

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Q3.5.3

‘Nicholas Hill and Emma Hill - In Response to my Further written question 2.5.6 Nick and Emma Hill provided a letter [REP4-073 and 074] suggesting a wayleave or a lease of the land. Explain why these options would not fulfil your requirements for the scheme given that it is suggested it is for a temporary period (albeit 60 years) and why a permanent easement is necessary. Furthermore, detail the alternatives that you have explored to Compulsory Acquisition (CA) of rights, including investigating alternative nearby parcels of land and why this does not resolve your need to CA rights of this land.’

It is noted in the Change Request applied to the ExA by the Applicant that accommodation is being made for the development potential for EDF at its' Cottam site and Bassetlaw District Council in relation to possible regeneration of the area. However, it is noted that, this same accommodation cannot be afforded Nick and Emma Hill. They have repeatedly advised the Applicants that they wish to develop their farm business and have many plans for future use but the Applicant still seeks to use their land for the Gate Burton Scheme (GBS).

Tillbridge Solar are investigating land adjacent to Nick and Emma Hill's land, therefore, it seems there is capacity for alternative land to be utilised to meet the Applicants proposed needs. Notices re land ownership have been placed near land next to Nick and Emma Hill's field in Marton by Tillbridge Solar.

Notwithstanding the above, Nick and Emma Hill, wish to develop their farming business and due to the uncertainty caused by the proposed four NSIP Projects are in the position now that they are holding back business investment. They no longer feel confident to invest. This in turn means that the business is not growing and so their company is being held back and damaged as a consequence as is their potential turnover and profits.

In addition to the above, Low Carbon is now considering a lease agreement with Nick and Emma Hill via their representatives at Gately Hamer in e-mail correspondence dated 31st October 2023. However and in contrast, in e-mail correspondence dated the 7th November 2023 from Bruton Knowles, representatives of IGP, they state they are seeking an easement agreement only. This difference in approach by the Companies and so the Applicants, means that Nick and Emma Hill are confused and distressed by the level of contradiction in the Companies approaches, all at a time they are experiencing a personal family tragedy.

Also, they are being pressurised to use a Land Agent. It is apparent that the Land Agents receive commission/payment for a successful contract being agreed between the land owners and Applicant. So questions of impartiality are raised here. It is arguable that land owners or those with interests in land that are effected by the Gate Burton Scheme (GBS) have been unduly influenced in the first instance by the Applicants representatives (as it has come to light that these representatives have stated to land owners that land will be compulsory purchased anyway once the GBS gets approval) and also, in the second instance, when Land Agents are engaged to agree Heads of Terms with the land owner (or those with interests in the required land) as the Land Agents role is not impartial due to payment received in lieu of an Agreement.

Lastly, when Nick and Emma Hill purchased the said land at auction, there were no details in relation to the cable route in the legal pack or in solicitors' searches to inform them of these potential proposals.