

# Gate Burton Energy Park EN010131

Objections of CA Schedule

Document Reference: EN010131/APP/8.7 Revision 54

~~November-December~~ 2023

Regulation 5(2)(i)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

**Table 1 Summary of Objections to Compulsory Acquisition Powers**

Obj No. <sup>i</sup>	Name/ Organisation	IP/A P Ref No <sup>ii</sup>	RR Ref No <sup>ii</sup> <sub>i</sub>	WR Ref No <sup>i</sup> <sub>v</sub>	Other Doc Ref No <sup>v</sup>	Intere st <sub>vi</sub>	Permanent / Temporary <sub>vii</sub>	Plot(s)	CA <sup>viii</sup>	Status of objection
1	EDF Energy (Thermal Generation) Limited (EDF Energy (Thermal Generation) Limited)		065			Part 1	New rights to be acquired permanentl y	17/6, 17/7, 17/8	Yes	<p>To safeguard EDF's interests, and the safety and integrity of the ongoing decommissioning and continuing operations, EDF objects to the inclusion of the EDF Plots in the DCO and the compulsory powers in respect of such plots. The Applicant is currently negotiating HoTs with EDF to enable to acquisition of new rights and resolve their objections to the scheme.</p> <p>The Applicant has continued its engagement with EDF regarding protective provisions. Subject to certain provisions relating to powers of compulsory acquisition (which remain subject to relevant voluntary agreements being in place), the protective provisions are in agreed form. The Applicant has inserted protective provisions at Deadline 5 at Part 15 of Schedule 15 to reflect the agreed set.</p> <p>Technical discussions are ongoing. Heads of terms (HoTs) have been exchanged for the land agreement and are in negotiation. EDF have confirmed that until the technical discussions are resolved the HoT's will not be signed. The Applicant is continuing to negotiate the HoT's in parallel with the technical work and discussions on the protective provisions.</p> <p>In discussions with EDF the applicant has now submitted a change request to the order limits</p>

									<p>and we therefore hope that this will go some way to removing their objection. The applicant is seeking to submit a joint position statement with EDF. The applicant and EDF are still in negotiations for the acquisition of rights to construct and operate the scheme.</p> <p>The Applicant continues to engage with EDF's representatives regarding the HoTs, with both parties seeking to agree these terms before the end of the examination process.</p> <p><u>The Applicant believes that Heads of Terms are now agreed with EDF aside from commercial considerations. The Applicant will continue to liaise with EDF in order to reach a commercial agreement.</u></p>
2	Christopher Ash		036		Part 2	Land to be acquired permanently	1/1, 1/2, 1/4, 1/5, 2/4, 2/6, 2/7, 2/8, 3/1, 3/4	Yes	<p>Mr Ash has concerns about visual impact and construction disruption to his daily life and quiet enjoyment of his residential property. He has received notices about the Scheme as he has a right of access over land that is within the scheme boundary. The Applicant issued a Request for Information to Mr Ash to obtain further information regarding his rights, to which he confirmed the rights which he holds over the land in question.</p> <p>Following the compulsory acquisition hearing, discussions were held with Mr Ash. The Applicant has confirmed that the proposed acquisition relates to rights which he has over adjoining property and that the Applicant is not seeking to acquire his residential property. It was agreed that subject to formal correspondence and agreeing a position</p>

									<p>statement, Mr Ash is willing to withdraw his objection. The Applicant is preparing written correspondence to this effect and expects to be able to provide an update at Deadline 4.</p> <p>The Applicant has continued their correspondence with Mr Ash who has confirmed that he is willing to remove his objection to the compulsory acquisition of rights. He still wishes to take part in the examination process going forward and looks forward to further discussions with the Applicant regarding landscaping and drainage.</p> <p>The Applicant and Mr Ash have agreed a Joint Position Statement to this affect, and we include a copy of this statement in our submission for Deadline 4.</p> <p>The Applicant has been in liaising with Mr Ash to provide a revised Position Statement confirming the removal of his objection.</p> <p><u>Mr Ash has now withdrawn his objection to the scheme seeking compulsory acquisition powers. A joint statement from the Applicant and Mr Ash was submitted into examination on 27<sup>th</sup> November 2023.</u></p>	
3	Emma Hill		077			Part 1	New rights to be acquired permanently		Yes	Ms Hill has a planning application for two agricultural buildings. She is concerned about the business impacts if the scheme goes ahead.

									<p>The Applicant is liaising with Ms Hill regarding HoTs for the acquisition of rights and the mitigation of impacts of the Scheme.</p> <p>The Applicant continues to engage with Ms Hill and exploring options that will enable both developments to coexist. However, the Applicant will need Ms Hill to engage with the project team to allow them to fully consider the options.</p> <p>The Applicant is also engaging with Ms Hill regarding the terms of the potential agreement.</p> <p>The Applicant continues to engage with Ms Hill and is currently liaising with the other solar developers on how to mitigate the impacts of the proposed schemes.</p> <p>The Applicant has confirmed to Ms Hill that we are able to avoid their barns and have issued a revised offer for a lease arrangement relating to the rights required for the cable route. The Applicant remains willing to enter into terms with Ms Hill and resolve any further outstanding queries which she might have.</p> <p><u>The Applicant continues to engage with Ms Hill and has recently issued revised commercial terms for the proposed lease arrangement. Since issuing this revised offer, the Applicant has had a number of telephone calls with Ms Hill's husband. Whilst Heads of Terms have not yet been agreed, the Applicant will continue to liaise with Ms Hill in order to resolve the remaining commercial issues.</u></p>
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4	Nick Hill		196			Part 1	New rights to be acquired permanently	12/9, 12/17, 12/18, 12/19	Yes	<p>Mr Hill has a planning application for two agricultural buildings. He is concerned about the business impacts if the scheme goes ahead.</p> <p>The Applicant is liaising with Mr Hill regarding HoTs for the acquisition of rights and the mitigation of impacts of the Scheme.</p> <p>The Applicant continues to engage with Mr Hill and exploring options that will enable both developments to coexist. However, the Applicant will need Mr Hill to engage with the project team to allow them to fully consider the options.</p> <p>The Applicant is also engaging with Mr Hill regarding the terms of the potential agreement.</p> <p>The Applicant continues to engage with Mr Hill and is currently liaising with the other solar developers on how to mitigate the impacts of the proposed schemes.</p> <p>The Applicant has confirmed to Mr Hill that we are able to avoid their barns and have issued a revised offer for a lease arrangement relating to the rights required for the cable route. The Applicant remains willing to enter into terms with Mr Hill and resolve any further outstanding queries which he might have.</p> <p><u>The Applicant continues to engage with Mr Hill and has recently issued revised commercial terms for the proposed lease arrangement. Since issuing the revised offer, the Applicant has had a</u></p>
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										<u>number of telephone calls with Mr Hill. Whilst Heads of Terms have not yet been agreed, the Applicant will continue to liaise with Mr Hill in order to resolve the remaining commercial issues.</u>
5	Shaun Kimberley		243		Part 1	New rights to be acquired permanently	14/9, 14/10, 14/11, 14/13, 14/14, 14/20	Yes	<p>Mr Kimberley has concerns around the impact that the scheme will have during construction upon his property and the relocation of his Horses during construction.</p> <p>The Applicant is liaising with Mr Kimberley's agent to agree terms for the temporary occupation and acquisition of rights. We are hopeful that terms will be agreed before the end of Examination.</p> <p>The Applicant continues to liaise with the landowner and their agent in order to resolve the remaining commercial issues.</p> <p>The Applicant believes they have now agreed terms with the Affected Person. The Applicant is waiting for signed HOT's to be returned. The Applicant hopes that once these have been signed the Affected Person will be able to remove their objection.</p>	
6	Northern Powergrid		285		Part 2		1/1, 1/2, 1/3, 1/4, 1/5, 1/6, 2/2, 2/4, 2/5, 2/6, 2/7, 2/8, 3/1, 3/2, 3/3, 3/4, 3/5, 3/6, 3/7, 4/3, 5/1, 5/3, 5/4, 5/5, 5/6, 5/7, 5/9,	Yes	<p>Northern Powergrid is in principle supportive of the above project but has concerns regarding the impacts the proposed scheme will have on existing assets and their pending improvement works.</p> <p><u>The Applicant is working with Northern Powergrid to agree appropriate Protective</u></p>	

							<p>5/10, 5/11,          5/12, 6/1,          6/2, 6/3, 6/6,          6/8, 6/9,          6/11, 6/12,          6/13, 6/15,          6/16, 7/1,          7/2, 7/3, 7/5,          7/6, 8/1, 8/2,          8/3, 8/4, 8/7,          9/1, 9/2, 9/3,          10/1, 10/2,          10/3, 10/4,          10/5, 10/6,          10/7, 10/10,          10/15, 10/16,          11/1, 11/2,          11/3, 11/4,          11/5, 11/6,          11/7, 11/8,          12/2, 12/3,          12/4, 12/5,          12/6, 12/7,          12/9, 12/16,          12/17, 12/18,          12/19, 12/20,          12/21, 12/22,          12/23, 12/24,          12/25, 13/7.</p>	<p><del>Provisions. The Applicant circulated updated protective provisions to NPG on 8 November 2023 and is awaiting a response. The Applicant expects to update the draft DCO with an agreed form of provisions prior to the end of Examination.</del></p> <p>The Applicant has confirmed to Northern Powergrid that they do not have a freehold land interest with the Order Limits. They only have apparatus with the Order Limits and therefore protective provisions are the appropriate mechanism to protect its interests. The Applicant is in negotiations with Northern Powergrid to agree appropriate terms.</p> <p><u>The Applicant has now agreed protective provisions for the benefit of Northern Powergrid (Yorkshire) Plc (NPG). These agreed protective provisions are included at Part 16 of Schedule 15 of the draft DCO.</u></p>
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- i** objection number. All objections listed in this table should be given a unique number in sequence
- ii** Reference number assigned to each Interested Party (IP) and Affected Person (AP)
- iii** Reference number assigned to each Relevant Representation (RR) in the Examination library
- iv** Reference number assigned to each Written Representation (WR) in the Examination library
- v** Reference number assigned to any other document in the Examination library
- vi** This refers to parts 1 to 3 of the Book of Reference:
  - Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
  - Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
  - Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.
- vii** This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights
- viii** CA = compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.