

Compulsory Acquisition Hearing – 26th September 2023

Williams Land, Plot 01-01 & associated plots (“plot 01-01”)

1. Status of Negotiations

Mr Fox was factually correct in stating that a response to some of our concerns had been received on Friday 22nd September. This was the first substantive response we have received from the applicant since early July, so to describe the negotiations as intensive is inaccurate - sporadic would be more appropriate.

The Examining Authority should be clear that the points at issue are not regarding rental payments but relate entirely to:

- provisions to ensure that the land is returned to its original state at the end of its use for solar generation, however that event arises; and
- providing the appropriate contractual framework with the applicant’s third party contractors; and
- ensuring that the landlord has the tools and means to decommission the site if necessary.

None of the provisions requested are unusual/abnormal in a standard commercial property lease, furthermore they are relevant in the context of the “unforeseen circumstances” addressed in our earlier submission on ISH part 3 (REP4-066).

2. Sideshow

Mr Phillips made a statement that our objection to the compulsory purchase powers “*are a bit of a sideshow and that its all about commercial leverage and commercial negotiation*”.

That is not the case. It is entirely reasonable for a landowner to object to a third party being given the right to forcibly acquire his land. Similarly, when faced with a choice of either losing the land permanently or temporarily most multi-generational landowners would choose the latter.

Our earlier submission (REP4-066) set out the background to our dealings with the applicant, our mistake in allowing access in the first place, the misdirection with regard to the importance of our land to the project and the basis upon which we are prepared to lease the land to them.

Our ongoing objection to the granting of compulsory purchase powers is entirely consistent with our not wanting to lose the land permanently.

Furthermore it is consistent with our less worse option of having to agree lease terms in order that we only lose the land temporarily. Granting powers to compulsorily acquire the land in advance of the conclusion of meaningful negotiations on lease terms merely undermines those negotiations.

The commercial leverage being applied is by the applicant, through its delay in engaging in negotiations.

3. Private Loss v Public Gain

Our primary point is that our land is not required to deliver the solar project. Reducing production by 50MW would still leave 300MW of production which still exceeds the 240MW grid connection. The applicant passed on the opportunity to acquire the Braceborough land which was available prior to their DCO submission and holds fewer of their site constraints than our land.

As stated in previous submissions, the public stand to gain very little from the compulsory acquisition of our land.

The public will not see any benefit from lower electricity prices for many years – Mr Gillet stated that the price of electricity in the UK is linked to the price of gas and that it is the delivery of low carbon generation that will undercut gas and lower prices of electricity in the UK. So we would need to see the elimination of gas generation within the lifetime of this scheme for that benefit to occur.

The negligible contribution that this scheme makes Net Zero targets was covered in our first submission (REP2-234) and the peripheral biodiversity matters in the second and third (REP3-053 & REP4-066).

We are already spending significant amounts of time and money on this matter without having engaged any assistance in quantifying our private loss. Land areas of similar size to that which we stand to lose do not often come on to the market locally so there will undoubtedly be tax issues as well as rationalisation costs to incur if we lose 19% of the land that we farm in the area.

4. Precedents

The applicant has requested precedents - there are very few of them. The trend appears to be one of pushing the envelope ever further as can be seen by comparing the first NSIP consented schemes (Little Crow and Cleve Hill/Fortress) to those which are under consideration now.

In the energy debate on 5th September, the Under Secretary of State for Energy Security and Net Zero stated that it is incumbent on all to ensure critical NSIP projects are being done with the support of local communities – which would be a good precedent to set.

End.