to be able to acquire such interests where they emerge.

**9.3 ACQUISITION OF FREEHOLD INTERESTS**

<b>Works Number</b>	<b>Plot Number(s)</b>
1	02-053, 02-054, 02-055, 02-056, 02-057, 03-060, 04-061
2	02-055, 02-056
3	02-055, 02-056
4	02-045, 02-048, 02-051, 02-053, 02-055
4a	02-045, 02-048, 02-051, 02-052, 02-053
4b	02-045, 02-048, 02-051, 02-053
6	02-056, 03-060
7	02-045, 02-048, 02-051, 02-052, 02-053, 02-054, 02-055, 02-056, 02-057, 03-060, 04-061
8	02-045, 02-048, 02-051, 02-052, 02-053, 02-056, 02-057, 03-060
9	02-051, 02-052, 02-053, 02-054, 02-055, 02-056, 02-057, 03-060, 04-061
10	02-056, 04-061

**9.4 ACQUISITION OF RIGHTS AND IMPOSITION OF RESTRICTIVE COVENANTS**

**Cable rights and restrictive covenants**

<b>Works Number</b>	<b>Plot Number(s)</b>
4	01-012, 01-013, 01-014, 01-015, 01-016, 01-017, 01-018, 01-019, 01-020, 01-024, 01-028, 01-030, 02-031, 02-032, 02-033, 02-035, 02-036, 02-037, 02-038, 02-040, 02-041, 02-042, 02-043, 02-046, 02-047,
4a	02-040, 02-041, 02-042, 02-043, 02-046, 02-047,
4b	01-030, 02-031, 02-032, 02-033, 02-035, 02-038, 02-040, 02-043, 02-046, 02-047,
4c	01-012, 01-013, 01-014

**Access rights and restrictive covenants**



<b>Works Number</b>	<b>Plot Number(s)</b>
6	01-001, 01-002, 01-003, 01-004, 01-007, 01-008, 01-009, 01-010, 01-011, 01-012, 01-013, 01-014, 01-015, 01-016, 01-017, 01-018, 01-019, 01-020, 01-021, 01-022, 01-023, 01-024, 01-025, 01-026, 01-027, 01-028, 01-029, 01-030, 02-034, 02-035, 02-038, 02-039, 02-040, 02-041, 02-042, 02-044, 02-046, 02-049
7	02-043, 02-047, 02-050, 03-058, 03-059
8	01-015, 01-019, 01-020, 01-021, 01-022, 02-040, 02-041, 02-042, 02-043, 02-044, 02-046, 02-047, 02-049, 02-050, 03-059

#### **National Grid substation rights**

<b>Works Number</b>	<b>Plot Number(s)</b>
5	01-001, 01-002, 01-003, 01-004, 01-007, 01-008, 01-009, 01-010, 01-011
5a	01-004, 01-011
5b	01-001, 01-002, 01-007, 01-008, 01-009

#### **9.5 TEMPORARY POSSESSION**

- 9.6 Although not strictly a form of compulsory acquisition, temporary possession powers are sought in the draft Order to reduce the land within which the Applicant requires to seek permanent rights and to minimise the interference with landowners' and occupiers' rights. The Applicant is seeking to temporarily occupy land required during the construction of the Authorised Development over which rights will not be required once construction has been completed. This minimises interference by allowing the Applicant to access the land needed for construction without requiring the permanent acquisition of that land.
- 9.7 Temporary possession powers apply to all of the Order Land, and powers may be used before permanent rights are acquired.

<b>Works Number</b>	<b>Plot Number(s)</b>
6	01-021
7	03-058
8	01-021

## 10 HUMAN RIGHTS

- 10.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (the “Convention”). It includes provisions in the form of Articles which aim to protect the rights of the individual.
- 10.2 Paragraph 10 of the CA Guidance sets out how applicants should take into account Human Rights:
- “The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention.”*
- 10.3 The relevant articles of the Convention can be summarised as follows:
- (a) Article 1 of the First Protocol ‘Protection of Property’ – protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest;
  - (b) Article 6 of the Convention Rights and Freedoms ‘Right to a fair trial’ – entitles those affected by compulsory powers to a fair and public hearing; and
  - (c) Article 8 of the Convention of Rights and Freedoms ‘Right to respect for private and family life’ – protects the right of the individual to respect for his private and family life, his home and his correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interest of, among other things, national security, public safety or the economic wellbeing of the country.
- 10.4 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the rights protected by the Convention.
- 10.5 The made Order may infringe the human rights of persons with an interest in the land. This infringement is authorised by law provided that:
- (a) there is a compelling case in the public interest for the compulsory acquisition powers included within the made Order, and that proper procedures are followed; and
  - (b) any interference with a human right is proportionate and otherwise justified.
- 10.6 Of the land being acquired for the Authorised Development, the following plots are considered in detail because the acquisition affects either residential or commercial properties.
- 10.7 There are no occurrences of the Authorised Development acquiring land or rights directly from residential properties.
- 10.8 In addition, rights and land are being acquired from Derbyshire County Council in its capacity as highway authority.
- 10.9 A schedule of negotiations and communications with each landowner is provided at Appendix 1. For further updates on engagement with landowners further to the submission of the application, please refer to the Schedule of Progress (Ref: 4.5) submitted at Deadline 3.

### **Compliance with the convention**

- 10.10 It is recognised that the Authorised Development may have an impact on individuals; however, this is outweighed by the significant public benefits that will arise from the Authorised Development as explained in this Statement.
- 10.11 The Applicant is of the view that the draft Order strikes a fair balance between the significant public interest in seeing the Authorised Development proceed and the private rights which would be affected by the compulsory acquisition.
- 10.12 In relation to both Articles 1 and 8, the compelling public interest case for the compulsory acquisition powers included within the draft Order has been demonstrated in Chapter 9 of this Statement. The land over which compulsory acquisition powers are sought is the minimum necessary to ensure the delivery of the Authorised Development. The Authorised Development has been designed to minimise detrimental impacts, whilst achieving its publicly stated objectives. In this respect, the interference with human rights is both proportionate and justified.
- 10.13 In relation to Article 6, it is the case that proper procedures have been followed for both the consultation on the Authorised Development and for the determination of the compulsory acquisition powers included with the Authorised Development. Throughout the development of the Authorised Development, persons with an interest in the land have had full opportunity to comment on the proposals, both in a statutory and non-statutory capacity, and the Applicant has endeavoured to engage with landowners. The Applicant has been responsive to landowner feedback in both the initial design of the Authorised Development and in iterative changes.
- 10.14 Following submission of the application, individuals affected by the Authorised Development can submit representations about the draft Order and/or challenge the made Order by judicial review if there are any grounds for doing so.

### **Fair compensation**

- 10.15 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. This entitlement to compensation is provided for by the existing compensation code and Article 43 and Schedule 7 to the draft Order.
- 10.16 Any dispute in respect of the compensation payable can be referred for determination the Upper Tribunal (Lands Chamber).
- 10.17 Paragraph 9 of the CA Guidance states that there must be a reasonable prospect of the requisite funds for the Authorised Development being available. Certainty of funding for the Authorised Development, including a guarantee that all compensation claims will be funded is detailed in the Funding Statement (APP-020).

### **Conclusion**

- 10.18 For the reasons set out above, the Applicant considers that any infringement of the Convention rights of those whose interests in the land might be affected by the exercise of powers of compulsory acquisition would be proportionate and legitimate, would be in the public interest and would be in accordance with national law. The Applicant therefore

considers that it would be appropriate and proportionate for the Secretary of State to make the draft Order including the grant of compulsory acquisition powers.

## 11 CONCLUSION

- 11.1 This Statement demonstrates that the inclusion of compulsory acquisition powers within the draft Order for the purposes of the Authorised Development meets the requirements of Section 122 of the 2008 Act, together with the relevant guidance, and provides descriptions of the intended use of the land and rights to be acquired.
- 11.2 The powers of compulsory acquisition sought over the Order land are required for the purposes of, to facilitate, or are incidental to, the Authorised Development and are proportionate and no more than are reasonably necessary.
- 11.3 There is a compelling case in the public interest for the land or rights over the land to be compulsorily acquired given the Authorised Development's contribution towards delivering clean energy, decarbonising the electricity network, energy independence and its being critical national priority infrastructure (NPS EN-1).
- 11.4 The Applicant has successfully entered into voluntary agreements for 100% of the solar array and BESS areas and around 50% of the cable route, with engagement on the remaining 50% ongoing. The powers of compulsory acquisition sought within the draft Order are therefore a measure of last resort should the Applicant not achieve voluntary agreements over the remaining 50% of the cable route and/or the owners of the land under option do not comply with the terms of the agreement and release the land to the Applicant.
- 11.5 All reasonable alternatives to compulsory acquisition have been explored and considering the national and local need for clean energy, and therefore the Authorised Development, there is a justification for the inclusion of compulsory acquisition powers within the draft Order.
- 11.6 This Statement, together with the draft Order and Book of Reference explain the land and rights sought to deliver the Authorised Development by identifying plot numbers, the corresponding Work Numbers and setting out the specific use and purpose of those plots.
- 11.7 The Funding Statement (APP-020) explains how the construction of the Authorised Development and the acquisition of the Order Land or rights within the Order Land will be funded, together with any compensation paid should the compulsory acquisition powers sought be exercised.
- 11.8 As noted at Section 10 above, the proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose, the Authorised Development. It is therefore necessary and proportionate to deliver that purpose.
- 11.9 Articles 1, 6 and 8 of the First Protocol to the Convention have been considered and the Applicant considers that the very substantial public benefits arising from the delivery of the Authorised Development 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 across that land.
- 11.10 The Applicant therefore requests that the draft Order be made and the compulsory acquisition powers and powers of temporary possession sought within the draft Order be granted.

## APPENDIX 1

### Summary of Engagement with Landowners

- 1 Table 1 uses the terms described below:
  - 1.1 "**Land Interest**" means the individual, private or public company that holds the relevant interests in the Order Limits;
    - (a) "**Plot Numbers**" means the numbers shown on the Land Plans (AS-002) and listed in the Book of Reference (AS-009). Each parcel of land has its own plot number. The second column in Table 1 identifies the Land Interest for each Plot Number; and
    - (b) "**Works Numbers**" means the Work Nos. for the Authorised Development as set out in Part 1 of Schedule 1 to the draft Order and shown on the Works Plans (AS-003). The third column in Table 1 identifies the Works Numbers to be carried out over the Plot Numbers requiring the acquisition or temporary use of that land.
  - 1.2 The remaining columns set out the following information:
    - (a) "**Description of Powers Sought**" means the compulsory acquisition powers that are being applied for over the Plot Numbers. "Land Subject to Permanent Acquisition" is shown shaded pink on the Land Plans (AS-002) and "Land Subject to Permanent Acquisition of Rights" the is shown shaded blue on the Land Plans.
    - (b) "**Reason for acquisition of land or rights**" sets out the justification for the powers that are being sought over the relevant plots by reference to the works and activities that will be carried out on that plot.
  - 1.3 In the final column, a "**Summary of the Status of Negotiations**" has been provided for each Land Interest to summarise the engagement the Applicant has had with that party with a view to entering into private agreements for the acquisition of the Plot Numbers.

**Table 1**

Land Interest	Plot Number(s)	Works Number(s)	Description of powers sought	Reason for acquisition of land or rights	Summary of the status of negotiations
National Grid Electricity Transmission plc	01-001, 01-002, 01-003, 01-004, 01-007, 01-008, 01-009, 01-010, 01-011, 01-013, 01-014, 01-017, 01-019, 01-020, 01-023, 01-024, 01-025, 01-026, 01-029, 01-030, 02-052, 02-056, 02-057	1, 2, 3, 4, 4a, 4b, 4c, 5, 5a, 5b, 5c, 6, 7 8, 9, 10	Acquisition of Rights; Freehold Acquisition	Works to facilitate the construction and operation of the solar photovoltaic generating station and battery energy storage system including the construction and operation of an onsite substation and connecting to the National Grid Substation at Drakelow.	The Applicant has shared the preferred cable routing design. The Applicant has commenced the Land Clearance Process and Heads of Terms have been issued for rights to lay the cabling into Drakelow, with comments from both parties and negotiations actively ongoing as at the date of submission of this application. The Applicant believes that there is no reason why a voluntary agreement cannot be concluded between the parties.

Land Interest	Plot Number(s)	Works Number(s)	Description of powers sought	Reason for acquisition of land or rights	Summary of the status of negotiations
E.ON UK plc	01-001, 01-002, 01-003, 01-004, 01-007, 01-008, 01-009, 01-010, 01-011, 01-012, 01-015, 01-016, 01-021	4b, 4c, 5, 5a, 5b, 6, 8	Acquisition of Rights	Works to facilitate the laying of cables, including the temporary stopping up of watercourses, construction and decommissioning of access tracks and compounds and works to facilitate access for all works excluding Work No. 5 as described in Part 1 (Authorised Development) of Schedule 1 of the draft Development Consent Order.	The Applicant sought voluntary discussions with E.ON, who directed the Applicant to National Grid Transmission plc, as the appropriate person to grant the voluntary rights required by the Applicant. The Applicant is open to recommending voluntary discussions with E.ON if their position changes.
Keith Forbes Mallaber	01-012, 01-013, 01-014, 01-015, 01-016, 01-017, 01-018, 01-019, 01-020, 01-021, 01-022, 01-023, 01-024, 01-025, 01-026, 01-027, 01-028, 01-029, 01-030, 02-031, 02-033,	4, 4b, 4c, 6, 8	Acquisition of Rights	Works to facilitate the laying of cables, including the temporary stopping up of watercourses, construction and decommissioning of access tracks and compounds and works to	The Applicant entered into a voluntary option agreement in July 2023. Discussions on various amendments to the voluntary agreement are ongoing.



Land Interest	Plot Number(s)	Works Number(s)	Description of powers sought	Reason for acquisition of land or rights	Summary of the status of negotiations
	02-034, 02-035, 02-036, 02-038			facilitate access for all works excluding Work No. 5 as described in Part 1 (Authorised Development) of Schedule 1 of the draft Development Consent Order.	
Peter Forbes Mallaber	01-012, 01-013, 01-014, 01-015, 01-016, 01-017, 01-018, 01-019, 01-020, 01-021, 01-022, 01-023, 01-024, 01-025, 01-026, 01-027, 01-028, 01-029, 01-030, 02-031, 02-033, 02-034, 02-035, 02-036, 02-038	4, 4b, 4c, 6, 8	Acquisition of Rights	Works to facilitate the laying of cables, including the temporary stopping up of watercourses, construction and decommissioning of access tracks and compounds and works to facilitate access for all works excluding Work No. 5 as described in Part 1 (Authorised Development) of Schedule 1 of the draft Development Consent Order.	The Applicant has concluded commercial negotiations and entered into a voluntary option agreement in July 2023. Discussions on various amendments to the voluntary agreement are ongoing.

Land Interest	Plot Number(s)	Works Number(s)	Description of powers sought	Reason for acquisition of land or rights	Summary of the status of negotiations
Phillip Andrew Mallaber	01-012, 01-013, 01-014, 01-015, 01-016, 01-017, 01-018, 01-019, 01-020, 01-021, 01-022, 01-023, 01-024, 01-025, 01-026, 01-027, 01-028, 01-029, 01-030, 02-031, 02-033, 02-034, 02-035, 02-036, 02-038	4, 4b, 4c, 6, 8	Acquisition of Rights	Works to facilitate the laying of cables, including the temporary stopping up of watercourses, construction and decommissioning of access tracks and compounds and works to facilitate access for all works excluding Work No. 5 as described in Part 1 (Authorised Development) of Schedule 1 of the draft Development Consent Order.	The Applicant has concluded commercial negotiations and entered into a voluntary option agreement in July 2023. Discussions on various amendments to the voluntary agreement are ongoing.
The Executor of The Estate Of The Late William John Mallaber	01-012, 01-013, 01-014, 01-015, 01-016, 01-017, 01-018, 01-019, 01-020, 01-021, 01-022, 01-023, 01-024, 01-025, 01-026, 01-027, 01-028, 01-029, 01-030, 02-031, 02-033,	4, 4b, 4c, 6, 8	Acquisition of Rights	Works to facilitate the laying of cables, including the temporary stopping up of watercourses, construction and decommissioning of access tracks and compounds and works to	The Applicant has concluded commercial negotiations and entered into a voluntary option agreement in July 2023. Discussions on various amendments to the voluntary agreement are ongoing.

Land Interest	Plot Number(s)	Works Number(s)	Description of powers sought	Reason for acquisition of land or rights	Summary of the status of negotiations
	02-034, 02-035, 02-036, 02-038			facilitate access for all works excluding Work No. 5 as described in Part 1 (Authorised Development) of Schedule 1 of the draft Development Consent Order.	
Elisabeth Albinia Dolben Goodson	02-031, 02-032, 02-031, 02-033, 02-036, 02-037, 02-038, 02-039, 02-040, 02-041, 02-042, 02-043, 02-044, 02-046, 02-047, 02-049, 02-050	4, 4a, 4b, 6, 7, 8	Acquisition of Rights	Works to facilitate the laying of cables, including the temporary stopping up of watercourses, construction and decommissioning of access tracks and compounds, general works to facilitate the Authorised Development and works to facilitate access for all works excluding Work No. 5 as described in Part 1 (Authorised Development) of Schedule 1 of the draft	The Applicant is in discussions with the agents representing Mrs Goodson. Heads of Terms have been agreed and were signed in May 2023 and active negotiation of the Option Agreement continues as at the date of submission of this application following comment on drafts from both parties . The option agreement is currently being negotiated and the Applicant believes

Land Interest	Plot Number(s)	Works Number(s)	Description of powers sought	Reason for acquisition of land or rights	Summary of the status of negotiations
				Development Consent Order.	that there is no reason why a voluntary agreement cannot be concluded between the parties.
Peter Avery	02-032, 02-037, 02-039, 02-040, 02-041, 02-044	4, 4a, 4b, 6, 8	Acquisition of Rights	Works to facilitate the laying of cables, including the temporary stopping up of watercourses, construction and decommissioning of access tracks and compounds and works to facilitate access for all works excluding Work No. 5 as described in Part 1 (Authorised Development) of Schedule 1 of the draft Development Consent Order.	The Applicant is in active discussions with the agents representing Mr Avery and negotiations are ongoing as at the date of submission of this application.  The Applicant believes that there is no reason why a voluntary agreement cannot be concluded between the parties.
George Llewellyn White	02-043, 02-045, 02-047, 02-048, 02-050, 02-051, 02-052, 02-053, 02-054,	1, 2, 3, 4, 4a, 4b, 7, 8, 9, 10	Acquisition of Rights; Freehold Acquisition	Works to facilitate the construction and operation of the solar photovoltaic	The Applicant has concluded commercial negotiations and centered into a voluntary

Land Interest	Plot Number(s)	Works Number(s)	Description of powers sought	Reason for acquisition of land or rights	Summary of the status of negotiations
	02-055, 02-056, 02-057, 03-058, 03-059, 03-060, 04-061, 04-062			generating station and battery energy storage system including the construction and operation of an onsite substation and connecting to the National Grid Substation at Drakelow.	option agreement in March 2021. Discussions on various amendments to the voluntary agreement are ongoing.
Susan Mary White	02-043, 02-045, 02-047, 02-048, 02-050, 02-051, 02-052, 02-053, 02-054, 02-055, 02-056, 02-057, 03-058, 03-059, 03-060, 04-061, 04-062	1, 2, 3, 4, 4a, 4b, 7, 8, 9, 10	Acquisition of Rights; Freehold Acquisition	Works to facilitate the construction and operation of the solar photovoltaic generating station and battery energy storage system including the construction and operation of an onsite substation and connecting to the National Grid Substation at Drakelow.	The Applicant has concluded commercial negotiations and entered into a voluntary option agreement in March 2021. Discussions on various amendments to the voluntary agreement are ongoing.

2 For further updates on engagement with landowners further to the submission of the application, please refer to the Schedule of Progress (Ref: 4.5) submitted at Deadline 3.

## APPENDIX 2

### Summary of Engagement with Statutory Undertakers

<b>Statutory Undertaker</b>	<b>Summary of Engagement</b>	<b>Status of Protective Provisions</b>
National Grid Electricity Transmission plc	National Grid Electricity Transmission plc has been extensively consulted, and will continue to be consulted, during the development of the Proposed Development's cable design, access to Drakelow substation and connection to the National Grid Electricity Transmission plc network.	Protective provisions with National Grid Electricity Transmission plc are being negotiated and the Applicant will keep the Examining Authority informed of progress.
National Grid Electricity Distribution (East Midlands) plc	The Applicant has exchanged email and phone communications with National Grid Electricity Distribution (East Midlands) plc and the Project Engineer provided clearance and design information together with various contact details for further consultation.	Protective provisions with National Grid Electricity Distribution (East Midlands) plc are being negotiated and the Applicant will keep the Examining Authority informed of progress.
South Staffordshire Water plc	The Applicant and South Staffordshire Water plc have exchanged email correspondence regarding works required and to negotiate protective provisions.	Protective provisions with South Staffordshire Water plc are being negotiated and the Applicant will keep the Examining Authority informed of progress.
Cadent Gas Limited	The Applicant and Cadent Gas Limited have exchanged email correspondence and suitable contact details.	Protective provisions with Cadent Gas Limited are being negotiated and the Applicant will keep the Examining Authority informed of progress.
BT Openreach	The Applicant and BT Openreach have exchanged email correspondence; however, BT Openreach has not engaged in negotiation of bespoke protective provisions but has advised the Applicant that prior to construction a detailed investigation and survey is required to ensure its network is protected. The Applicant has identified asset locations and considers there are technical solutions available to cross BT Openreach's assets without need to divert the same.	BT Openreach has not taken up the Applicant's offer of protective provisions at this stage but is protected by the standard protective provisions for the protection of operators of electronic communications code networks at Part 6 of Schedule 10 of the draft Order. The Applicant is happy to enter discussions with BT Openreach for bespoke protective provisions.

<b>Statutory Undertaker</b>	<b>Summary of Engagement</b>	<b>Status of Protective Provisions</b>
Vodafone	The Applicant shared its proposed layout plans with Vodafone who confirmed (by letter) that Vodafone Limited owns apparatus within Drakelow substation and that it should be possible to protect this apparatus in-situ.	Due to the limited interaction with Vodafone's apparatus, Vodafone have not requested bespoke protective provisions. In any event Vodafone is protected by the standard protective provisions for the protection of operators of electronic communications code networks at Part 6 of Schedule 10 of the draft Order. The Applicant is happy to enter discussions with Vodafone for bespoke protective provisions.
Severn Trent Water	The Applicant has initiated extensive discussions regarding interaction with Severn Trent's existing sewer pipe north of Rosliston Road. The Applicant shared its proposed layout plans with Severn Trent showing interaction of proposed underground cabling with sewer pipe to facilitate discussion of protective provisions and for assessment of need for asset diversion. Severn Trent Water shared guidelines for working near their assets with a request for continuous technical engagement and notice of intent to commence construction activity.	Severn Trent Water is protected by the standard protective provisions for the protection of electricity, gas, water and sewerage undertakers at Part 1 of Schedule 10 of the draft Order. The Applicant is happy to enter discussions with Severn Trent Water for bespoke protective provisions.

For further updates on engagement with statutory undertakers further to the submission of the application, please refer to the Status of Protective Provisions Schedule (Ref: 3.5) submitted at Deadline 3.