

Heckington Fen Solar Park

EN010123

Statement of Reasons

Applicant: Ecotricity (Heck Fen Solar) Limited

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STATEMENT OF REASONS

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1 EXECUTIVE SUMMARY

Overview

1.1.1 This Statement of Reasons ("**Statement**") relates to an application by Ecotricity (Heck Fen Solar) Limited to the Secretary of State under the Planning Act 2008 for a Development Consent Order ("**DCO**") to construct, operate, maintain and decommission a solar park on land approximately 3.7km east of Heckington and 8.9km west of Boston in the county of Lincolnshire (the "**Proposed Development**").

1.1.2 The Proposed Development constitutes a Nationally Significant Infrastructure Project and comprises a solar photovoltaic array with a gross electrical output capacity of over 50 megawatts comprising solar modules, fixed to mounting structures, with inverters, transformers and a network of cable circuits and associated development.

1.1.3 This Statement has been prepared to comply with Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 which provides that the application must be accompanied by:

*"if the proposed order would authorise the compulsory acquisition of land or an interest in land or right over land, a **statement of reasons** and a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded"(our emphasis)*

1.1.4 Paragraph 32 of the Department of Communities and Local Government guidance, 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) (the "**Guidance**") states that the statement of reasons should seek to justify the compulsory acquisition sought, and explain in particular why in the applicant's opinion there is a compelling case in the public interest for it. This includes the reasons for the creation of new rights.

1.1.5 Section 122 of the Planning Act 2008 ("**PA 2008**") provides that an order for development consent may include the compulsory acquisition of land only if the Secretary of State is satisfied that the land:

1.1.5.1 is required for the Proposed Development;

1.1.5.2 is required to facilitate or is incidental to the Proposed Development;

1.1.5.3 is replacement land;

1.1.5.4 and there is a compelling case in the public interest for the land to be acquired compulsorily.

1.1.6 This Statement explains why it is necessary, proportionate and justifiable for the Heckington Fen Solar Park Order (the "**Order**") to include compulsory acquisition powers, and why there is a compelling case in the public interest for Ecotricity (Heck Fen Solar) Limited (the "**Applicant**") to be granted these powers.

1.1.7 The Applicant seeks to create and acquire rights (easements) over land (mostly rights to lay electricity cables) to carry out works and access land for such purposes. Temporary rights are sought to construct the Proposed Development. Rights are also sought to impose restrictions over land and to acquire existing rights, that if exercised would conflict with the construction, operation, maintenance or decommissioning of the Proposed Development.

1.1.8 The Applicant has been seeking to acquire these rights (and restrictions) over land by voluntary agreement, in order to ensure implementation of the Proposed Development. However, it has not yet been possible (at the time of writing) to acquire all of the land and the rights required by agreement, although negotiations are still ongoing.

1.1.9 The powers authorising the acquisition of land, or of interests in and/or rights over land, are principally contained in Articles 18 and 20 of the Order.

1.1.10 The powers are being sought in order for the Applicant to be able to construct, operate and maintain the Proposed Development without impediment. There are a number of other articles in the Order which grant the Applicant powers, the exercise of which may result in interference with property rights and private interests in land.

1.1.11 The land over which new rights (including the imposition of restrictions) are being compulsorily sought is shown edged red and shaded blue or yellow on the Land and Crown Land Plan (document reference 2.1). This land is described in more detail in the Book of Reference (document reference 4.4).

1.1.12 Where the Applicant is seeking to compulsorily acquire new rights over land, powers for temporary use of such land pursuant to Articles 27 and 28 of the Order are also being sought.

1.1.13 Where these 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.

1.1.14 The Applicant has explored reasonable alternatives to compulsory acquisition and made reasonable attempts to acquire the rights over land by agreement.

1.1.15 Articles 1 and 8 of the European Convention on Human Rights have been considered and the Applicant considers that the interference with rights is for a legitimate purpose, is necessary and is proportionate.

1.1.16 The urgent need for renewable energy generation is set out in National Policy Statement EN-1. Furthermore, the UK government's commitment to sustained growth in solar photovoltaic energy generation is outlined in National Policy Statement EN-3. The Proposed Development would materially contribute to meeting these needs. The Proposed Development offers a cost-effective contribution to decarbonising the UK's electricity sector, provides energy security through diversity in supply, will assist the operation of the National Energy Transmission System ("**NETS**") through its energy storage facility and will lower costs to consumers.

1.1.17 The Order land includes land, rights or other interests owned by Statutory Undertakers. Adequate protection for the statutory undertakers will be included within protective provisions in the Order and/or asset protection agreements between the parties. The Applicant therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of their undertakings as a result of the compulsory acquisition of land or rights over land or powers of temporary possession.

1.1.18 Section 135 of the PA 2008 provides protection for Crown Land against compulsory acquisition. The Order land includes land owned by the Crown or subject to Crown Interests. The Applicant is in discussions with the Crown Estate Commissioners in order to obtain their consent to the inclusion of these provisions as required under section 135 of the PA 2008.

1.1.19 The rights over the land (including restrictions) being sought 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 for the rights over the land to be acquired given the positive benefits that the Proposed Development will generate particularly in view of current UK policy in relation to renewable energy.

2 INTRODUCTION

2.1.1 This Statement relates to the DCO application by the Applicant for the Proposed Development submitted to the Secretary of State under the PA 2008 for the Order (document reference 3.1). If approved, the Order will grant consent for the Proposed Development and authorise compulsory acquisition of rights in land.

2.1.2 The Proposed Development is an electricity generating plant with an average gross electrical output in excess of 50 MW and falls within the definition of a "*nationally significant infrastructure Proposed Development*" ("**NSIP**") under Section 15(2) of the PA 2008. It is therefore necessary for the Applicant to apply to the Secretary of State for the Order to construct, operate and maintain the Proposed Development under Section 31 of the PA 2008.

2.1.3 This Statement has been prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the "**APFP Regulations**") and the Guidance).

2.1.4 This Statement forms part of the suite of documents accompanying the application for a DCO (the "**DCO Application**") submitted in accordance with Section 37 of the PA 2008 and Regulation 5 of the APFP Regulations.

2.1.5 This Statement explains why it is necessary to acquire and/or create rights and impose restrictions over land, override, suspend or extinguish rights over land and to temporarily use land for the purposes of the Proposed Development, if necessary by compulsion. It also explains the reasons for the inclusion of compulsory acquisition and related powers in the Order and sets out why there is a clear and compelling case in the public interest, in accordance with Section 122 of the PA 2008, for the Order to include such powers.

2.1.6 The land over which powers of compulsory acquisition and temporary use are being sought for the Proposed Development is referred to as the 'Order land' and is described in more detail in Section 5 of this Statement and is shown edged in red on the Land and Crown Land Plan (document reference 2.1).

2.1.7 Negotiations for the purchase of rights and interests are ongoing in respect of the new rights required for the Proposed Development. Nonetheless, it is necessary for the Applicant to seek compulsory acquisition powers to secure such rights and interests and to ensure that any third-party interests or encumbrances affecting such rights and interests may be acquired, overridden or extinguished pursuant to the Order, thereby ensuring that the Proposed Development can be constructed, operated and maintained.

2.1.8 The following documents have been submitted as part of the DCO Application in order to meet the requirements of the APFP Regulations and the Guidance:

2.1.8.1 This Statement;

- 2.1.8.2 A Funding Statement (document reference 4.3) which explains how the construction of the Proposed Development as well as the acquisition of interests is expected to be funded;
- 2.1.8.3 A Land and Crown Land Plan showing the land over which it is intended to use the compulsory acquisition powers (document reference 2.1); and
- 2.1.8.4 A Book of Reference (document reference 4.4) which identifies those persons with an interest in the Order land or who may be eligible to make a relevant claim.
- 2.1.9 This Statement explains and justifies the inclusion of the compulsory acquisition powers contained within the Order. The structure of this Statement is set out below and also addresses each of the requirements of the Guidance:
- 2.1.9.1 An introduction to the Applicant is contained in Section 3;
- 2.1.9.2 A summary of the Proposed Development is set out in Section 4;
- 2.1.9.3 A brief description of the Order land, its location, topographical features and present use is contained in Section 5;
- 2.1.9.4 An outline of the need to compulsorily acquire rights over land, and the specific purpose for which the rights are to be compulsorily acquired, is contained in Section 6;
- 2.1.9.5 A statement of the justification for compulsory acquisition including reference to funding and the need for the Proposed Development is included in Sections 7 and 8;
- 2.1.9.6 Any special considerations affecting the rights to be compulsorily acquired, e.g. statutory undertaker land and Crown land, are included in Section 9;
- 2.1.9.7 Details of the other consents needed before the Proposed Development can be implemented are included in Section 9.11 and 9.12;
- 2.1.9.8 How regard has been given to the provisions of Articles 1 and 8 of the European Convention on Human Rights is included in Section 10; and
- 2.1.9.9 Any other information which would be of interest to someone affected by the Order, such as an address, telephone number and email address where further information on these matters can be obtained, is included in Section 11.

3 THE APPLICANT

3.1.1 The Applicant is a limited company registered at Companies House under company number 13225224 and whose registered office is at Lion House, Rowcroft, Stroud, England, GL5 3BY.

3.1.2 The Applicant is an Ecotricity group company, which has been formed for the purpose of developing the Proposed Development.

3.1.3 Further details about the Applicant can be found in Section 2 of the Funding Statement (document reference 4.3).

3.1.4 The Applicant will apply for an electricity generation licence pursuant to Section 6 of the Electricity Act 1989 by the Gas and Electricity Markets Authority post consent. More

detail on the electricity generation licence can be found in the Consents and Licenses Required Under Other Legislation document (document reference 7.5).

4 THE PROPOSED DEVELOPMENT

4.1.1 The Proposed Development consists of:

4.1.1.1 A ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts (Work No. 1 (including 1A and 1B)) (the "**Solar Park**");

4.1.1.2 An energy storage facility (Work No. 2);

4.1.1.3 Works to create reception areas, cabins, temporary construction compounds and service areas in connection with Work No. 1, Work No. 2, Work No. 4, and Work No. 5 (Work No. 3);

4.1.1.4 An onsite substation and works in connection with the onsite substation (Work No. 4);

4.1.1.5 Works to lay electrical cables between Work No. 4 and Work No. 6 (Work No. 5 (including 5A and 5B));

4.1.1.6 Creation of a new generation bay and associated works at the existing substation (Work No. 6A);

4.1.1.7 Extension to the existing substation (Works No 6B);

4.1.1.8 Works in connection with the extension to the existing substation (Works No 6C);

4.1.1.9 Two temporary laydown areas in connection with Work No. 5 and Work No. 6 (Work No. 7);

4.1.1.10 Works to create and maintain a permanent means of access from the A17 to Work No. 1A, Work No. 1B, Work No. 2, Work No. 3 and Work No. 4 (Work No. 8);

4.1.1.11 Works to create, enhance and maintain green infrastructure and create biodiversity net gain areas (Work No. 9A);

4.1.1.12 Works to create a permissive path including installing up to two footbridges, fencing, gates, boundary treatment and other means of enclosure (Work No. 9B); and

4.1.1.13 Works to existing streets to facilitate access to Work Nos 1 to 9B (Work No. 10).

4.1.2 The '*Associated Development*', for the purposes of Section 115 of the PA 2008 comprises Work Nos 2 to 10 of the Proposed Development.

4.1.3 A more detailed description of the Proposed Development is provided at Schedule 1 ('*Authorised Development*') of the draft DCO and Chapter 4 ('*Proposed development/Project Description*') of the Environmental Statement (Application Document Ref. 6.1.4) and the areas within which each of the main components of the Proposed Development are to be built is shown by the coloured and hatched areas on the Works Plans (Application Document Ref. 2.2).

4.1.4 Full details of the Proposed Development, including the proposed construction methods and phasing, can be found in Chapter 4 (*Proposed development/Project Description*) of the Environmental Statement (Application Document Ref. 6.1.4) accompanying the DCO Application.

5 DESCRIPTION OF LAND SUBJECT TO COMPULSORY ACQUISITION

5.1.1 The Proposed Development Site (forming the Solar Park, energy storage and associated development) lies within the administrative boundary of North Kesteven District Council and Boston Borough Council.

5.1.2 There are three key areas of land included in the Order Land:

5.1.2.1 the Solar Park;

5.1.2.2 the existing National Grid Substation; and

5.1.2.3 the Cable Route Corridor.

Solar Park

5.1.3 The Solar Park (Work No.1) is located on land approximately 3.7km east of Heckington and 8.9km west of Boston in the county of Lincolnshire.

5.1.4 The total area of the Solar Park is 524 hectares (ha) and comprises arable, agricultural land subdivided into rectilinear parcels by long linear drainage ditches that lie principally north-south, connected east-west by shorter ditches including Labour in Vain Drain. The ditches have an engineered profile, colonised in part by emerging aquatic plant species. The Solar Park is bounded by Head Dike to the north, a smaller watercourse to the east, agricultural land to the south and B1395 Sidebar Lane and further agricultural land to the west. There are 3 access points to the south of the Solar Park which connect to the A17 Sleaford to Holbeach road.

5.1.5 The main vehicular access point is provided via access off the A17 frontage at Rectory Farm and at Elm Grange, with tracks connecting to Crab Lane toward the northwest corner of the Solar Park, and then to Sidebar Lane. A further third access point is off the A17 towards Six Hundreds Farm. The access tracks follow ditch alignments. Six Hundreds Farm lies in the eastern third of the Solar Park.

5.1.6 The Solar Park is very flat and low-lying at between 2m and 3m Above Ordnance Datum across the entire Solar Park. The Energy Park is situated on the Lincolnshire Fens, a coastal plain in the east of England which comprises a large area of broad flat marshland supporting a rich biodiversity.

5.1.7 Overhead lines supported on wooden poles traverse the Solar Park, running parallel to Six Hundreds Drove and the A17 in the south, and near the north-western boundary of the Solar Park. An underground gas pipeline bisects the Solar Park, extending south-north to the east of Rectory Farm.

5.1.8 The Solar Park comprises the following plots identified on the Land and Crown Land Plan (document reference 2.1): 282, 283, 330 and 331.

5.1.9 There are two small areas of white land within plot 282 identified on the Land and Crown Land Plan (document reference 2.1) that fall outside of the option area for the Solar Park. These areas comprise a barn (informally known as the Beef Barn) and land owned by National Grid Gas PLC that comprises a gas valve associated with the gas pipeline which runs north-south through the Solar Park. Both are not included in the Order Limits.

Existing National Grid Substation

5.1.10 An extension to the existing National Grid Substation (Works No 6A, 6B and 6C), the Bicker Fen Substation, is required to facilitate connection of the Proposed Development to the NETS. The Bicker Fen Substation is located to the South of the Solar Park. The Order land for the Bicker Fen Substation extension area (Works No. 6A, 6B, and 6C) is 27,160m².

5.1.11 This extension will include a new generation bay, a new generation bay control room amid a section of perimeter access road, a busbar extension comprising a section breaker, a bus coupler, a feeder circuit and a new cable sealing end compound. All electrical equipment required for connection to the NETS will be within the new Generation Bay.

5.1.12 The existing National Grid Substation comprises the following plots identified on the Land and Crown Land Plan (document reference 2.1): 99A, 99B, 99C, 99D, 99E, 99F, 99G, 99H and 99I.

Cable Route Corridor

5.1.13 The Cable Route Corridor (Works No. 5, 5A and 5B and associated Works No. 2,3 and 4) is required to lay below ground cables from the Solar Park's onsite 400kv substation to the Bicker Fen Substation. Heading South, the Cable Route Corridor crosses arable land, roads, drainage ditches, a railway line and a Local Wildlife Site.

5.1.14 The Cable Route Corridor is 25m wide, with wider areas to facilitate the drilling rig associated with directional drilling, with launch pits of 30m x 30m. Joining bays of 20m x 3m are required every 400-500m to join sections of cable, with a maximum of 15 no. jointing bays along the route. In addition, cable design may require earthing link boxes of 2m x 2m to transpose the cable earthing along the route. There are 2 no. construction compounds, 80m x 80m in area, along the length of the Cable Route Corridor located to the North of the Triton Knoll Access Track and at the existing National Grid Substation.

5.1.15 The Cable Route Corridor is broken down at the southern end into Work No. 5A and Work No. 5B to reflect alternative route options for laying the electricity cables across a short section of land near to the existing National Grid Substation. This optionality is required due to ongoing discussions with NGET, and the landowner/wind farm operator, however, the Applicant can and will only install either Works No.5A or Work No. 5B. Further details on the Works No.5A and Work No. 5B options is set out in the Explanatory Memorandum (document reference 3.3).

5.1.16 The Cable Route Corridor comprises the following plots identified on the Land and Crown Land Plan (document reference 2.1): 12, 60A, 60B, 60C, 63A, 63B, 66B, 67B, 68C, 69, 72, 75D, 75I, 76B, 100A, 101A, 101C, 104A, 104D, 104E, 108A, 108B, 108C, 124, 184, 190, 245, 248, 255, 266A, 266B, 269, 284, 285, 286, 288, 293A, 293B, 295, 302A, 303, 304, 316, 323, 329, 334, 345, 346, 347, 348.

Public right of way

5.1.17 There is one public right of way located within the Proposed Development Site which crosses the northern boundary for approximately 280metres and this is set out in further detail on the Rights of Way Plan (document reference 2.3) and Chapter 11 (Socioeconomics, Tourism, Recreation and Land Use) of the Environmental Statement (document reference 6.1.11).

5.1.18 Full details of the Solar Park, the National Grid Substation and the Onsite and Offsite Cable Route Corridor can be found in Chapter 4 (Proposed development/Project Description) of the Environmental Statement (document reference 6.1.4) accompanying the DCO Application.

6 REQUIREMENT OF COMPULSORY ACQUISITION

Introduction

6.1.1 The purpose for the acquisition powers sought by the Applicant in the Order is to enable the installation, use, maintenance and decommissioning of the Solar Park, the Grid Connection and associated development including the sub-station works at Bicker Fen to connect the development to the National Grid.

6.1.2 The Order (document reference 3.1) contains powers that are both permanent and temporary. In summary, the powers sought under the Order enable the creation and acquisition of new rights over land and the imposition of restrictions. Where the necessary rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the Order enables the rights over land to be acquired compulsorily. In addition, existing rights, restrictions, easements or servitudes can be overridden, suspended and/or extinguished to enable the Proposed Development to be delivered without impediment.

6.1.3 The principal compulsory acquisition powers are set out in Articles 18 and 20 of the Order, in addition temporary rights are set out in Articles 27 and 28 of the Order and the power to extinguish or suspend private rights are set out in Article 21 and 24 of the Order.

6.1.4 A description of the class rights sought over the Order land and the justification for why the rights are required is set out below in this Statement. Reference is made to plot numbers detailed on the Land and Crown Land Plan (document reference 2.1) and described in the Book of Reference (document reference 4.4).

6.1.5 Whilst rights and interests required for the Proposed Development will be secured by agreement wherever possible, and negotiations continue with all identified owners, it is essential that compulsory acquisition powers are available to the Applicant to enable the Proposed Development to proceed at the earliest opportunity to enable the Proposed Development to contribute to the UK's energy supply. The status of negotiations with owners and occupiers is summarised in Appendix A to this Statement. In addition, a complete list of negotiations is included as the Schedule of Negotiations with Statutory Undertakers and Landowners (document reference 4.4).

6.1.6 Plot 99I has been included in the Order Limits but the Applicant is not seeking any compulsory acquisition rights for this plot. The Applicant requires development consent over this land for the construction of a cable sealing end compound and associated infrastructure (Work No. 6C). However, these are works to be undertaken by NGET on land owned and under the control of NGET. The Applicant and NGET have therefore agreed that no compulsory rights are required for this plot.

Classes of rights

6.1.7 There are four classes of land rights sought by the Applicant in the Order, as outlined below in table 1.

TABLE 1: Class rights sought by the applicant

Class of Rights	Description	Plot numbers
1	Permanent easement and access	12, 60A, 60B, 60C, 63A, 63B, 66B, 67B, 68C, 69, 72, 75D, 75I, 76B, 99B, 99C, 99D, 100A, 101A, 101C, 104A, 104D, 104E, 108A, 108B, 108C, 124, 184, 190, 245, 248, 255, 266A, 266B, 269, 284, 285, 286, 288, 293A, 293B, 295, 302A, 303, 304, 316, 323, 329, 334, 345, 346, 347, 348, 99G, 99H.
2	Permanent access only	63C, 63D, 64, 66A, 67A, 67C, 67D, 68A, 68B, 68D, 68E, 68F, 73A, 73B, 75A, 75B, 75C, 75E, 75F, 75G, 75H, 75J, 76A, 89, 90, 94, 97, 99E, 99F, 104B, 104C, 107A, 107B, 109A, 109B, 173, 265, 273, 274, 275A, 279, 287, 289, 290, 294, 296, 297, 298, 299, 301, 302B, 307, 312, 313, 317, 322, 324, 325, 326, 335, 337, 338, 339, 341, 349.
3	Temporary use	Order Limits (excluding 282, 283, 330, 331, 275B and 99I)).
4	Override private rights or extinguish other rights	Order Limits (excluding 275B and 99I).

6.1.8 The justification for and explanation of each right class is discussed below.

Class 1 – permanent easement and access

6.1.9 Article 20 of the Order is relied upon in respect of the Class 1 rights sought. The land over which compulsory acquisition powers are sought for rights and the creation of new rights (including restrictions) is shown edged red and shaded blue on the Land and Crown Land Plan (document reference 2.1). This land is described in more detail in the Book of Reference (document reference 4.4).

6.1.10 A number of new rights are sought to facilitate the Applicant and all persons authorised on its behalf to construct, use and maintain the Proposed Development. This includes rights to construct, use and maintain the underground cables, rights of access, rights for drainage and rights for services. There is also a need to impose restrictive covenants in relation to new rights required in connection with the Class 1 rights.

6.1.11 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 a 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.

6.1.12 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. 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 an NSIP and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.

6.1.13 The Applicant has had regard to this guidance in preparing the Order. Article 20 includes power to impose restrictive covenants in relation to land over which new rights are acquired. The Applicant considers the imposition of such a power to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the underground cables and to ensure that the Proposed Development can be accessed.

6.1.14 The intended purpose and justifications for which new rights are sought under Article 20 of the Order is set out in Table 2 below.

TABLE 2: Justifications for the creation and acquisition of rights and imposition of restrictions: Class 1 – permanent easement and access

Class 1	Rights sought	Justification
Cable rights	<p>(a) to install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical underground cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other apparatus and structures;</p> <p>(b) to alter, improve, form, maintain, retain, use (with or without vehicles, plant and machinery), remove, reinstate means of access to the authorised development including visibility splays and to remove impediments to such access;</p> <p>(c) to install, use, support, protect, inspect, alter, remove, replace retain, renew, improve and maintain watercourses, public sewers and drains and drainage apparatus and equipment; (d) to remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the authorised development;</p>	To enable the Applicant to construct, use and maintain the underground cables.

	<p>(e) to restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove the planting of 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; and</p> <p>(f) to install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain soft landscaping and biodiversity measures.</p>	
<p>Substation connection rights</p>	<p>(g) in connection with and for the purposes of facilitating Work No. 6A, to install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other apparatus and structures and to connect such cables and services to the National Grid Bicker Fen substation;</p> <p>(h) in connection with and for the purposes of facilitating Work No. 6A , to install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain watercourses, public sewers and drains and drainage apparatus and equipment;</p> <p>(i) to remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with Work No 6A;</p> <p>(j) in connection with and for the purposes of facilitating Work No. 6A to restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove the planting of 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>(k) to install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain soft landscaping and biodiversity measures; and</p> <p>(k) remove landscaping measures.</p>	<p>To enable the Applicant to construct, use and maintain all electrical cables and equipment forming part of and connecting to, the National Grid Bicker Fen Substation.</p>

Class 2 – Permanent access only

6.1.15 Article 20 of the DCO is also relied upon in respect of the class 2 rights sought. The land over which compulsory acquisition powers are sought for access rights is shown edged red and shaded yellow on the Land and Crown Land Plan (document reference 2.1). This land is described in more detail in the Book of Reference (document reference 4.4).

6.1.16 Access only rights are sought to facilitate access to the Proposed Development Site for the Applicant and all persons authorised on its behalf to construct, use and maintain the Proposed Development. There is also a need to impose restrictive covenants in relation to new access rights required in connection with the Class 2 rights.

6.1.17 The intended purpose and justifications for which new access rights are sought under Article 20 of the Order and Table 3 below.

TABLE 3: Justifications for the creation and acquisition of rights and imposition of restrictions: Class 2 – permanent access only

Class 2	Rights sought	Justification
Access rights	<p>(a) to alter, improve, form, maintain, retain, use (with or without vehicles, plant and machinery), remove, reinstate means of access to the authorised development including visibility splays and to remove impediments to such access;</p> <p>(b) to pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface) for all purposes in connection with the authorised development; and</p> <p>(c) to restrict the erection of buildings or structures, restrict the altering of ground levels, restrict the planting of trees or carrying out operations or actions which may obstruct, interrupt or interfere with the exercise of the access rights.</p>	To enable the Applicant to access and remain on land necessary for the construction and maintenance of the authorised development and otherwise for the exercise of the class 1 rights.

Class rights 3 – Temporary use

6.1.18 Temporary use of land pursuant to Articles 27 and 28 of the Order is required in order to facilitate the use of land by the Applicant and all persons authorised on its behalf during the construction period and maintenance period of the Proposed Development. The maintenance period is defined in Article 28 of the Order as " five years beginning with the date of final commissioning of the part of the authorised development for which temporary possession is required under this article except in relation to landscaping where "the maintenance period" means such period as set out in the landscape ecological management plan which is approved by the relevant planning authority pursuant to requirement 8 beginning with the date on which that part of the landscaping is completed"

6.1.19 The land over which compulsory acquisition powers are sought for access rights is shown edged red and shaded blue, green, purple and yellow on the Land and Crown Land Plan (document reference 2.1). This land is described in more detail in the Book of Reference (document reference 4.4).

6.1.20 The reason for seeking temporary use powers over this land is that it allows the Applicant to enter on to land for particular purposes (including site preparation works) in advance of any vesting of the relevant land/rights. This enables the Applicant to only compulsorily acquire the minimum amount of rights over land required to construct, operate and maintain the Proposed Development, which demonstrates the proportionate approach that the Applicant is taking in the exercise of compulsory acquisition of rights (as discussed below).

6.1.21 The intended purpose and justifications for which temporary use rights are sought under Article 27 and 28 of the Order is set out in Table 4 below.

TABLE 4: Justifications for the creation and acquisition of rights and imposition of restrictions: Class 3 – Temporary use

Class 3	Rights sought	Justification
Construction and access	(a) to remove any buildings, agricultural plant and apparatus, drainage, fences, debris and vegetation from that land; (b) to construct temporary works, haul roads, security fencing, bridges, structures and buildings on that land; (c) to use the land for the purposes of a temporary working site with access to the working site in connection with the authorised development; (d) to construct any works, on that land as are mentioned in Schedule 1 (authorised development) of the Order; and	To enable the Applicant temporary access to the Order Land and place temporary works on the land to construct the Proposed Development.

	(e) to carry out mitigation works including reinstatement required under the requirements in Schedule 2 (requirements) of the Order.	
Maintenance and access	<p>(a) to enter on and take temporary possession of any land within the Order land if such possession is reasonably required for the purpose of maintaining the authorised development;</p> <p>(b) to enter on any land within the Order land for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and</p> <p>(c) to construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.</p>	To enable the Applicant temporary access to the Order Land to undertake any necessary maintenance works during the maintenance period.

Class rights 4 – Private rights

6.1.22 Articles 21 and 24 of the Order is relied upon in respect of the Class 4 rights sought. The Applicant has included powers to ensure that easements and other private rights identified as affecting the land are extinguished or suspended, so as to facilitate the construction and operation of the Proposed Development without hindrance. In addition, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished in order to facilitate the construction and operation of the Proposed Development. On this basis the Applicant is seeking Class 4 rights over all of the Order land (with the exception of Plots 275B and 99I).

6.1.23 Articles 21 and 24 of the Order provides that any existing rights, restrictions, easements or servitudes can be overridden, suspended and/or extinguished if required to exercise the powers under Articles 18 and 20 of the Order. Part 3 of the Book of Reference (document reference 4.4) identifies those plots where rights may be overridden, suspended or extinguished under Article 21 and 24.

6.1.24 The intended purpose and justifications for which the overriding, extinguishment or suspension of rights are sought under Article 21 and 24 of the Order is set out in Table 5 below.

TABLE 5: Justifications for the creation and acquisition of rights and imposition of restrictions: Class 4

Class 4	Rights sought	Justification
Private rights	Easements and other private rights identified as affecting the land are overridden, extinguished or suspended.	To facilitate the construction and operation of the Proposed Development without hindrance and to extinguish unknown rights, restrictions, easements or servitudes affecting that land in order to facilitate the construction and operation of the Proposed Development.

6.1.25 Through agreement with the landowner, it has been decided that the Applicant is not seeking compulsory acquisition powers to secure freehold rights to the Solar Park or new rights (including restrictive covenants) over the Solar Park; the Applicant has a good longstanding relationship with the landowner and an option agreement is in place to secure the rights to construct and maintain the Proposed Development. The Applicant is, however, seeking Class 4 rights over the Solar Farm to ensure that title can be secured with certainty and to protect the deliverability of the Proposed Development from circumstances which may otherwise cause a delay including a general right to acquire any unknown freehold or leasehold rights over the land is included.

Additional powers within the Order

6.1.26 In respect of the public highways and streets that will be affected by the Proposed Development, the Applicant is also relying on Articles 8, 9, 10, 11, and 26 of the Order in relation to street works (to enter onto them and to lay and maintain apparatus in them), to construct means of access and to create temporary prohibitions and restrictions of the use of such streets.

6.1.27 The Applicant has also included powers to allow the acquisition of subsoil only rights. These rights are sought to ensure that the minimum amount of rights under the land required to construct and operate the Proposed Development are compulsorily acquired. Article 23 of the Order is relied upon in respect of the subsoil only rights.

6.1.28 Any interference with rights, restrictions etc. over the Order land arising from the exercise of any Articles in the Order which provide statutory access and/or use of land within the Order land are captured in Part 3 of the Book of Reference (document reference 4.4).

6.1.29 Access to all premises adjoining public highways affected by the Proposed Development will be maintained at all times during the construction and operation of the Proposed Development and will not be materially affected by the operation of the Proposed Development.

6.1.30 The Order contains the following additional powers which may constitute an interference with land and/or rights over land and as such are captured in 3 of the Book of Reference (document reference 4.4):

6.1.30.1 Article 14 – Discharge of water;

6.1.30.2 Article 16 – Protective works to buildings;

6.1.30.3 Article 17 - Authority to survey and investigate the land; and

6.1.30.4 Article 36 – Felling or lopping of trees and removal of hedgerows.

7 JUSTIFICATION FOR USE OF COMPULSORY ACQUISITION

7.1.1 Section 120 and Part 1 of Schedule 5 of the PA 2008 make provision for a DCO to grant powers for the creation, suspension and extinguishment of interests or rights over land.

7.1.2 Section 122(2) of the PA 2008 provides that an order granting development consent may only include provision authorising the compulsory acquisition of land (which includes any interest in or right over land) where:

7.1.2.1 the land is required for the development to which the DCO relates;

7.1.2.2 the land is required to facilitate or is incidental to the development; or

7.1.2.3 the land is replacement land for commons, open spaces, or fuel or field garden allotment.

7.1.3 Section 122(3) of the PA 2008 requires that there be a compelling case in the public interest for the land to be acquired compulsorily. The Guidance states at paragraph 12 and 13 that the decision-maker must be satisfied of this and that there is compelling evidence that the public benefits of the compulsory acquisition would outweigh the private loss.

7.1.4 In addition to the above statutory requirements, paragraphs 8 to 10 of the Guidance provide general guidance that the Applicant must be able to demonstrate the following in order to justify the development:

7.1.4.1 that all reasonable alternatives to compulsory acquisition have been explored (including modifications to the scheme);

7.1.4.2 that the interference with rights is for a legitimate purpose, is necessary and is proportionate;

7.1.4.3 how the land will be used;

7.1.4.4 that there is a reasonable prospect of the requisite funds becoming available; and

7.1.4.5 that Articles 1 and 8 of the European Convention on Human Rights have been considered.

7.1.5 At paragraph 11, the Guidance states that the decision-maker needs to be satisfied that the land to be compulsorily acquired does not extend beyond the extent to which it is reasonably required for the purposes of development, and the Applicant should be able to demonstrate that the land in question is needed for the development for which

consent is sought. Any land that is incidental to or is required to facilitate the development should also be limited to that which is no more than reasonably necessary and it should be made clear to the decision-maker that this is the case.

7.1.6 The powers to compulsorily acquire rights over land (including restrictions) in the Order are required for the construction, operation and maintenance of the Proposed Development. The power to compulsorily acquire rights over land is required to ensure there is no impediment to the delivery of this NSIP.

7.1.7 The location and extent of the rights has been carefully considered and designed in order to take the minimum amount of rights required, and is therefore proportionate and necessary.

7.1.8 The Applicant's justification for seeking compulsory acquisition powers, in accordance with the provisions of the PA 2008, is to secure new rights over land, the imposition of restrictions and the temporary use of land required to enable the Applicant to construct, operate and maintain the Proposed Development within a reasonable commercial timeframe. The inclusion of powers of compulsory acquisition in the Order (document reference 3.1) is sought in order to ensure that this can be achieved.

7.1.9 The Proposed Development is a NSIP and the public benefits associated with the Proposed Development are set out in Section 8 of this Statement. The Applicant considers that there is a compelling case in the public interest for the power to compulsorily acquire rights over land (together with the imposition of restrictions) to be included in the Order. Compensation is payable to all affected landowners and occupiers.

7.1.10 There is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the Proposed Development. The extent of the Order land is no more than is reasonably necessary for the construction, operation and maintenance of the Proposed Development and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.

7.1.11 The Applicant has completed an option agreement for that part of the Proposed Development Site on which the Solar Park and Energy Storage Facility is to be located. However, the Applicant is including this land within the Order land in order to ensure that land assembly and title to the Proposed Development Site can be secured with certainty. The Applicant is also including this land within the Order land so as to ensure that certain easements and other private rights identified as affecting that land are extinguished, so as to facilitate the construction and operation of the Proposed Development without hindrance (see the Book of Reference (document reference 4.4)). 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.

7.1.12 The Applicant has been seeking to acquire the remaining rights (and restrictions) over land by voluntary agreement, in order to ensure implementation of the Proposed Development. However, it has not yet been possible to acquire all of the rights required by agreement at the point of submitting the 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.

7.1.13 The Applicant will continue to endeavour to purchase the rights and other interests by agreement wherever possible. This approach of making the application for powers of

compulsory acquisition in the DCO Application and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Guidance.

7.1.14 There are a number of interests identified in the Book of Reference where it has not been possible to identify ownership. The statement "Unknown" is given in the Book of Reference when diligent enquiries have been carried out and it has still not been possible to obtain information. The Applicant has carried out searches and enquiries with the Land Registry, site visits and notices have been and will be erected on site to seek to identify unknown landowners or persons with an interest in the land.

7.1.15 For the reasons set out in this Statement, the Applicant considers that the conditions of Section 122 of the PA 2008 have been met.

Alternatives to Compulsory Acquisition

7.1.16 In designing the Proposed Development and determining the land to be subject to compulsory acquisition and temporary possession powers, the Applicant has considered alternatives and modifications to the Proposed Development to minimise the potential rights and interests that are required.

7.1.17 A range of technical, environmental and economic factors have been considered when investigating and assessing the potential sites for the Proposed Development. This process is described in detail in Chapter 3 (Site description/selection) of the Environmental Statement (document reference 6.1.3). In addition, the Grid Route Selection Report, that explains the optioneering undertaken, selection process and alternative routes considered to identify the Cable Route Corridor, is set out in Appendix C to this Statement.

7.1.18 Key factors for consideration include:

7.1.18.1 Solar irradiation levels;

7.1.18.2 Proximity to an available grid connection;

7.1.18.3 Proximity to local population;

7.1.18.4 Topography;

7.1.18.5 Field size / shading;

7.1.18.6 Access to the site for construction;

7.1.18.7 Archaeological interest;

7.1.18.8 Agricultural land classification;

7.1.18.9 Landscape designations and visual impact;

7.1.18.10 Nature conservation designations;

7.1.18.11 Flood risk; and

7.1.18.12 The potential for a commercial/land agreement with landowners.

7.1.19 Following consideration of the above factors, the Proposed Development Site was identified as being suitable for the Proposed Development. Chapter 3 (Site

description/selection) of the Environmental Statement (document reference 6.1.3) also sets out how the Applicant has considered other sites in the UK and alternative designs.

7.1.20 The Consultation Report (document reference 5.1) explains further how community and statutory consultees and negotiations with landowners have influenced considerations as to the design and layout of the Proposed Development.

7.1.21 None of the alternatives or modifications considered for the Proposed Development would remove the need for powers of compulsory acquisition powers and temporary possession over the Order land.

7.1.22 The Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the DCO Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility, economic factors and the minimisation of environmental and visual impacts and rights and interests that are required.

Availability of Funds for Compensation

7.1.23 The Funding Statement (document reference 4.3) confirms that the Applicant has the ability to procure the financial resources required for the Proposed Development, including the cost of acquiring any rights and the payment of compensation, as applicable.

7.1.24 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.

8 NEED FOR THE PROPOSED DEVELOPMENT

8.1.1 The Statement of Need and Planning Statement (document reference 7.3) is included as part of the DCO Application.

8.1.2 The Statement of Need and Planning Statement explains how the Proposed Development will materially contribute to the UK government's urgent need for renewable energy generation, and its commitment to the sustained growth in solar photovoltaic energy generation, as set out in National Policy Statements EN-1 and EN-2. Chapter 4 (Development Description) of the Environmental Statement (document reference 6.1.4) also explains the need for the Proposed Development.

8.1.3 In addition, the Statement of Need and Planning Statement explains how the Proposed Development is supported by international, national and local planning policies.

8.1.4 It is for the reasons outlined in the Statement of Need and Planning Statement that the Applicant considers that there is a compelling case in the public interest to be granted compulsory acquisition powers.

9 SPECIAL CONSIDERATIONS

Special Category Land – Crown Land

9.1.1 Section 135 of the PA 2008 provides protection for Crown Land against compulsory acquisition. The Order land includes land owned by the Crown or subject to Crown Interests. This land is described in Part 4 of the Book of Reference (document reference 4.4) and shown on the Land and Crown Land Plan (document reference 2.1). The Book of Reference clearly states that any interests owned by the Crown are excluded from the ambit of the compulsory acquisition powers contained in the Order (document

reference 3.1). In addition, in response to a section 55 request from the Planning Inspectorate, a separate Crown Land Plan is provided (document reference 2.10).

9.1.2 Section 135 of the PA 2008 provides that a DCO may include provisions authorising the compulsory acquisition of an interest in Crown Land which is for the time being held otherwise than by or on behalf of the Crown, or any other provisions relating to the Crown Land, only if the Crown consents to the inclusion of the provisions.

9.1.3 The Applicant is in discussions with the Crown Estate Commissioners in order to obtain their consent to the inclusion of these provisions as required under section 135 of the PA 2008.

9.1.4 The Crown Land comprises the following plots identified on the Land and Crown Land Plan (document reference 2.1): 69, 184, 283, 293A, 293B.

Statutory Undertakers Land and Apparatus

9.1.5 The interests held by each statutory undertaker identified by the Applicant as having a right to keep or access apparatus within the Order land are identified in Part 1 and Part 2 of the Book of Reference (document reference 4.4).

9.1.6 Article 29 of the Order gives the Applicant the authority to acquire rights from Statutory Undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 13 of the Order (document reference 3.1) which contains protective provisions for their benefit.

9.1.7 Section 127(5) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of a right over statutory undertaker's land by the creation of a new right over land to the extent that:-

9.1.7.1 the right can be purchased without serious detriment to the carrying on of the undertaking; or

9.1.7.2 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 the other land belonging to or available for acquisition by them.

9.1.8 Section 138(4) of the PA 2008 provides that an order granting development consent may only include provisions for the extinguishment of:

9.1.8.1 right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, which is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking, or is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network; or

9.1.8.2 apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or electronic communications apparatus kept installed for the purposes of an electronic communications code network, where the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates.

9.1.9 Adequate protection for the statutory undertakers will be included within protective provisions in the Order and/or asset protection agreements between the parties. The Applicant therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory

acquisition of rights over land or powers of temporary possession or extinguishment of rights or removal of apparatus.

9.1.10 A summary of the current status of negotiations with each statutory undertaker is set out in Appendix B to this Statement. In addition, a complete list of negotiations is included as the Schedule of Negotiations with Statutory Undertakers and Landowners (document reference 4.4).

Other Consents

9.1.11 Other consents are required in order for the Proposed Development to be constructed and become operational. The Consents and Licences Required Under Other Legislation document (document reference 7.5) sets out the additional consents required and when for which they will be applied. These include but are not limited to:

9.1.11.1 Generation Licence

As required under the Electricity Act 1989, the Applicant will submit an application for a Generation Licence to the Gas and Electricity Markets Authority on post consent.

9.1.11.2 Connection Agreement

A sibling group company of the Applicant (Ecotricity Generation Limited) accepted a grid connection offer from National Grid Electricity System Operator Limited on 19 July 2022, further details of which are given in the Grid Connection Statement (Document Ref: 5.4).

9.1.11.3 European Protected Species Mitigation Licence

Discussions with Natural England will be commenced if a licence pursuant to the Conservation of Habitats and Species Regulations 2017 is required.

9.1.11.4 Specific Protected Species Licence

When the design of the Proposed Development is being finalised, discussions of the final Proposed Development details will be undertaken with Natural England and a licence will be applied for if required.

9.1.11.5 Science, Education & Conservation or Class licence

When the design of the Proposed Development is being finalised, discussions of the final Proposed Development details will be undertaken with Natural England and a licence will be applied for if required.

9.1.11.6 Request permission for works or an activity on an SSSI

Discussions with Natural England will be commenced if permission pursuant to the Wildlife and Countryside Act 1981 is required.

9.1.11.7 Health and Safety related consents

Applications to be made by the Applicant's contractor before construction commences as appropriate.

9.1.11.8 Permit for transport of abnormal loads (relating to the delivery by road of loads that fall outside standard practice) (if required)

Appropriate applications and notifications, in accordance with the Construction Traffic Management Plan, will be made by the Applicant's contractor in advance of the delivery of any abnormal loads.

9.1.11.9 Notice of Street Works

Applications to be made by the Applicant's contractor before construction commences as appropriate.

9.1.11.10 Temporary Road Traffic Orders (if required, i.e. if construction phase requires closure of any public highway).

Applications to be made by the Applicant's contractor before construction commences as appropriate.

9.1.11.11 Section 61 Consent (relating to the control of noise on construction sites)

Any applications required will be made by the Applicant's contractor before construction commences.

9.1.11.12 Water abstraction or impoundment licence

If groundwater pumping/dewatering is required, then applications to be made by the Applicant's contractor before construction commences as appropriate.

9.1.11.13 Water discharge permit

If water discharge activities are required then an application for water discharge activity environmental permit will be made by the Applicant's contractor before water is discharged.

9.1.11.14 Hazardous Substance Consent

Applications to be made by the Applicant's contractor following detailed design, if that is necessary. The Applicant is not aware of any reason why a consent would not be granted should one be required.

9.1.11.15 Crown Consent

Consent to acquire interest other than the Crown in Crown land to be sought post-submission of the Application.

9.1.12 The Applicant is not aware of any reasons why the above consents and licences would not be granted.

10 HUMAN RIGHTS

10.1.1 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.

10.1.2 The following Articles of the Convention are relevant to the Secretary of State's decision as to whether the Order (document reference 3.1) should be made so as to include powers of compulsory acquisition:

10.1.2.1 Article 1 – protects the rights to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest.

10.1.2.2 Article 6 – entitles those affected by the compulsory acquisition powers sought in the Order to a fair and public hearing.

10.1.2.3 Article 8 – protects private and family life, home and correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

10.1.3 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.

10.1.4 The Order has the potential to infringe the rights of persons who hold interests in land within the Order land under Article 1 of the Convention. Such an infringement is authorised by law so long as:

10.1.4.1 the statutory procedures for making the Order are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order; and

10.1.4.2 the interference with the convention right is proportionate.

10.1.5 In preparing the DCO Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the Order and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. The Applicant considers that there would be a very significant public benefit arising from the grant of the Order. The benefit is only realised if the Order is accompanied by the grant of powers of compulsory acquisition. The Applicant has concluded on balance 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.

10.1.6 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the DCO Application. In accordance with Part 5 of the PA 2008, the Applicant has consulted with persons set out in the categories contained in Section 44 of the PA 2008, which includes owners, lessees, tenants and occupiers within the Order land and those with an interest in the Order land. The Applicant has also consulted with those persons who may be able to make a relevant claim under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or Section 152(3) of the PA 2008.

10.1.7 Furthermore, representations can also be made in response to any notice given under Section 56 of the PA 2008 for consideration at examination of the DCO Application by the Examining Authority and in any written representations procedure which the Examining Authority decides to uphold or at any compulsory acquisition hearing held under Section 92 of the PA 2008.

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

10.1.9 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. In relation to matters

of compensation, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body, to determine the compensation payable.

10.1.10 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Sections 8 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.

10.1.11 The Applicant considers that the Order strikes a fair balance between the public interest in the Proposed Development going ahead and the interference with the rights that will be affected. The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Order, including the grant of compulsory acquisition powers.

11 FURTHER INFORMATION

The Negotiation of Sale/Rights

11.1.1 Landowners and occupiers of property which are affected by the Order and whom wish to discuss the subject of compensation should contact:

11.1.1.1 Simon Tarr (Senior Director (Land & Property) at Pegasus Group:

11.1.1.1.1 Email: [REDACTED]@pegasusgroup.co.uk

11.1.1.1.2 Telephone: [REDACTED]

11.1.1.2 Harry Travis (Principal Acquisition Surveyor at Pegasus Group

11.1.1.2.1 Email: [REDACTED]@pegasusgroup.co.uk

11.1.1.2.2 Telephone: [REDACTED]

Compensation guidance

11.1.2 Provision is made by statute with regard to compensation for compulsory acquisition and the depreciation value of properties. Helpful information is given in guidance published by Department of Levelling Up, Housing and Communities entitled "Compulsory Purchase and Compensation" listed below:

11.1.2.1 Guide 1 - Procedure;

11.1.2.2 Guide 2 - Compensation to Business Owners and Occupiers;

11.1.2.3 Guide 3 - Compensation to Agricultural Owners and Occupiers; and

11.1.2.4 Guide 4 - Compensation for Residential Owners and Occupiers.

11.1.3 Copies of these guides are obtainable, free of charge, from:
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

12 CONCLUSIONS

12.1.1 This Statement demonstrates that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Proposed Development meets the requirements of Section 122 of the PA 2008 as well as the considerations in the Guidance.

12.1.2 A description of the intended use of the rights to be acquired compulsorily has been provided.

12.1.3 In summary, the compulsory acquisition of the rights over the Order land (including restrictions), together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is required for the purposes of, to facilitate, or are incidental to, the Proposed Development and are proportionate and no more than is reasonably necessary.

12.1.4 Furthermore, there is a compelling case in the public interest for the rights over the land to be compulsorily acquired given the positive benefits that the Proposed Development will generate particularly in view of current UK policy in relation to renewable energy.

12.1.5 All reasonable alternatives to compulsory acquisition have been explored. Given the national need for the Proposed Development and the support for it found in policy, the compulsory acquisition of the rights and the temporary use of land, together with the proposed interference with existing rights, for the Proposed Development are necessary and justified.

12.1.6 An explanation has been provided as to how it is expected that the construction of the Proposed Development and the acquisition of the rights over the land will be funded, as well as compensation in respect of the exercise of powers of compulsory acquisition, which demonstrates that there is a reasonable prospect of the requisite funds being available.

12.1.7 Articles 1 and 8 of the Convention have been considered. The Applicant considers that the very substantial public benefits to be derived from Proposed Development would outweigh the private loss that would be suffered by those whose land is to be acquired or whose rights would be interfered with.

12.1.8 It is therefore submitted that the Order be made and any compulsory acquisition powers and powers of temporary possession sought within the Order be granted.

APPENDIX A

Summary of negotiations with landowners

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
60A, 60B, 60C, 285, 333	Class 1, Class 3, and Class 4.	5 9A and 10.	To allow electrical cables to be laid and to allow access.	A E LENTON LIMITED (Co. Regn. No. 00473649) of Church End, Friskney, Lincolnshire, PE22 8NE	<p>The Applicant has been liaising with A E Lenton Limited via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads of Terms for an Option for Easement were issued by Pegasus Group in December 2021 and a meeting with the landowners and their agent took place in April 2022.</p> <p>Pegasus Group are currently in discussions with the landowner's agent regarding the Heads of Terms and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.</p> <p>A E Lenton Limited's land agent has together with other land agents representing other landowners on the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.</p>
124, 248, 269, 293A	Class 1, Class 3, and Class 4.	5 and 10.	To allow electrical cables to be laid and to allow access.	ANDREW RICHARD BOOTH of [REDACTED] and [REDACTED]	The Applicant has been liaising with Messrs Booth via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads of Terms for an Option for Easement were

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
				TIMOTHY JAMES BOOTH of [REDACTED]	<p>issued by Pegasus Group in December 2021 and Pegasus have subsequently met with the landowners in February 2022 and December 2022.</p> <p>Pegasus Group are currently in discussions with the landowners regarding the Heads of Terms and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.</p>
109A, 109B	Class 2, Class 3, and Class 4.	10	To provide access.	ANN and ROBIN FIRTH of [REDACTED]	This land was previously in the ownership of the Executors of Edgar Bettinson and Marjorie Bettinson which Mrs Firth was the contact for. The land in Mr and Mrs Firth's ownership is not on the preferred route alignment, however, has been identified as potentially being required for access, with the rights required to lay the cable also potentially affecting a subsoil interest in the adopted highway.
347	Class 1, Class 3, and Class 4.	5	To allow electrical cables to be laid and to allow access.		<p>The Applicant is hopeful that the necessary rights can be acquired by voluntary agreement through discussions Mr and Mrs Firth's agent who together with other land agents representing other landowners on the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.</p>

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
104A, 104D, 104E, 295, 323, 329, 346, 347, 348	Class 1, Class 3, and Class 4.	5, 5A and 5B	To allow electrical cables to be laid and to allow access.	ANN FIRTH and SARAH JANE BETTINSON of [REDACTED]	The Applicant has been liaising with Mrs Firth and Ms Bettinson via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads of Terms for an Option for Easement were issued by Pegasus Group in December 2021 and a meeting with the landowners and their agent took place in February 2022.
104B, 104C, 322, 324,	Class 2, Class 3, and Class 4.	10	To provide access.		<p>Pegasus Group are currently in discussions with the landowner's agent regarding the Heads of Terms and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.</p> <p>Ann Firth and Sarah Jane Bettinson's land agent has together with other land agents representing other landowners on the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.</p>
333	Class 1, Class 3, and Class 4.	5 and 9A	To allow electrical cables to be laid and to allow access.	BRAMALL PROPERTIES LIMITED (Co. Regn. No. 2542185) of [REDACTED]	The Applicant entered into an Option Agreement with Bramall Properties Limited in June 2022 securing the land and rights needed for the solar park site.
282, 283,	Class 4.	1A, 1B, 2, 3, 4,	To allow the development of the Solar Park,	[REDACTED]	Some additional rights are required outside the area encompassed by the Option Agreement for

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
330, 331		5, 8, 9A and 9B	Energy Storage Facility and Substation; to lay electrical cables; to create and allow access; to create, enhance and maintain green infrastructure and biodiversity net gain areas; and to create a permissive footpath.		access and the cable route, however the Applicant is hopeful that these necessary rights can be acquired by voluntary agreement.
337, 339	Class 2, Class 3, and Class 4.	1B, 8 and 9A	To allow the development of the Solar Park; to create and allow access; and to create, enhance and maintain green infrastructure and biodiversity net gain areas.		
63A, 63B, 72,	Class 1, Class 3, and Class 4.	5 and 10	To allow electrical cables to be laid and to allow access.	ENVIRONMENT AGENCY of Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR and	The Applicant has been liaising with the Environment Agency via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads of Terms for an Option for

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
245, 286				of Horizon House, Deanery Road, Bristol, BS1 5AH	Easement were issued by Pegasus Group in December 2021.
63C, 63D, 73A, 73B	Class 2, Class 3, and Class 4.	10	To provide access.		Pegasus Group are currently in discussions with the Environment Agency regarding the Heads of Terms for an Option for Easement and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement. Pegasus Group on request of the Environment Agency have supplied draft copies of the Option for Easement and Deed of Easement.
275A	Class 2, Class 3, and Class 4.	10	To provide access.	HERMITAGE AI LTD (Co. Regn. No. 03657711) of 7c Cranmere Road, Exeter Road Industrial Estate, Okehampton, Devon, United Kingdom, EX20 1UE	The Applicant has been liaising with Hermitage AI Limited via Pegasus Group (the Applicant's agent) since November 2022 regarding the proposed use of their land and existing access track for access. Pegasus Group met with Hermitage AI Limited on-site in February 2023 regarding the use of their access tack and land for access. Following the visit due to the constraints of the buildings on site it has been decided to pursue alternative routes of access to this part of the cable route.
107A, 107B, 173, 265, 325, 326	Class 2, Class 3, and Class 4.	10	To provide access.	IAN BRISTOW of [REDACTED]	The Applicant has been liaising with Mr Bristow via Pegasus Group (the Applicant's agent) since December 2021 when proposed Heads of Terms for an Option for Easement were issued and a meeting with the landowner's agent took place in February 2022 (virtually). The land in Mr

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
348	Class 1, Class 3, and Class 4.	5	To allow electrical cables to be laid and to allow access.		<p>Bristow's ownership was subsequently identified as not being on the preferred route alignment, however, has been identified as potentially being required for access, with the rights required to lay the cable also potentially affecting a subsoil interest in the adopted highway.</p> <p>The Applicant is hopeful that the necessary rights can be acquired by voluntary agreement through discussions with Mr Bristow and his agent.</p> <p>Mr Bristow's land agent has together with other land agents representing other landowners on the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.</p>
100A, 100B, 266A, 266B, 329	Class 1, Class 3, and Class 4.	5 and 5A.	To allow electrical cables to be laid and to allow access.	JOHN GRANT (DONINGTON) (Co. Regn. No. 2148617) of [REDACTED]	<p>The Applicant has been liaising with John Grant (Donington) via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads of Terms for an Option for Easement were issued by Pegasus Group in December 2021 and meetings with the landowner's agent took place in February 2022 (virtually), May 2022 (virtually), and January 2023 in person.</p>
89	Class 2, Class 3, and Class 4.	10	To provide access.		

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
					<p>Pegasus Group are currently in discussions with the landowner's agent regarding the Heads of Terms and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.</p> <p>John Grant (Donington)'s land agent has together with other land agents representing other landowners on the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.</p>
76B, 284, 285, 286, 288, 293A, 293B, 295, 304, 334, 347, 348	Class 1, Class 3, and Class 4.	5 and 10	To allow electrical cables to be laid and to allow access.	LINCOLNSHIRE COUNTY COUNCIL of County Offices Newland, Lincoln, LN1 1YS and care of Legal Services DX701680 Lincoln 6	The Applicant has been liaising with Lincolnshire County Council via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads of Terms for an Option for Easement were issued by Pegasus Group in December 2021. Pegasus Group have been in correspondence with Savills, the Council's agent, regarding the Heads of Terms for an Option for Easement and scheme since December 2021 and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.
76A, 287, 289, 290,	Class 2, Class 3, and Class 4.	1B, 5, 6A, 6B, 6C, 7, 8,	To allow the development of the Solar Park; to extend the		Lincolnshire County Council's land agent has together with other land agents representing other landowners on the route has formed a

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
294, 296, 297, 298, 299, 307, 335, 338, 341		9A and 10	existing substation; to create a temporary laydown area; to create and allow access; and to create, enhance and maintain green infrastructure and biodiversity net gain areas.		"Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.
101A, 101B, 101C, 255, 266A, 266B, 346	Class 1, Class 3, and Class 4.	5, 5A and 5B.	To allow electrical cables to be laid and to allow access.	MARTYN ERIC SHARPE of [REDACTED]	<p>The Applicant has been liaising with Martyn Sharpe via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads of Terms for an Option for Easement were issued by Pegasus Group in December 2021 and meetings with the landowner's agent took place in February 2022 (virtually), May 2022 (virtually), and January 2023 in person.</p> <p>Pegasus Group are currently in discussions with the landowner's agent regarding the Heads of Terms and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.</p> <p>Mr Sharpe's land agent has together with other land agents representing other landowners on</p>

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
					the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.
99A	Class 3, and Class 4.	7	To create a temporary laydown area.	NATIONAL GRID ELECTRICITY TRANSMISSION PLC (Co. Regn. No. 02366977) of 1-3 Strand, London, WC2N 5EH	The Applicant has been in contact with National Grid Electricity Transmission PLC (NGET) via Pegasus Group (the Applicant's agent) since October 2021, and the Applicant met with NGET's representatives (virtually) in December 2022. The Applicant has provided further information requested by NGET and has subsequently meet virtually to discuss the connection of the cable route into NGET's Bicker Fen Substation and the increase to the Order Limits required to accommodate the necessary equipment, therefore the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.
99B, 99C, 99D, 99G, 99H, 255	Class 1, Class 3, and Class 4.	5, 5B, 6A, 6B, 6C, 7 and 10	To allow electrical cables to be laid; to extend the existing substation; and to allow access.		
99E, 99F	Class 2, Class 3, and Class 4.	5, 6A, 6B, 6C, 7 and 10	To extend the existing substation; to create a temporary laydown area; and to allow access.		
99I	No Rights Sought	6C	N/A		
190	Class 1, Class 3, and Class 4.	5	To allow electrical cables to be laid and to allow access.	NETWORK RAIL INFRASTRUCTURE LIMITED of 1 Eversholt Street, London, NW1 2DN	The Applicant has been liaising with Network Rail Infrastructure Limited (Network Rail) via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads of Terms for an Option for Easement were issued by Pegasus Group in December 2021.

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
					Pegasus Group are currently in discussions with Network Rail regarding the Heads of Terms for an Option Agreement and have met virtually in May and August to discuss the Heads of Terms. The Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.
108A, 108B, 108C, 295	Class 1, Class 3, and Class 4.	5	To allow electrical cables to be laid and to allow access.	NICHOLAS POCKLINGTON also known as NICHOLAS CHARLES ARTHUR WINSTON POCKLINGTON	The Applicant has been liaising with Nicholas Pocklington via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads of Terms for an Option for Easement were issued by Pegasus Group in December 2021 and a meeting with the landowner's agent took place in February 2022 (virtually), May 2022 (virtually), and January 2023 in person.
265	Class 2, Class 3, and Class 4.	10	To allow electrical cables to be laid and to allow access.	of [REDACTED]	<p>Pegasus Group are currently in discussions with the landowner's agent regarding the Heads of Terms and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.</p> <p>Mr Pocklington's land agent has together with other land agents representing other landowners on the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing</p>

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
					terms of entry for ongoing surveys within the Order Limits.
279	Class 2, Class 3, and Class 4.	9B	To create a permissive path.	NIGEL JOHN GRANT of [REDACTED]	<p>The Applicant has been liaising with Mr Grant via Pegasus Group (the Applicant's agent) since October 2022, regarding the need to install a footbridge crossing the drainage ditch forming boundary between land in Mr Grant's ownership and Bramall Properties Limited, to serve the public footpath crossing both parties' land. Pegasus Group subsequently met on site with Mr Grant in December 2022 to discuss the Applicant's proposal and based on discussions at the meeting proposed an alternative to installing a footbridge together with a proposed legal agreement in January 2023. This proposal would involve creating a permissive footpath and utilising an existing bridge over the drainage ditch, instead of installing a new footbridge.</p> <p>Pegasus Group are awaiting feedback on the Applicant's proposal; however the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.</p>
94, 312,	Class 2, Class 3, and Class 4.	10	To provide access.	ROWANMOOR TRUSTEES LIMITED (Co. Regn. No. 01846413) of [REDACTED]	The Applicant has been liaising with the Trustees of the John Grant (Donington) Pension Scheme via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
316, 293B, 345	Class 1, Class 3, and Class 4.	5 and 10	To allow electrical cables to be laid and to allow access.	[REDACTED] and JOHN GRANT of [REDACTED] and STEPHEN ROBERT GRANT of [REDACTED] and RICHARD JOHN GRANT of [REDACTED] as Trustees of the John Grant (Donington) Pension Scheme	<p>of Terms for an Option or Easement were issued by Pegasus Group in December 2021 and meeting with the landowner's agent took place in February 2022 and January 2023. The land in Trustee's ownership was subsequently identified as not being on the preferred route alignment, however, has been identified as potentially being required for access, with the rights required to lay the cable also potentially affecting a subsoil interest in the adopted highway and riparian interests in drainage ditches.</p> <p>The Applicant is hopeful that the necessary rights can be acquired by voluntary agreement through discussions with the Trustees via their agent.</p> <p>The Trustees of the John Grant (Donington) Pension Scheme's land agent has together with other land agents representing other landowners on the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.</p>
75A, 75B, 75C,	Class 2, Class 3,	10	To provide access.	SHIRLEY ANN PUGH of [REDACTED]	The Applicant has been liaising with Mrs Pugh via Pegasus Group (the Applicant's agent) since September 2021. Proposed Heads of Terms for

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Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
75E, 75F, 75G, 75H, 75J, 274, 301	and Class 4.			[REDACTED]	an Option for Easement were issued by Pegasus Group in December 2021 and meetings with the landowner's agent took place in February 2022 (virtually), May 2022 (virtually), and January 2023 in person.
75D, 75I, 269, 345	Class 1, Class 3, and Class 4.	5 and 10	To allow electrical cables to be laid and to allow access.		<p>Pegasus Group are currently in discussions with the landowner's agent regarding the Heads of Terms and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.</p> <p>Mrs Pugh's land agent has together with other land agents representing other landowners on the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.</p>
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Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
69	Class 1, Class 3, and Class 4.	5	To allow electrical cables to be laid and to allow access.	<p>THE KING'S MOST EXCELLENT MAJESTY IN RIGHT OF HIS CROWN care of The Crown Estate Commissioners, 1 St James's Market, London, SW1Y 4AH</p>	The Applicant has been liaising with the Crown Estate via Pegasus Group (the Applicant's agent) since December 2021 when proposed Heads of Terms for an Option for Easement were issued. The Crown Estate instructed Carter Jonas to act as their agent and Pegasus Group subsequently met with them (virtually) in February 2022 to discuss both the Heads of Terms for an Option for Easement and in respect of the mines and minerals reservation on the Solar Park Site.
283 (in respect of a mines and mineral reservation)	Class 4	1A, 1B, 2, 3, 4 and 5	To allow the development of the Solar Park, Energy Storage Facility and Substation; to lay electrical cables; to create and allow access; to create, enhance and maintain green infrastructure and biodiversity net gain areas; and to create a		Further discussions have been ongoing between Pegasus Group and Carter Jonas in regard to both issues. Agreement has been reached with Carter Jonas for the Crown to grant a lease covering the mineral rights at an agreed annual rent therefore applicant is hopeful that the necessary rights can be acquired by voluntary agreement.

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
			permissive footpath.		
184, 293A, 293B	Class 1, Class 3, and Class 4.	5 and 10	To allow electrical cables to be laid and to allow access.	THE SOLICITOR FOR THE AFFAIRS OF HIS MAJESTY'S DUCHY OF LANCASTER 1 Lancaster Place, Strand, London, WC2E7ED	<p>The Applicant has been liaising with the Duchy of Lancaster via Pegasus Group (the Applicant's agent) since December 2021 when proposed Heads of Terms for an Option for Easement were issued. The Duchy of Lancaster instructed Savills to act as their agent in September 2022.</p> <p>Pegasus Group are currently in discussions with Savills regarding the Heads of Terms and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.</p> <p>The Duchy of Lancaster's land agent has together with other land agents representing other landowners on the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.</p>
66A, 68A,	Class 2, Class 3,	5 and 10	To allow electrical cables to be laid	THE TRUSTEES OF THE DE LISLE FAMILY FUND of The	The Applicant entered into an Option Agreement with Bramall Properties Limited in October 2021

Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
68B, 68D, 68E, 68F, 302B	and Class 4.		and to allow access.	[REDACTED]	securing the majority of the rights needed for electrical cables. Some additional rights are required which are outside the scope of the Option Agreement such as the use of some of the land as a compound area during construction. Pegasus Group (the Applicant's agent) has been in discussion with the owner's agent since October 2022.
12, 66B, 68B, 68C, 284, 288, 302A, 303	Class 1, Class 3, and Class 4.	5, 7 and 10	To allow electrical cables to be laid; to create a temporary laydown area; and to allow access.		Additionally, since submission it has been confirmed that the Trustees of the De Lisle Family Fund have purchased the land interests in plot 12 and 284 and therefore the Trustee's land agent has been sent Heads of Terms for an Option for Easement over this land. The Applicant is hopeful that these additional rights can be acquired by voluntary agreement. The Trustees' land agent has together with other land agents representing other landowners on the route has formed a "Land Interest Group" with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits.
64, 67A, 67C, 67D,	Class 2, Class 3, and Class 4.	5, 7 and 10	To provide access.	TRITON KNOLL OFFSHORE WIND FARM LIMITED (Co. Regn. No. 03696654) of Windmill Hill Business Park,	The Applicant has been liaising with Triton Knoll Offshore Wind Farm Limited via Pegasus Group (the Applicant's agent) since February 2022. Proposed crossing agreements and draft legal

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Plot	Class of Rights Sought (Where Relevant)	Work Numbers	Reason for Acquisition	Landowner	Status of negotiations
90, 97, 273, 301, 349				Whitehill Way, Swindon, SN5 6PB	documentation were issued by Pegasus Group in October 2022, with further documents being issued to the OFTO party, taking over the Triton Knoll infrastructure, again in December 2022.
67B	Class 1, Class 3, and Class 4.	5 and 10	To allow electrical cables to laid and allow access.		Pegasus Group, and TLT (the Applicants Property Solicitors), are currently in discussions with the OFTO and Triton Knoll Offshore Wind Farm Limited’s legal advisors regarding the Heads of Terms for an Option Agreement to take an easement, associated access rights and crossing agreements and the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement.

APPENDIX B

Summary of negotiations with statutory undertakers

Statutory undertaker	Plots (Land and Crown Land Plans)	Interest in the land over which powers are sought	Status of negotiations
Anglian Water Services Limited	63A, 63B, 63C, 63D, 72, 73A, 73B, 76A, 76B, 284, 289, 294, 295, 296, 298, 299, 307, 324, 335, 337, 341, 347, 348	Category 2 and Category 3 interests in respect of rights reserved by a transfer scheme dated 01.09.1989, and underground water pipes.	<p>The Applicant's legal team has been in correspondence with Anglian Water since 10 November 2022 in relation to the negotiation of protective provisions.</p> <p>Draft protective provisions were provided by the Applicant on 15 November 2022.</p> <p>A further update in respect of discussions with Anglian Water will be provided at Deadline 1.</p> <p>In any event, draft standard provisions for Anglian Water have been included in the draft DCO in Part 3 of Schedule 13.</p>
National Grid Electricity Transmission plc	99A, 99B, 99C, 99D, 99E, 99F, 99G, 99H, 99I, 101A, 101B, 101C, 104A, 255	Category 1 interests as owner and occupier of land, and Category 2 and Category 3 interests in respect of overhead electricity cables, and rights and restrictive covenants granted by a deed dated 29.09.2006.	<p>The Applicant and NGET have continued discussions with regards to the Project and negotiations are ongoing but at an advanced stage.</p> <p>Recently discussions have been held relating to the NGET Change Application, which is required in order to ensure that NGET benefits from rights under the DCO to carry out extension works to the Existing Substation for the purpose of the Project's grid connection into the Existing Substation.</p> <p>As part of NGET providing its consent to the NGET Change Application (by way of a letter dated 14 August 2023), NGET and the Applicant have agreed a set of protective provisions to be appended to the DCO.</p>

Statutory undertaker	Plots (Land and Crown Land Plans)	Interest in the land over which powers are sought	Status of negotiations
			<p>The agreed form protective provisions have been included in the draft DCO in Part 6 of Schedule 13</p>
National Grid Gas plc	67A, 68B, 75I, 75J, 76A, 76B, 282, 289, 307, 335, 337	Category 2 and Category 3 interests in respect of an underground gas pipeline, and rights and restrictive covenants granted by a deed of grant dated 26.10.1971, a deed of grant dated 25.02.1972, a deed of grant dated 19.10.1972 and a deed of grant dated 25.01.1972, and in respect of rights and restrictions in connection with a cathodic protection installation and a right of way granted by a conveyance dated 25.01.1972.	<p>The Applicant and NGG have continued discussions with regards to the Project and negotiations are ongoing but at an advanced stage.</p> <p>As part of the NGET Change Application, separate protective provisions are proposed to be provided for NGET and NGG respectively in the draft DCO.</p> <p>Negotiations are advanced in respect of the protective provisions but these are still to be agreed between the parties.</p> <p>In any event, the current draft protective provisions for NGG have been included in the draft DCO in Part 4 of Schedule 13.</p>
Environment Agency	63A, 63B, 63C, 63D, 72, 73A, 73B, 245, 286	Category 1 interests as owner and occupier of land.	<p>The Applicant has been correspondence with the Environment Agency since 2 December 2022 in relation to the negotiation of protective provisions.</p> <p>A further update in respect of discussions with the Environment Agency will be provided at Deadline 1.</p>

Statutory undertaker	Plots (Land and Crown Land Plans)	Interest in the land over which powers are sought	Status of negotiations
			<p>In any event, draft standard provisions for the Environment Agency have been included in the draft DCO in Part 6 of Schedule 13.</p>
Network Rail	190	Category 1 interest as owner and occupier of land.	<p>The Applicant's agent has been liaising with Network Rail since September 2021 and issued Proposed Heads of Terms for an Option for Easement in December 2021. The Applicant's agent is currently in discussions with Network Rail regarding the Heads of Terms and are hopeful that the necessary rights can be acquired by voluntary agreement.</p> <p>A further update in respect of discussions with Network Rail will be provided at Deadline 1.</p> <p>In any event, draft standard provisions for Network Rail have been included in the draft DCO in Part 9 of Schedule 13.</p> <p>Discussions are ongoing with Network Rail with regards to their specific requirements for protective provisions.</p>
National Grid Electricity Distribution (East Midlands) plc	99A, 99B, 99C, 99D, 99E, 99F, 99G, 99H, 99I	Category 1 interest as a tenant and occupier under lease dated 23.11.2007 and Category 2 and 3 interests in respect of underground and overhead electricity cables, and rights and restrictive covenants granted by two leases both dated 23.11.2007.	<p>National Grid Electricity Distribution plc (previously Western Power Distribution plc) were contacted regarding the Project as part of the consultation process in June 2022.</p> <p>If required, the Applicant and/or their lawyers and agents will have further discussions with National Grid Electricity Distributions plc / National Grid Distribution (East Midlands) plc regarding any specific protective provisions and rights required.</p>

Statutory undertaker	Plots (Land and Crown Land Plans)	Interest in the land over which powers are sought	Status of negotiations
National Grid Electricity Distribution plc	60C, 63A, 66B, 67B, 67D, 68C, 68E, 100A, 101A, 101C, 104A, 104B, 104C, 104D, 104E, 108B, 109A, 109B, 265, 266A, 282, 283, 287, 288, 289, 294, 295, 296, 322, 325, 329, 330, 339, 341	Category 2 and 3 interests in respect of underground and overhead electricity cables, and rights and restrictive covenants contained within deeds dated 15.04.2008 and 25.03.2011.	A further update in respect of discussions with National Grid Electricity Distributions plc / National Grid Distribution (East Midlands) plc will be provided at Deadline 1.
Black Sluice Internal Drainage Board	12, 60A, 60B, 60C, 67A, 68C, 68E, 69, 75D, 75G, 75I, 76B, 89, 94, 99A, 99C, 99D, 99E, 100B, 101B, 101C, 104B, 104C, 104D, 104E, 108A, 184, 248, 255, 282, 283, 289, 290, 293A, 293B, 294, 295, 296, 298, 313, 316, 317, 322, 323, 331	Category 2 and 3 interests in respect of a right of way granted by conveyance dated 06.07.1965, and in respect of drainage ditches.	<p>The Applicant has been in correspondence with Black Sluice since 11 November 2022 in relation to the negotiation of protective provisions.</p> <p>A further update in respect of discussions with Black Sluice Internal Drainage Board will be provided at Deadline 1. The current draft standard provisions for Black Sluice have been included in the draft DCO in Part 8 of Schedule 13.</p> <p>Discussions are ongoing with Black Sluice with regards to their specific requirements for protective provisions.</p>
Cadent Gas Limited	N/A	N/A	<p>The Applicant's lawyers sent correspondence on 12 December 2022 to Cadent Gas in order to confirm whether the general protective provisions in the draft DCO in Part 1 of Schedule 13 were approved, or if Cadent required specific protections.</p> <p>No response and/or engagement has been received from Cadent to date.</p> <p>A further update in respect of discussions with Cadent will be provided at Deadline 1.</p>

Statutory undertaker	Plots (Land and Crown Land Plans)	Interest in the land over which powers are sought	Status of negotiations
			<p>In any event, draft standard provisions for Cadent have been included in the in the draft DCO in Part 5 of Schedule 13.</p>
<p>Triton Knoll Wind Farm Limited</p> <p>Triton Knoll OFTO</p>	<p>12, 60B, 64, 66A, 66B, 67A, 67B, 67C, 67D, 68A, 68B, 68C, 68D, 68E, 68F, 69, 75A, 75B, 75C, 75D, 75E, 75F, 75G, 75H, 75I, 75J, 89, 90, 94, 97, 99A, 99F, 104A, 104B, 104C, 104D, 104E, 107A, 108C, 109A, 173, 273, 274, 294, 301, 317, 349</p>	<p>Category 1 interests as owner and occupier of land, and Category 2 and Category 3 interests in respect of underground electricity cables and rights and restrictions contained in an option agreement for a deed of easement dated 02.05.2019, a deed dated 02.05.2019, a deed dated 25.07.2019, a transfer dated 08.06.2018, an easement dated 01.02.2019, a deed of grant dated 10.01.2019, a transfer dated 26.08.2020, a deed of easement dated 01.11.2019, a deed of easement dated 10.12.2019, a transfer dated 15.06.2018, a transfer dated 03.12.2019, a deed of easement dated 03.12.2019, a deed of grant dated 10.05.2016, a lease dated 05.11.2019, a</p>	<p>The Applicant arranged an all parties call with Triton Knoll Wind Farm and Triton Knoll OFTO on 7 December 2022.</p> <p>The general protective provisions in the draft DCO in Part 1 of Schedule 13 were provided to Triton Knoll Wind Farm and Triton Knoll OFTO on 8 December 2022.</p> <p>A further update in respect of discussions with Triton Knoll Wind Farm and Triton Knoll OFTO will be provided at Deadline 1.</p> <p>Discussions are ongoing with Triton Knoll Wind Farm and Triton Knoll OFTO with regards to their specific requirements for protective provisions.</p>

Statutory undertaker	Plots (Land and Crown Land Plans)	Interest in the land over which powers are sought	Status of negotiations
		deed dated 20.11.2020, a deed of grant dated 28.02.2019, a deed dated 05.09.2018, a deed dated 14.01.2020, a deed dated 28.02.2019, an option agreement dated 17.04.2018, and a transfer dated 26.08.2020.	

Statutory undertaker		Plots (Land and Crown Land Plans)	Interest in the land over which powers are sought	Status of negotiations
National Viking Limited	Grid Link	60A, 99A, 99C, 99E, 99F, 99G	Category 2 and Category 3 interests in respect of underground electricity cables, and rights and restrictions contained in an agreement to grant an easement dated 31.03.2021 and an agreement for easement dated 01.12.2020.	<p>The Applicant's agent contacted National Grid Viking Link Limited (Viking Link) regarding the proposed cable route potentially crossing Viking Link's underground cable, in October 2022.</p> <p>A further update in respect of discussions with National Grid Viking Link Limited will be provided at Deadline 1.</p>

APPENDIX C

Grid Route Selection Report