

West Burton Solar Project

Statement of Reasons Compulsory Acquisition Information Revision A – Change Application Version

January 2024

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Issue Sheet

**Report Prepared for: West Burton Solar Project Limited
Change Application**

Statement of Reasons: Compulsory Acquisition Information

Prepared by:

Pinsent Masons LLP

Date: January 2024

Revision: A

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1 Executive Summary

1.1 Purpose and Structure of this Statement of Reasons

1.1.1 This Statement of Reasons relates to the Application for a development consent order made by the Applicant to the Secretary of State under the Planning Act 2008 for powers to construct, operate (including maintenance) and decommission the Scheme.

1.1.2 This Statement is required because the Application is seeking powers to:

- acquire land compulsorily;
- create and compulsorily acquire new rights over land and impose restrictions; and
- extinguish or override existing rights over land.

1.1.3 The Applicant is also seeking powers to take temporary possession of land to construct the Scheme.

1.1.4 It is necessary for the decision-maker to be satisfied that there is a compelling case in the public interest for the inclusion of compulsory acquisition powers in the DCO. This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for the Applicant to be granted these powers.

1.1.5 This version of the Statement of Reasons has been updated to reflect the Change Application submitted by the Applicant in January 2024 which seeks to amend and extend the Order limits (and Order land):

- along the highway from the West Burton 1 Site to the A1500 Tillbridge Lane
- to the east of the Lincoln-Gainsborough railway line
- along the Lincoln-Gainsborough railway line
- along A156 High Street, Marton; and
- include the existing vehicular access road to West Burton Power Station from Gainsborough Road.

1.1.6 The matters addressed in this Statement are summarised in this section. References to numbered sections or paragraphs are to sections or paragraphs of this Statement. Terms used in this Executive Summary are defined in the main body of this Statement of Reasons.

1.2 Description of the Scheme (Section 3)

1.2.1 The Scheme will comprise the construction, operation and maintenance, and decommissioning of a solar photovoltaic (PV) electricity generating facility with a capacity of more than 50 megawatts (MW), an energy storage facility, a grid connection to the National Grid and associated infrastructure integral to the construction, operation and maintenance of the Scheme. The Scheme will be located

within the 'Order limits' (as described below) and is the subject of the DCO Application. Further details are set out in Chapter 4: The Scheme Description of the Environmental Statement [APP-042] accompanying the DCO Application.

- 1.2.2 The Order limits comprises three sites (described as West Burton 1, 2, and 3), which will be connected by underground cables. The Scheme is set out in detail in Schedule 1 of the draft DCO [CR1/WB3.1_D], where it is referred to as the "authorised development" and is divided into works packages. The areas in which each component may be constructed are shown on the Works Plan [CR1/WB2.3_C].

1.3 Description of the Order Limits (Section 4)

- 1.3.1 The land within the Order limits totals 886.42 ha. The Sites are located within a 15 km radius of the Point of Connection (POC) of the former West Burton Power Station. The majority of the Scheme will be located within the administrative boundary of West Lindsay District Council and Lincolnshire County Council. The POC at the former West Burton Power Station and a part of the cable route corridor are located within the jurisdiction of Bassetlaw District Council and Nottinghamshire County Council.
- 1.3.2 West Burton 1 is made up of a tight cluster of fields within an area of countryside to the northeast of the village of Broxholme.
- 1.3.3 West Burton 2 sits to the west of West Burton 1 and is within an area of countryside to the north of Saxilby. West Burton 2 is centred around the village of Ingleby.
- 1.3.4 West Burton 3 sits to the northwest of West Burton 2 and is split over the Lincoln to Gainsborough railway line. West Burton 3 is bounded by the A1500 to the north.
- 1.3.5 The Sites are entirely in agricultural use.
- 1.3.6 The Cable Route Corridor connects West Burton 1 and 2 to the main substation located at West Burton 3. The Cable Route Corridor between West Burton 3 and West Burton Power Station runs through agricultural land within a rural setting. The Cable will be required to cross the A156 as well as several small rural lanes. Running east to west from West Burton 3 before tracking northwards to West Burton Power Station, the Cable Route Corridor will be required to cross the River Trent.

1.4 Source and Scope of Powers Sought in the DCO (Section 4.1.4)

- 1.4.1 Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- 1.4.2 Section 122 of the PA 2008 provides that an order granting development consent may include provisions authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is required

for the development to which the DCO relates and the land is required to facilitate or is incidental to that development. The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO.

1.4.3 The powers sought with the Application of the DCO are:

- all interests in land, including freehold (Article 20 in the DCO) - shown edged red and shaded pink on the Land Plan **[CR1/WB2.2_B]**;
- all interests in land, including freehold in respect of subsoil only (Article 25 in the DCO);
- permanent acquisition of new rights (Article 22 in the DCO) - shown edged red and shaded blue on the Land Plan;
- temporary use of land to permit construction or maintenance where the Applicant has not yet exercised powers of compulsory acquisition (Articles 29 and 30 in the DCO) shown edged red and shaded yellow on the Land Plan; and
- extinguishment and/or suspension of rights (Article 23 in the DCO) and overriding of easements and other rights (Article 26 in the DCO) - shown edged red on the Land Plan.

1.4.4 The Applicant considers that in the absence of these powers, the Order land may not be assembled, uncertainty will continue to prevail, and its objectives and Government policy objectives would not be achieved.

1.4.5 The Applicant has been seeking to acquire the other relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Scheme. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the rights and other interests in, on and over the land, the temporary use of land, as well as secure the removal of matters affecting the Order land that may impede the Scheme, by agreement wherever possible. This approach of seeking powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Department for Communities and Local Government Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (2013) (the CA Guidance).

1.4.6 This Statement sets out the position in relation to the negotiations undertaken to date with affected owners. In summary, at the time of writing, agreements have been entered into for the Sites and heads of terms have been issued for the remainder of the rights required. Additionally, following discussions between the Applicant and stakeholders with interests over land in the proposed extended Order limits (specifically EDF, NGET, Network Rail and Luminous Energy) and landowners of land east and west of the Lincoln/Gainsborough railway line, the Applicant has submitted a change request in January 2024 which includes a request to extend the

Order land over which powers of compulsory acquisition and temporary possession are sought.

1.5 Purpose of the Powers (Section 6)

1.5.1 The meaningful and timely contributions offered by the Scheme to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, will be critical on the path to Net Zero. Without the Scheme, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

1.5.2 In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the land within the Order land, uncertainty will continue to prevail and the Applicant considers that its objectives and those of Government policy would not be achieved.

1.6 Justification for the Compulsory Acquisition Powers (Section 7)

1.6.1 Under section 122 of the PA 2008, compulsory acquisition powers may only be granted if the Secretary of State is satisfied that the land is required for the Scheme (or is required to facilitate it or is incidental to it), and if there is a compelling case in the public interest for inclusion of the powers.

1.6.2 The Guidance related to procedures for the compulsory acquisition of land (DCLG, September 2013) also states that: there must be a clear idea how the land to be acquired is to be used and it must be no more than is reasonably required; there must be compelling evidence that the public benefits would outweigh the private loss from the acquisition; all reasonable alternatives to compulsory acquisition should have been explored; there are reasonable prospects of the required funds for the acquisition being available; and that the purposes for which the land is sought are legitimate and sufficient to justify interfering with the human rights of affected people.

1.6.3 This Statement, the Planning Statement **[REP3-031]** and the Explanatory Memorandum **[CR1/WB3.2_B]** set out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied (with the exception of the availability of funding, which is demonstrated in the Funding Statement **[CR1/WB4.2_A]**).

1.6.4 In particular, those documents demonstrate that the Scheme would:

- help meet the urgent need for new energy infrastructure in the UK, providing enhanced energy security and supporting UK Government priorities in relation to economic development and security of supply;
- deliver additional renewable energy capacity, supporting the achievement of the UK Government's climate change commitments and carbon budgets;

- minimise or mitigate adverse impacts to an acceptable degree; and
- comply with NPS EN-1 (2011), NPS EN-5 (2011), NPS EN-1 (November 2023), NPS EN-3 (November 2023) and NPS EN-5 (November 2023) which are important and relevant factors under section 105 of the PA 2008.

1.7 Communications and Negotiations (Section 8)

- 1.7.1 In accordance with the requirements of the 2008 Act, the Applicant undertook "diligent inquiry" through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the 2008 Act. These include owners, lessees, tenants and occupiers of the land within the Order Land. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order Land. Category 3 includes parties that may be eligible to make a claim for compensation as a result of the construction or operation of the Scheme.
- 1.7.2 The current position in relation to the Applicant's engagement and negotiations with each landowner affected by the Scheme is explained in Appendix B. Detailed discussions are ongoing with landowners and occupiers in order to ensure that their concerns are taken into account and accommodated wherever possible. Negotiations are continuing with landowners and persons with interests in land affected by the Scheme. The Applicant and its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Scheme.

1.8 Human Rights (Section 9)

- 1.8.1 Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and Article 8 of the ECHR have been considered in respect of the proposals for the Scheme. The DCO has the potential to infringe the human rights of persons who own property or have rights in the land proposed to be acquired pursuant to the DCO.
- 1.8.2 The Applicant considers that there would be very significant public benefit arising from the making of the DCO, a benefit that can only be realised if compulsory acquisition powers are granted. The purpose for which the land is sought (to build and operate the Scheme) is legitimate, necessary and proportionate.

1.9 Special Considerations (Section 10)

- 1.9.1 There is no special category land within or affected by the Order limits.
- 1.9.2 There is Crown land within the Order limits.
- 1.9.3 There is apparatus of statutory undertakers within the Order limits. The Applicant has included protective provisions within the Order and is seeking to agree these with each statutory undertaker whose apparatus would be affected by the Scheme.

1.10 Related Applications and Consents (Section 11)

- 1.10.1 The Applicant requires or may require various other consents, as well as a DCO, in order to build and operate the Scheme. The Consents and Agreements Position Statement [EN010132/APP/WB7.4] sets out the additional consents required and when they will be applied for.
- 1.10.2 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Scheme proceeding.

1.11 Further Information (Section 12)

- 1.11.1 Where 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.
- 1.11.2 Owners and occupiers of property affected by the Scheme who wish to discuss matters of compensation should contact the Applicant on 0808 1691858 or at info@westburtonsolar.co.uk.
- 1.11.3 Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation". Copies of these booklets are obtainable, free of charge, from: <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.

1.12 Conclusion

- 1.12.1 The power to acquire the Order land or rights over the Order land and the power to impose restrictions are required for the purposes of, to facilitate or are incidental to, the Scheme and are no more than are reasonably necessary. Furthermore, there is a compelling case in the public interest.

2 Introduction

- 2.1.1 This Statement of Reasons has been prepared by West Burton Solar Project Limited (**the Applicant**). It forms part of the application (the Application) for a development consent order (DCO) that has been submitted to the Secretary of State for Energy Security and Net Zero (**the SoS**) under section 37 of the Planning Act 2008 (**PA 2008**). Terms used in this Statement of Reasons are defined in the Table of Contents, Glossary and Abbreviations of the Environmental Statement [APP-038].

2.2 The Scheme

- 2.2.1 The West Burton Solar Project (**the Scheme**) comprises a number of land parcels (the '**Site**' or '**Sites**') described as West Burton 1, 2 and 3 (see Location Plan [CR1/WB2.1_A] which accommodate ground mounted solar photovoltaic (**PV**) generating stations (incorporating the solar arrays); grid connection infrastructure

and energy storage; and the Cable Route Corridors. The Scheme will comprise the construction, operation and maintenance, and decommissioning of a generating station (incorporating solar arrays) with a total capacity exceeding 50 megawatts (**MW**).

- 2.2.2 The solar array Sites and associated substations and energy storage are to be connected to the National Grid at a substation at West Burton Power Station. The Scheme will connect to the National Grid substation via a new 400kV substation constructed as part of the Scheme to provide the connections to the various solar Sites. The substations, cable connections and energy storage will be required for the duration of the Scheme. The substations and energy storage will be decommissioned and removed at the end of the lifetime of the Scheme but the underground cables are anticipated to be decommissioned in situ to minimise environmental impacts.
- 2.2.3 The Scheme qualifies as a Nationally Significant Infrastructure Scheme (**NSIP**) under Part 3 section 14 of the PA 2008 by virtue of the fact that the generating station is located in England and has a generating capacity of over 50MW (section 15(2) of the PA 2008). It, therefore, requires an application for a DCO to be submitted to the Planning Inspectorate (**PINS**) under the 2008 Act. PINS will examine the application for the Scheme and make a recommendation to the SoS to grant or refuse consent. On receipt of the report and recommendation from PINS, the SoS will then make the final decision on whether to grant the DCO. The DCO, if made by the SoS, would be known as the 'West Burton Solar Project Order'.
- 2.2.4 Full details of the Scheme, including the proposed construction methods and phasing, can be found in Chapter 4: The Scheme Description of the Environmental Statement [**APP-042**] accompanying the DCO Application.

2.3 The Applicant

- 2.3.1 The Applicant is West Burton Solar Project Limited (company number 13049324), registered in England and Wales. The Applicant is part of Island Green Power Limited (IGP). IGP is a company registered in Bermuda under company number 47097.
- 2.3.2 IGP has more than 9 years' worth of experience in delivering renewable energy projects in 7 countries including, England, Scotland, Northern Ireland, Wales, Republic of Ireland, Spain and Australia. IGP has delivered 26 solar projects worldwide totalling more than 1GW of capacity. This includes 14 solar projects in the UK and Republic of Ireland
- 2.3.3 More information on the Applicant, its corporate structure and financials is presented in the Funding Statement [**CR1/WB4.2_A**].

2.4 The Purpose and Structure of this Document

- 2.4.1 This Statement has been produced pursuant to Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (**the APFP Regulations**), the Department of Communities and

Local Government guidance 'Planning At 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) and the Guidance on Compulsory purchase process and the Crichel Down Rules (updated 16 July 2019).

2.4.2 This Statement is required because the DCO sought for the Scheme would authorise the compulsory acquisition of land or interests in land.

2.4.3 This Statement explains why it is necessary to acquire land, 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 Scheme, if necessary, by compulsion. It also explains the reasons for the inclusion of compulsory acquisition and related powers in the draft DCO 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 DCO to include such powers.

2.4.4 The structure of this Statement is set out below and also addresses each of the requirements of the relevant guidance referred to above:

- An introduction to the Applicant is contained in section 2.3;
- A description of the Scheme is set out in section 3;
- A description of the Order limits, its location, and present use is contained in section 4;
- The legislation relied on and scope of powers sought are set out in section 5;
- The purpose of the powers including the need for the Scheme and policy support is set out in section 6;
- A statement of the justification for compulsory acquisition including reference to funding is included in section 7;
- How the Applicant has sought to engage with landowners and negotiate to acquire the relevant land by agreement in section 8;
- How regard has been given to human rights legislation relevant to the determination of the Application is in section 9;
- Any special considerations affecting the Order limits including Crown Land is included in section 10;
- Details of the other consents needed before the Scheme can be implemented are included in section 11; and
- Any other information which would be of interest to someone affected by the Scheme, such as, telephone number and email address where further information on these matters can be obtained, is included in section 12.
- Appendix A - Plots over which freehold acquisition, acquisition of rights and imposition of restrictions and temporary possession are required
- Appendix B - Current status of land negotiations

2.5 Useful documents

2.5.1 This Statement is one of a number of documents accompanying the Application submitted to the SoS. It should be read in conjunction with the rest of the documents comprising the Application, particularly the following -

- Land Plan **[CR1/WB2.2_B]**;
- Works Plan **[CR1/WB2.3_C]**;
- Draft Development Consent Order **[CR1/WB3.1_D]**;
- Draft Exploratory Memorandum **[CR1/WB3.2_B]**;
- A Funding Statement **[CR1/WB4.2_A]**;
- Book of Reference **[CR1/WB4.3_D]**;
- Consents and Agreements Position Statement **[APP-312]**;
- Planning Statement **[REP3-031]**; and
- Statement of Need **[APP-320]**

3 Description of the Scheme

3.1.1 The Scheme is a proposed solar farm with energy storage which will generate and store renewable electricity for export to the National Grid. The Scheme will comprise the construction, operation and maintenance, and decommissioning of a solar photovoltaic (PV) electricity generating facility (incorporating solar arrays) with a total capacity exceeding 50MW, grid connection infrastructure and energy storage and the Cable Route Corridors, and associated development in connection with the construction, operation and maintenance of the Scheme. The Scheme will be located within the 'Order limits' (as described below) and is the subject of the Application.

3.1.2 The Scheme qualifies as a NSIP and will require a DCO to be granted from the SoS, due to its generating capacity exceeding 50 MW.

3.1.3 The Order limits comprises a total area of 886.42 ha and include all land required for the key components of the Scheme set out below, including highway improvement and mitigation works. The Scheme is also described in Schedule 1 of the draft DCO **[CR1/WB3.1_D]** where the "authorised development" is divided into works packages, and the works numbers for those packages are summarised below. The Works Plan **[CR1/WB2.3_C]** shows the areas in which the parts of the Scheme may be constructed.

3.1.4 The Scheme consists of three Sites containing solar photovoltaic generating stations, and a cable corridor linking the Sites to the National Grid substation at West Burton Power Station. The Sites are:

3.1.5 **West Burton 1** – 91.34 ha, made up of a number of fields to the northeast of the village of Broxholme.

- 3.1.6 **West Burton 2** – 306.98 ha, located to the west of West Burton 1 and to the north of the village of Corringham. It is centred around the village of Ingleby;
- 3.1.7 **West Burton 3** – 370.78 ha, located to the northwest of West Burton 2 and split over the Lincoln to Gainsborough railway line and bounded by the A1500 to the north.
- 3.1.8 The Cable Route Corridor connects West Burton 1 and 2 to the main substation located at West Burton 3. The Cable Route Corridor between West Burton 3 and West Burton Power Station runs through agricultural land within a rural setting. The Cable will be required to cross the A156 as well as several small rural lanes. Running east to west from West Burton 3 before tracking northwards to the West Burton Power Station, the Cable Route Corridor will be required to cross the River Trent.

3.2 Works Packages

- 3.2.1 A detailed description of the Scheme can be found in Chapter 4 of the Environmental Statement [APP-042]. It comprises three generating stations of more than 50MW, being the NSIP, and is described in Work No. 1 in Schedule 1 to the draft DCO. The Scheme also includes Associated Development, which comprises Work Nos. 2 to 11 in Schedule 1 to the draft DCO.
- 3.2.2 **Work Nos. 1A to C** consist of a ground mounted solar photovoltaic generating stations with a gross electrical output capacity of over 50 MW, including:
- solar modules fitted to mounting structures;
 - DC electrical cabling and combiner DC boxes;
 - Conversion units including inverters, transformers, switchgear, and monitoring and control systems; and
 - electrical and communications cabling.
- 3.2.3 The Associated Development for the purposes of section 115 of the 2008 Act comprises Work Nos. 2 to 11 of the Scheme as provided for in Schedule 1 of the draft DCO. This comprises the following elements:
- 3.2.4 **Work No. 2:** an energy storage facility comprising battery energy storage cells with fire suppression system, a structure protecting the battery energy storage cells, interconnection units including heating, ventilation, cooling and temperature management, conversion units, monitoring and control systems, electrical cabling, surface water drainage, water storage facility for firefighting and infrastructure to contain used firewater;
- 3.2.5 **Work No. 3:** works in connection with onsite substations, including (Work No. 3C) an up to 400kV substation, (Work No 3A and 3B) an up to 132 kV substation. Work No 3 also includes bays, transformers, switchgear buildings and ancillary equipment, control building or container relay rooms and welfare facilities, monitoring and control systems, maintenance compounds, electrical cabling and earthworks.

- 3.2.6 **Work No. 4:** works at the existing 400kV National Grid substation at West Burton Power Station owned and operated by National Grid Electricity Transmission plc including busbars and connectors, a 400kV circuit breaker, current transformers, metering current transformer/voltage transformer units, line disconnectors, sealing ends and building to house feeder protection systems, metering systems and other equipment and apparatus.
- 3.2.7 **Work No. 5:** comprising Work No. 5A being grid connection cable works connecting the three Solar Farm Sites (Work No.1A – 1C) to the main on-site substation at West Burton 3 (Work No. 3A) and from Work No. 3C to the existing substation at West Burton Power Station (Work No. 4) and Work No. 5B being part of the grid connection cable works from Work No. 3C to Work No. 4 that are located within the Shared Cable Corridor with the proposed Gate Burton Energy Park Project and the proposed Cottam Solar Project. Works also include the provision of access tracks, drainage infrastructure, jointing bays, link boxes and communications chambers, tunnelling, boring and drilling works, and temporary construction laydown areas.
- 3.2.8 **Work No. 6:** works associated with each of the Sites including fencing, gates, boundary treatment and other means of enclosure; the provision of security and monitoring measures such as CCTV columns, lighting columns and lighting, cameras, weather stations, communication infrastructure, and perimeter fencing; landscaping and biodiversity mitigation and enhancement measures including planting; improvement, maintenance and use of existing private tracks; laying down of internal access tracks, ramps, means of access, footpaths, permissive paths, cycle routes and roads, including the laying and construction of drainage infrastructure, signage and information boards; temporary footpath diversions; earthworks; sustainable drainage system ponds, runoff outfalls, general drainage and irrigation infrastructure and improvements or extensions to existing drainage and irrigation systems; acoustic barriers; electricity and telecommunications connections; and secondary temporary construction compounds;
- 3.2.9 **Work No. 7:** temporary construction and decommissioning laydown areas within each of the Sites and works associated with these including areas of hardstanding; car parking; site and welfare offices and workshops; security infrastructure, including cameras, perimeter fencing and lighting; area to store materials and equipment; site drainage and waste management infrastructure (including sewerage); and electricity, water, waste water and telecommunications connections.
- 3.2.10 **Work No. 8:** works to facilitate access to Work Nos. 1 to 7 and 9 to 11 including Work No. 8A to facilitate temporary construction access to Work Nos. 1 to 7 and 9 to 11, and Work 8B to facilitate permanent access to Work Nos. 1 to 7 and 9 to 11. Works involve the creation of accesses from the public highway, visibility splays, and works to alter the layout of streets or highways. Work No. 8A also includes works adjacent to highways land to facilitate movement of abnormal indivisible loads associated with Work Nos. 1, 2, 3 and 5.

- 3.2.11 **Work No. 9:** works to create and maintain habitat management areas including fencing, gates, boundary treatment and other means of enclosure, earth works including bunds, embankments, ponds, trenching and swales, landscaping and biodiversity mitigation, planting, means of access and drainage.
- 3.2.12 **Work No. 10:** works to create and maintain a habitat management area including fencing, gates, boundary treatment and other means of enclosure, earth works, landscaping and biodiversity mitigation, planting, the improvement, maintenance and use of existing private tracks, means of access and drainage.
- 3.2.13 **Work No.11:** works to provide a permissive footpath from the track off Sykes Lane along the Codder Lane Belt and then south and west to re-join Sykes Lane opposite Hardwick Scrub, including fencing, gates, boundary treatment and other means of enclosure and landscaping and biodiversity mitigation and enhancement measures.
- 3.2.14 The Associated Development also includes such other works or operations as may be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the Scheme.

3.3 Proposed Timing of Construction

- 3.3.1 The construction of the Scheme is expected to take place over 24 months with the potential for some parts of construction to run in parallel, i.e., enabling works do not need to be complete in all areas of the construction site before solar farm construction commences in another part of the site.
- 3.3.2 The Scheme currently has a grid connection date of 2028 although there is potential that an earlier connection could be achieved. The construction phase is expected to commence no earlier than the last quarter of 2024 and be completed no earlier than the last quarter of 2026. As such, the construction programme for the entire Scheme is anticipated to be 24 months with the potential likelihood of overlapping construction works on the different Scheme Sites. During the construction phase, several temporary construction compounds will be required as well as temporary roadways to facilitate access to all land within the Order limits.
- 3.3.3 Part of the Gate Burton Energy Park cable route and the Cottam Solar Project cable route will fall within the cable corridor for the Scheme, in the vicinity of Cottam Power Station. To accommodate the potential sequential installation of all three projects' ducts and cables, a five year construction period has been adopted for the Environmental Statement, from the last quarter of 2024 to the last quarter of 2029.
- 3.3.4 Further details of the proposed construction methods can be found in the Outline Construction Environmental Management Plan (OCEMP) **[REP3-019]**.

3.4 Flexibility

- 3.4.1 The Applicant has undertaken extensive studies and assessments in order to obtain as much certainty as possible, however, a number of elements of detailed design for the Scheme cannot be confirmed until the tendering process for the design and construction of the Scheme has been completed. For example, due to the rapid pace

of technological development in the solar photovoltaic (PV) and energy storage industry, the Scheme could utilise technology which does not currently exist and therefore sufficient flexibility needs to be incorporated into the Application.

3.4.2 To address this, a 'Rochdale Envelope' approach is used, this is set out in more detail in Chapter 4 of the Environmental Statement **[APP-042]**. This involves assessing the maximum (and where relevant, the minimum) parameters for the Scheme where flexibility needs to be retained. The principles and justification for this approach are set out in section 2.3 of Chapter 2: Environmental Impact Assessment Process and Methodology of the Environmental Statement **[EN010132/APP/WB6.2.2]**, and the maximum (and minimum) parameters assessed as part of the Rochdale Envelope form the Concept Design Parameters and Principles **[REP3-021]** and explained within the Design and Access Statement **[APP-315]**. The draft DCO includes a requirement that detailed design of the Scheme must be in accordance with the Concept Design Parameters and Principles.

3.4.3 This flexibility is essential to ensure the successful delivery of the Scheme.

4 Description of the Order limits

4.1.1 The land within the Order limits required to construct, operate and maintain and decommission the Scheme is shown on the Location Plan **[CR1/WB2.1_A]** and is located within the administrative areas of West Lindsey District Council and Lincolnshire County Council, with the grid connection infrastructure located within the administrative boundary of Bassetlaw District Council and Nottinghamshire County Council. The Order limits for each Site is located:

- West Burton 1 – 91.34 ha to the northeast of the village of Broxholme; the entirety of the West Burton 1 site is in agricultural use. A tributary which connects to the River Till to the northwest of Broxholme defines a section of the northernmost boundary of the Site.
- West Burton 2 – 306.98 ha to the west of West Burton 1 and centred around the village of Ingleby; the entirety of the Site is in agricultural use. West Burton 2 is situated 250m from Ingleby, located centrally to the Site. The main road is the B1241 which cuts through the centre of the Site, connecting with the A57 to the south of the Site and the A1500 to the north.
- West Burton 3 – 370.78 ha to the northwest of West Burton 2 and split over the Lincoln to Gainsborough railway line; the entirety of the Site is in agricultural use. The Site is 350m to the southeast of the village of Marton. The A1500 defines the northern extent of the Site whilst Cowdale Lane defines the Site's southern Boundary.
- Cable route corridor - running east to west from West Burton 3 before tracking north to West Burton Power Station. The Cable Route Corridor runs between West Burton 1 and West Burton 2, running southwest. The Cable Route Corridor between West Burton 2 and West Burton 3 runs northwards, largely parallel with the Gainsborough to Lincoln railway. The Cable Route Corridor is approximately 50m in width although a wider corridor is provided for in certain locations due to technical requirements or for the Shared Cable

Corridor where the route has been combined with the cable routes for the Cottam Solar Project and the Gate Burton Solar Project.

- 4.1.2 The land within the Order limits is not covered by any statutory landscape designations (i.e. National Parks, or Areas of Outstanding Natural Beauty (AONB)).
- 4.1.3 The landscape features within the Order limits consist of agricultural fields with hedgerows interspersed with trees, isolated trees, small woodland blocks and farm access tracks and field accesses. The hedgerows within the Order limits are principally tall, reasonably well-established and mature with isolated trees. The fields are generally large in size and regular in shape.
- 4.1.4 Further details on the land within the Order limits are set out in Chapter 3: The Order Limits of the Environmental Statement **[EN010132/APP/WB6.2.3]**.

5 Source and Scope of Powers Sought in the DCO

5.1 Introduction

- 5.1.1 The draft DCO **[CR1/WB3.1_D]** contains powers to enable the acquisition of land, new rights over land and the imposition of restrictions that are required to construct, operate and maintain and decommission the Scheme. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction of the Scheme. These powers in the draft DCO relate to the Order land only, which is all the land within the Order limits, with the exception of some small areas which are shown white on the Land Plan (being the existing 400kV substation owned and operated by National Grid Electricity Transmission plc at West Burton Power Station).
- 5.1.2 The Applicant has been seeking to acquire the relevant freehold interests and other rights over land required by agreement, in order to allow for the construction, operation and decommissioning of the Scheme. Option Agreements have been entered into with the owners of the three Sites. The Applicant will continue to endeavour to purchase the other land, the rights and other interests by agreement wherever possible. This approach of making the application for powers of compulsory acquisition in the Application and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the CA Guidance.
 - 5.1.3 Following discussions between the Applicant and stakeholders with interests over land in the proposed extended Order limits (specifically EDF, NGET, Network Rail and Luminous Energy) and landowners of land east and west of the Lincoln/Gainsborough railway line, the Applicant has submitted a change request in January 2024 which includes extensions to the Order Land. The extensions sought are to provide additional land for flexibility for cable routing and access, as well as increasing the visibility splay for construction access. This flexibility provides an opportunity during detailed design for the Scheme to route its cable and access.
- 5.1.3 Notwithstanding where an agreement has been reached, it is necessary for the Applicant to be granted the compulsory purchase powers included in the DCO so as

to protect against a scenario whereby contracts are not adhered to or otherwise is set aside, for example: (i) freeholder owners of the land within the Order land (where agreement has been reached) do not grant a lease of the land in accordance with the terms of the completed option agreements; or (ii) the contracting party dies, is subject to divorce proceedings, or is declared insolvent. In those circumstances, it would be in the public interest for the Scheme to proceed and the interests in question effectively converted into a claim for compensation. The Applicant also needs powers to extinguish and/or suspend rights and override easements and other rights in the Order land to the extent that they would conflict with the Scheme.

5.1.4 The compulsory acquisition powers in the draft DCO will enable the Applicant to construct, operate, maintain, protect and decommission the Scheme, to mitigate impacts of the Scheme where necessary, and to ensure that access could be taken as necessary to facilitate the construction, operation and maintenance of the Scheme.

5.2 Enabling Powers

5.2.1 Section 120(3) of the PA 2008 provides that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development. These include (amongst others):

- the acquisition of land, compulsorily or by agreement (paragraph 1);
- the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement (paragraph 2);
- the abrogation or modification of agreements relating to land (paragraph 3); and
- the payment of compensation (paragraph 36).

5.2.2 Section 122 of the PA 2008 provides that a DCO may only include provision authorising the compulsory acquisition of land if the SoS is satisfied that the land is:

- required for the development to which the DCO relates;
- required to facilitate or is incidental to that development; or
- replacement land for commons, open spaces, etc.

5.2.3 Further, it is also necessary for the SoS to be satisfied, in relation to the Application, that there is a compelling case in the public interest for the land to be acquired compulsorily. This is required by Section 122(3) of the PA 2008.

5.2.4 This Statement provides the information that will enable the SoS to comply with sections 120 and 122 of the PA 2008.

5.3 Permanent Acquisition of Freehold

- 5.3.1 The areas of the Order land over which compulsory acquisition powers are sought in respect of all interests (including freehold) are shown edged red and shaded pink on the Land Plan [CR1/WB2.2_B]. This land is described in more detail in the Book of Reference [CR1/WB4.3_D]. A list of plots over which freehold acquisition is required, with the relevant Work Number, is set out in Appendix A.
- 5.3.2 In summary, the areas in which freehold acquisition is sought are for part of Work Nos. 1, 2, 3, 6, 9, 10, and 11. The Applicant has only included powers to compulsorily acquire the freehold interest in land where other powers (such as to acquire new rights, impose restrictions or take temporary possession) would not be sufficient or appropriate to enable the construction, operation or maintenance of the Scheme. Temporary compounds (Work No. 7) and permanent cable works (Work No. 5) will also take place within these land parcels.
- 5.3.3 Article 20 of the draft DCO is relied upon for this purpose. The article reflects the terms of the source of the compulsory acquisition powers in section 122 of the 2008 Act, would provide the Applicant with the power to acquire so much of the Order Land as is required for the Scheme, or such land as is required because it facilitates or is incidental to that development.

5.4 Permanent Acquisition of Rights and Imposition of Restrictions

- 5.4.1 The land over which compulsory acquisition powers are sought for rights and the creation of new rights (including imposing restrictive covenants) is shown edged red and shaded blue on the Land Plan [CR1/WB2.2_B]. This land is described in more detail in the Book of Reference [CR1/WB4.3_D]. A list of plots over which new rights and restrictions are required, and the purpose, is set out in Appendix A. In summary, these are the areas required for Work Nos. 5, 6 and 8 being the Cable Route Corridor, works to facilitate access to the Sites and Cable Route Corridor, and various works associated with the Sites. Article 22 of the draft DCO is relied upon for this purpose.
- 5.4.2 It cannot yet be confirmed exactly where within the Cable Route Corridor the cable circuits will be laid, or where only temporary possession would be sufficient, as the exact alignment will be determined following the detailed design of the Scheme and ground investigations and other surveys along the route prior to the commencement of the laying of the cables. Compulsory acquisition powers are therefore being sought over the entire Cable Route Corridor to enable the Applicant to carry out the cable installation works with the minimum of inconvenience to affected landowners, and to allow for minor variances to the cable route to avoid potential engineering difficulties, or otherwise, to enable the construction of the Scheme within programme and with the minimum of disruption to landowners and the wider community.
- 5.4.3 There is also a need to impose restrictive covenants in relation to new rights required in connection with the construction, operation, maintenance and decommissioning of the Scheme.

- 5.4.4 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 the 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.
- 5.4.5 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, and cites the Silvertown Tunnel Order 2018 as an example. 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 a DCO and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.
- 5.4.6 The Applicant has had regard to this guidance in preparing its draft DCO. Article 22 includes a power to impose restrictive covenants in relation to land over which new rights are acquired. These proposed restrictions are required to protect the apparatus from becoming exposed, damaged or built over; preventing operations which may obstruct, interrupt or interfere with apparatus and the exercise of new rights required; ensuring that access for future maintenance can be facilitated and ensuring that land requirements are minimised so far as possible.
- 5.4.7 The Applicant considers the imposition of such restrictions to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the Scheme.

5.5 Temporary Possession

- 5.5.1 There will be situations where it will not be necessary for the Applicant to permanently acquire rights and interests, but instead be authorised to temporarily possess and use land. The land over which rights of temporary possession only are sought is shown edged red and shaded yellow on the Land Plan **[CR1/WB2.2_B]**. The Applicant is also seeking temporary use powers over all other land within the Order land, in order to allow it to take temporary possession ahead of acquiring land or rights permanently (see further explanation below). The land over which these rights are sought is shown edged red and shaded pink and blue on the Land Plan **[CR1/WB2.2_B]**. This land is described in more detail in the Book of Reference **[CR1/WB4.3_D]**.
- 5.5.2 The reason for seeking temporary use powers over land shaded pink or blue 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 land and rights over land required to construct, operate and maintain the Scheme, because, for example, the Applicant could exercise the temporary possession powers to undertake site investigation works to inform and minimise the land within the Cable Route Corridor over which permanent rights are needed.

5.5.3 Articles 29 and 30 of the draft DCO are relied upon in respect of all land within the Order land. Article 30 allows temporary possession of land for the purposes of maintaining the Scheme. As noted above, Article 29 permits temporary use in two ways in connection with the construction of the Scheme:

5.5.4 Firstly, the land identified in Schedule 12 to the draft DCO may only be temporarily possessed (i.e. the Applicant cannot acquire the land nor new rights over it), and possession can only be taken for the purposes set out in that Schedule for the particular plot. In summary, these are the areas required to facilitate access to the Works and provide temporary construction compounds. These areas are shown edged red and shaded yellow on the Land Plan **[CR1/WB2.2_B]**; and

5.5.5 Secondly, Article 29 permits the Applicant to take temporary possession of any other part of the Order land where it has not yet exercised powers of compulsory acquisition - this will allow the Applicant (for instance) to initially take temporary possession of the whole width of corridors required for the Cable Route Corridor. Once the Applicant has carried out detailed surveys and installed the relevant apparatus (such as pipes or cable), the Applicant can then acquire new rights (pursuant to the powers set out above) within only a narrower strip in which permanent rights are required, within the wider construction corridor. This phased approach to occupation and acquisition allows the permanent rights corridor to be defined after construction, and to be only that which is necessary for the operation, maintenance and protection of the apparatus.

5.5.6 Appendix B sets out the latest position in relation to negotiation of voluntary agreements with landowners. As part of these negotiations landowners have been made aware that the DCO will seek temporary possession rights over all of their land included within the Order land.

5.5.7 Under Article 30, the Applicant is entitled to occupy the land for as long as necessary to carry out the relevant maintenance works. The Applicant must give the landowner and any occupier not less than 28 days' notice and on completion of the maintenance works must remove all temporary works and restore the land to the satisfaction of the landowner.

5.6 Other Rights and Powers

5.6.1 In addition, 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 Scheme without hindrance. Furthermore, 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 Scheme. Article 23 of the draft DCO is relied upon in respect of this land and apply in relation to land in which compulsory acquisition or temporary possession are proposed (that is, land shaded pink, blue or yellow on the Land Plans). With respect to land shaded yellow, in respect of which temporary possession only is sought, Article 23(3) makes clear that any private rights or restrictive covenants are only suspended for the period in which the Applicant is in lawful possession of the land (i.e. they would only be suspended temporarily).

5.6.2 The draft DCO also contains the following additional powers which may constitute an interference with land and/or rights over land and as such are captured in Part 3 of the Book of Reference **[CR1/WB4.3_D]**:

- Article 8 - Street works: this article would confer authority on the Applicant to interfere with and execute works in or under any streets for the purposes of the authorised development;
- Article 11 - Temporary stopping up of streets and public rights of way: this article permits the Applicant to temporarily stop up, alter, divert or restrict the use of streets and public rights of way for the purposes of the development, whilst ensuring that pedestrian access is maintained;
- Article 12 - Use of private roads: this article enables the Applicant to use any private road within the Order limits during construction or maintenance of the authorised development;
- Article 13 - Access to works: this article allows works accesses to public highways to be created. It gives the Applicant a general power to form means of access;
- Article 16 - Discharge of water: this article sets out the circumstances in which the Applicant is entitled to discharge water into a sewer, watercourse or drain, and its purpose is to establish statutory authority for doing so;
- Article 18 - Protective works to buildings: this article provides a power to monitor certain buildings and structures (included within the Order limits) for the effects of ground movement relating to settlement arising from the construction of the authorised works; and to carry out protective works where necessary to mitigate the effects of such settlement. This power applies throughout the Order limits;
- Article 19 - Authority to survey and investigate the land: this article gives the Applicant the power to enter certain land for the purpose of surveying and testing. It provides that the Applicant must give 14 days' notice before exercising the powers of entry, and that compensation is payable for any loss or damage caused;
- Article 26 - Power to override easements and other rights: this article permits the Applicant to override easements and other rights such that land vested in the Applicant would be discharged from all rights, trusts and incidents to which

it was previously subject at the point of vesting, together with the benefit of restrictive covenants and instances where land subject to third party rights is acquired by agreement rather than through compulsory acquisition; and

- Article 38 - Felling or lopping of trees and removal of hedgerows: this article would permit any tree or shrub that is near the Scheme to be felled or lopped, or have its roots cut back by the Applicant if it is considered to obstruct the construction, operation or maintenance of the Scheme or endanger anyone using it. Compensation is payable for any loss or damage caused;
- Article 48 – Compulsory acquisition of land – incorporation of the minerals code: incorporates Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981. It has been included within the draft DCO as mineral rights have been identified within the Order land and the mineral code provides a statutory process for dealing with the purchase of and compensation for minerals.

5.6.3 All the above-mentioned articles in the draft DCO, which would provide powers enabling the Applicant to acquire land permanently or to use land temporarily, are required to enable the construction, operation, maintenance and decommissioning of the Scheme.

6 Purpose of the Powers

6.1 The need for the Scheme

6.1.1 The Statement of Need [APP-320] sets out the need for the Scheme. A summary of the need for the Scheme is set out below.

6.1.2 Decarbonisation is a UK legal requirement and is of global significance. It cannot be allowed to fail, and urgent actions are required in the UK and abroad, to keep decarbonisation on track to limit global warming;

- Large-scale solar generation is essential to support the urgent decarbonisation of the GB electricity sector. Large-scale solar is important not only to reduce power-related emissions, but also to provide a timely next step contribution to a future generation portfolio which is capable of supporting the electrification and therefore decarbonisation of transport, heat and industrial demand;
- As part of a diverse generation mix, solar generation contributes to improve the stability of capacity utilisations among renewable generators and when developed alongside other renewable technologies, large-scale solar will smooth out seasonal variations in total GB renewable generation, more closely matching anticipated seasonal levels of demand;
- Other conventional low-carbon generation (e.g. tidal, nuclear or conventional carbon with CCUS) remain important contributors to achieving the 2050 Net Zero obligation, but their contributions in the important 2020s will be very low;

- By being connected at the transmission system level, large-scale solar generation can and will play an important role in the resilience of the GB electricity system from an adequacy and system operation perspective;
- Large-scale solar generation also supports security of supply by helping reduce the national dependency on imported hydrocarbon source fuels, e.g. coal and gas;
- The cost of solar generation is already super-competitive against the cost of other forms of conventional and low-carbon generation, both in GB and more widely;
- Internationally, and importantly for GB in this regard, is the ongoing trend of solar generation assets becoming larger and more affordable, each subsequent project providing a real-life demonstration that solar schemes of similar size and scale as the Scheme can be developed in GB. The development of such schemes will provide decarbonisation benefits and commercial benefits to consumers;
- Single large-scale solar schemes deliver more quickly and at a lower unit cost than multiple independent schemes which make up the same total capacity, bringing forward carbon reduction and more affordable electricity in line with government policy.

6.1.3 These general benefits of solar generation in GB also apply specifically to the Scheme:

- The Scheme is a substantial infrastructure asset, capable of delivering large amounts of low-carbon electricity to local and national networks. The Scheme, along with other solar schemes, is of critical importance on the path to Net Zero, with NGEN scenarios predicting the need for 25-40GW of operational solar capacity in GB by 2030. The need for solar is especially important given the context of the Climate Change Committee's recent identification of the need for urgent action to increase the pace of decarbonisation in the GB electricity sector, and government's adoption of their recommendations for the Sixth Carbon Budget (2033 - 2037);
- The Scheme's connection to the National Electricity Transmission System (NETS) at West Burton Power Station means that it will play its part in helping National Grid manage the national electricity system. This includes participating in mandatory balancing markets (to help balance supply and demand on a minute-by-minute basis and provide essential ancillary services) as well as providing visibility to the GB power market of its expected generation. This means that the low marginal cost solar power it will produce, can be forecast and priced into future contracts for power delivery by all market participants, thus allowing all consumers to benefit from the market price reducing effect of low-marginal cost solar generation;

- The Scheme provides an efficient opportunity to integrate energy storage with large-scale solar generation. Energy storage is an essential technology for high-RES electricity systems, such as that which the NETS is anticipated to become during the critical 2020s, as the power generation sector seeks to achieve rapid decarbonisation in support of wider decarbonisation on the path to Net Zero. Energy storage plays essential roles in the provision of those services necessary to keep power flowing to all consumers, as well as integration measures which help balance supply and demand, thereby reducing the need for carbon-intensive back-up generation; and
- Maximising the capacity of generation in the proposed area, is to the benefit of all GB consumers, and the solar industry generally.

6.1.4 The Scheme will deliver large amounts of low-carbon power ahead of other technologies which have longer construction timeframes or have potentially not yet been proven at scale, which will support decarbonisation only in future years and only if they are brought forwards.

6.1.5 In summary: the meaningful and timely contributions offered by the Scheme to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, will be critical on the path to Net Zero. Without the Scheme, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

6.1.6 This Scheme is a leading GB large-scale solar scheme, and is an essential stepping-stone towards the future of efficient decarbonisation through the deployment of large-scale, technologically and geographically diverse low-carbon generation schemes. This Scheme addresses all important aspects of existing and emerging government policy.

6.2 National policy support

6.2.1 A more detailed explanation of the legislative and policy context of the Scheme is set out in Section 5 of the Planning Statement **[REP3-031]**. This includes the Applicant's reasoning for both the applicable existing and draft Energy NPSs being important and relevant matters in the SoS's decision.

6.2.2 Section 105(2) of the PA 2008 provides the basis for deciding the DCO application, given it is envisaged that as at the time of acceptance no technology specific NPS has effect. As a result, the SoS must have regard to the provisions set out in section 105 of the PA 2008. This includes any matters which the SoS deems to be both important and relevant to their decision. The Applicant considers that the following NPSs are all important and relevant to the SoS's decision due to the transitional provisions in the November 2023 NPSs:

- Overarching National Policy Statement for Energy (EN-1) (NPS EN-1 2011), and

- National Policy Statement for Electricity Networks Infrastructure (EN-5) (NPS EN-5 2011).

6.2.3 In addition, the Applicant also considers the November 2023 NPSs (designated on 17 January 2023) listed below to be important and relevant to the SoS's decision:

- Overarching National Policy Statement for Energy (EN-1) (NPS EN 1 November 2023),
- National Policy Statement for Renewable Energy (EN-3) (NPS EN-3 November 2023), and
- National Policy Statement for Electricity Networks Infrastructure (EN-5) (NPS EN-5 November 2023).

6.2.4 The 2011 Energy NPSs, November 2023 Energy NPSs, and other national energy policy set out the government's objectives for delivering secure, affordable energy and meeting its climate change commitments. These include the achievement of net zero carbon emissions by 2050 and the delivery of carbon budgets in the intervening years. Overarching NPS EN-1 (2011) states that new low carbon energy NSIPs are required urgently in the next 10-15 years (from its publication date in July 2011). NPS EN-1 (November 2023) goes on to state that there is a requirement for sustained growth in capacity in onshore solar in the next decade. The Scheme represents an excellent opportunity to deliver a critical part of the portfolio of renewable energy generation that is urgently required by 2030.

6.2.5 The Scheme would generate large amounts of electricity from a renewable source and so it would assist the Government in meeting its targets to decarbonise our electricity supply and reduce overall carbon emissions. The Government expects large scale solar generation to make an important contribution to achieving its objectives for the UK's power system which are to ensure the supply of energy always remains secure, reliable, affordable and enables the UK to meet its carbon emission reduction commitments.

6.2.6 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Scheme will deliver other benefits, many of which will be delivered as a result of the Scheme's careful design. These include:

6.2.7 A significant Net Gain for biodiversity, with an anticipated 86.80% gain provided in habitats, 54.71% gain in hedgerow and 33.25% gain in river units.

6.2.8 A new permissive footpath from the track off Sykes Lane along the Codder Lane Belt and then south and west to re-join Sykes Lane opposite Hardwick Scrub will be in place during the operational phase of the Scheme. The permissive path will contribute to the wider network of footpaths and facilitate greater public access to the Countryside.

6.2.9 The temporary employment generated by the Scheme's construction is assessed to be approximately 222 FTE jobs per annum.

- 6.2.10 A Skills, Supply Chain and Employment Plan **[APP-319]** will be prepared prior to the commencement of construction. This will set out measures the Applicant will implement to advertise and promote employment and training opportunities associated with the Scheme in construction and operation locally.
- 6.2.11 The analysis of planning policy compliance in the Planning Statement **[REP3-031]** demonstrates that the need for the Scheme is supported by planning policy and other national energy and environmental policy and that the Scheme addresses relevant national and local planning policies through its design, avoiding and minimising adverse impacts where possible.
- 6.2.12 With the mitigation proposed, the Environmental Statement demonstrates that the Scheme will not have any significant adverse effects in relation to hydrology, flood risk and drainage; ground conditions and contamination; minerals; transport and access; noise and vibration; glint and glare; air quality; and major accidents and disasters. In relation to climate change and soils and agriculture, it will have a major beneficial effect. It is, however, acknowledged that Scheme will result in residual significant adverse effects in EIA terms upon landscape and views; ecology (at a site and local level); heritage; socio-economics; tourism and recreation; waste and human health (albeit temporary construction traffic impacts and short-term temporary closure of the Trent Valley Way and National Byways long distance recreational routes). All these effects (apart from effects upon non-designated archaeological remains and the rise in energy sector employment opportunities at scheme decommissioning) will only occur while the Scheme is under construction, operational or being decommissioned and are therefore limited to the lifetime of the Scheme.
- 6.2.13 With regard to landscape and visual amenity the Applicant has carefully designed the Scheme to ensure landscape and visual impacts are minimised through sensitive siting of the largest Scheme components in the most well screened areas of the Site and a green infrastructure led landscape and ecological design. In terms of the planning balance, the fact that these effects are localised; will be reversed following decommissioning at the end of the Scheme's operational life; and that NPS EN-1 (2011) and NPS EN-1 (November 2023) acknowledge that adverse effects are likely, given the scale of energy NSIPs, the national benefits of the Scheme outweigh these localised effects.
- 6.2.14 There will be large adverse harm (during operation) to one scheduled monument (The medieval bishop's palace and deer park, Stow Park (1019229)). However the benefits of the Scheme are considered to outweigh this less than substantial harm for the reasons set out in the Planning Statement **[REP3-031]**.
- 6.2.15 The majority of the site (73.5%) is not BMV agricultural land. In respect of the inclusion of some BMV agricultural land within the Order Limits, the Applicant has explained that this is justified by other sustainability considerations, including the need to maximise the amount of low carbon electricity generated by the Scheme and the particular opportunities and constraints offered by some of the areas of

BMV land. The impacts on BMV land have been minimised by the nature of the Scheme and its design, including the management of soil resource during the life of the Scheme.

- 6.2.16 As described in Section 6 of the Planning Statement, whilst it has not been possible to avoid all impacts these have been minimised, where possible, through careful and sensitive design and detailed mitigation strategies. When considered against the NPS and NPPF, the Scheme accords with relevant policies, and with regard to specific policy tests, the national and local benefits of the Scheme are considered on balance to outweigh its adverse impacts. The Scheme is also considered to be broadly consistent with relevant local planning policy. Therefore, it is considered that development consent for the Scheme should be granted.
- 6.2.17 To ensure that the Scheme can be built, operated and maintained, and so that the Government's policy in relation to the timely provision of new generating capacity is met within a reasonable timescale, the Applicant requires the acquisition of a number of property interests in third party ownership, and has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over land.
- 6.2.18 In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the land within the Order limits, uncertainty will continue to prevail and the Applicant considers that its objectives and those of Government policy would not be achieved.

7 Justification for the Compulsory Acquisition Powers

7.1 The matters to which the SoS must have regard

- 7.1.1 As noted above, under section 122 of the PA 2008, a DCO which includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) are met. The conditions to be met are that:
- the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development (section 122(2)) (see section 7.2 below); and
 - there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (section 122(3)). The SoS must be persuaded that the public benefits from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired (see Sections 7.3 and 7.4 below).
- 7.1.2 In respect of the section 122(2) condition, the 'Guidance related to procedures for the compulsory acquisition of land' (at paragraph 11 of the CA Guidance) states that applicants should be able to demonstrate to the satisfaction of the SoS that the land in question is needed for the development for which consent is sought. The CA Guidance goes on to say that the SoS will need to be satisfied that the land to be

acquired is no more than is reasonably required for the purposes of the development.

7.1.3 In respect of the section 122(3) condition, the CA Guidance (at paragraph 13) states that the SoS will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that in determining where the balance of public interest lies, the SoS will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.

7.1.4 Further, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the SoS when justifying an order authorising compulsory acquisition. These are as follows:

- that all reasonable alternatives to compulsory acquisition (including modifications to the Scheme) have been explored - see section 7.5 below in relation to how the Applicant has given regard to alternatives to compulsory acquisition;
- that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see the remainder of this section, and Section 7.4 below;
- that the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire – Section 3 above describes the Scheme, and Section 5 alongside Appendix A that together provide the purposes for which areas are to be acquired or used;
- that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see section 7.7 below in addition to the Funding Statement [CR1/WB4.2_A]; and
- that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see Section 8 below.

7.1.5 This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied.

7.2 Use and quantum of the Order limits

7.2.1 At paragraph 11, the CA Guidance states that there must be no doubt in the decision maker's mind as to the purposes to which the land to be acquired is to be put. It should be demonstrated that the land is needed for the authorised Scheme and that it is no more than is reasonably required for that Scheme. 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.

- 7.2.2 In designing the Scheme and determining the land to be subject to compulsory acquisition and temporary possession powers, as demonstrated below, the Applicant has considered alternatives and modifications to the Scheme to minimise the potential land take.
- 7.2.3 Section 3 describes the Scheme and a summary of the Scheme for which land and rights over land within the Order land are required. Appendix A summarises the purpose for which land and rights over land within the Order land are sought.
- 7.2.4 The proposed interference with the rights of those with an interest in the land is for a legitimate purpose because the Applicant requires the land for the development of the Scheme and can satisfy the conditions set out in section 122(2) of the PA 2008. The land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development.
- 7.2.5 The scope of the powers of compulsory acquisition proposed in respect of the land within the Order land goes no further than is needed. All the land included within the Order land is needed to achieve the identified purpose of delivering the Scheme. Part 1 of Appendix A shows each plot over which freehold acquisition is required, and the works for which each plot of land is required, demonstrating the assessment that has been carried out on each plot. Part 2 of Appendix A shows each plot over which new rights and the imposition of restrictions is required and the purpose of such rights and restrictions. Part 3 of Appendix A shows each plot over which temporary possession is required and the purpose of such temporary possession powers.
- 7.2.6 Steps have been taken to ensure that the interference with the rights of those with an interest in the affected land is no more than is necessary to deliver the benefits associated with the Scheme.

7.3 Public Benefits

- 7.3.1 Section 6.1 sets out the need for the Scheme which would ensure meaningful and timely contributions to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, which is critical on the path to Net Zero. Without the Scheme, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- 7.3.2 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Scheme will deliver other benefits, many of which have been maximised and will be delivered as a result of the Scheme's careful design. These include:
- Biodiversity net gain.

- A permissive path that will be retained during the operational phase of the Scheme, improving connectivity with the existing network of PRowWs. The existing network of PRowWs will be retained.
- Employment during the construction phase. A Skills, Supply Chain and Employment Plan **[APP-319]** will be prepared prior to the commencement of construction. This will set out measures that the Applicant will implement in order to advertise and promote employment opportunities associated with the Scheme in construction and operation locally.

Further information in relation to these project benefits can be found in the Planning Statement **[REP3-031]**.

7.4 Impacts and Private Loss

- 7.4.1 In order to deliver the benefits of the Scheme set out above, the Applicant requires the use of compulsory acquisition powers. This will result in a private loss by those persons whose land or interests in land is compulsorily acquired. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code thereby minimising the private loss.
- 7.4.2 Compensation is payable for the compulsory acquisition of land or rights and for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.
- 7.4.3 As shown in Appendix B, the Applicant has taken pro-active steps to engage with these persons whose land and rights will be affected by the Scheme to understand the direct and indirect impacts on them and to try to reach a voluntary agreement. This has helped to shape the proposals and, where possible enabled changes to designs to minimise the private loss.
- 7.4.4 All relevant environmental, social and economic benefits and adverse impacts have been assessed and are reported on in the Application documents, most notably the Environmental Statement.
- 7.4.5 Whilst the Scheme as a whole would, in common with any national infrastructure project, result in some adverse effects to the environment and local community, it is considered that these (considered individually or collectively) would not outweigh the important nationally significant benefits of contributing towards the urgent national need for secure and affordable low carbon energy infrastructure.
- 7.4.6 The Scheme is a NSIP and the public benefits associated with the Scheme are set out in section 7.3 above. The Applicant considers that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictions) to be included in the Order. Compensation is payable to all affected landowners and occupiers.
- 7.4.7 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

Scheme. The extent of the Order limits is no more than is reasonably necessary for the construction, operation and maintenance of the Scheme and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.

7.5 Alternatives to Compulsory Acquisition

7.5.1 The Applicant has considered all reasonable alternatives to compulsory acquisition: negotiated agreements, alternative sites and modifications to the Scheme have been considered prior to making the Application.

7.5.2 The Applicant's use of compulsory acquisition powers is intended to be proportionate. Where practicable, lesser powers of temporary possession will be used.

7.6 Alternatives to the Scheme

7.6.1 The 'no development' scenario as an alternative to the Scheme has not been considered. This is because 'no development' is not considered to be a reasonable alternative to the Scheme as it would not deliver the proposed additional electricity generation capacity which is essential to meet the urgent national need for secure and affordable low carbon energy infrastructure.

7.6.2 The location and extent of land and rights has been carefully considered and designed in order to take the minimum amount of land required whilst ensuring that the Scheme continues to meet the project benefits. The rights sought are therefore proportionate and necessary.

7.6.3 None of the alternatives or modifications considered for the Scheme would obviate the need for powers of compulsory acquisition powers and temporary possession over the Order land.

7.6.4 The Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the 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 land take.

7.6.5 Further details on the consideration of alternatives are set out in Chapter 5: Alternatives and Design Evolution of the Environmental Statement **[APP-043]**.

7.7 Site Selection

7.7.1 In order to be deliverable, irradiation (sunlight) levels and topography are key factors when determining the location of solar development. The preference is for a flat site or a site with a southerly aspect. For a grid connection of 480 MW, a site size of approximately 960 ha (excluding the cable route) is preferable to allow for flexibility to accommodate additional mitigation measures and other constraints.

7.7.2 West Burton Power Station is identified as a location which has the available capacity for a large scale solar farm. It is also within sufficient proximity of lower grade

agricultural land and land which is available to construct a large scale solar farm. The initial feasibility exercise narrowed the search area to the vicinity of West Burton. The search area was identified at a 5km radius, and enlarged incrementally within a 15km radius (being a viable cable connection distance for a solar project of this scale) until suitable options were found.

- 7.7.3 The Applicant sought to minimise the use of Best and Most Versatile (BMV) land, however no ALC Grade 4 and 5 land was available that met the requirements of the Scheme. Land agents were contacted regarding potentially willing landowners because it is typical for the land to be leased due to solar farms consisting of temporary structures.
- 7.7.4 The Applicant worked closely with the landowners in relation to BMV land to be excluded from the Order Limits so far as is practicable resulting in 73.5% of the Order limits being classified as non-BMV agricultural land.
- 7.7.5 Further details on the site selection process are set out in Chapter 5: Alternatives and Design Evolution of the Environmental Statement **[APP-043]**.

7.8 Grid Connection and Capacity

- 7.8.1 A viable grid connection is an essential material consideration for a solar development. The Applicant submitted a grid application to connect the Scheme to the grid at West Burton Power Station and was made an offer for this connection for 480MW. Further details are set out in the Grid Connection Statement **[APP-316]**.

7.9 Voluntary agreements with landowners

- 7.9.1 The Sites are within four land ownerships, and this small number of landowners is advantageous in terms of minimising project complexity, legal complexity and cost. The Sites were chosen following assessment work and discussion with landowners regarding areas of their land holdings that they were prepared to allow solar development on. The land has limited land use conflicts with respect to local development plan allocations and displacement of existing businesses.
- 7.9.2 Option Agreements have been entered into for each of the Sites.
- 7.9.3 Negotiations for the purchase of other land, rights and interests are ongoing in respect of the land and new rights required for the Scheme. Nevertheless, it is necessary for the Applicant to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the draft DCO, thereby ensuring that the Scheme can be constructed, operated and maintained.

7.10 Availability of funds for compensation

- 7.10.1 The Funding Statement **[CR1/WB4.2_A]** confirms that the Applicant has the ability to procure the financial resources required for the Scheme, including the cost of acquiring any land and rights and the payment of compensation, as applicable.

7.10.2 The Applicant is not aware of any interests within the Order land in respect of which a person may be able to make a blight claim, but in the event this did occur the Applicant has sufficient funds to meet any compensation due.

7.10.3 The Applicant therefore considers that the SoS can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

8 Communications and Negotiations

8.1 Diligent inquiry / land referencing

8.1.1 In accordance with the requirements of the 2008 Act, the Applicant undertook "diligent inquiry" through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the 2008 Act. These include owners, lessees, tenants and occupiers of the land within the Order limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits.

8.2 Diligent inquiry methodology

8.2.1 The Applicant was required to identify individuals in one or more of the categories set out in sections 44 and 57 of the 2008 Act. This included undertaking "diligent inquiry" to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the 2008 Act. Category 1 includes owners, lessees, tenants and occupiers of the land within the Order limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits. Category 3 includes parties who the Applicant thinks would or might, if the Order sought by the application were made and fully implemented, be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965 and/or Part 1 of the Land Compensation Act 1973 and/or section 152(3) of the 2008 Act.

8.2.2 The Land Referencing limits were set to include all land and rights necessary to construct and operate the Scheme. A professional land referencing firm was employed to undertake diligent inquiry to identify these land interests. The following processes were undertaken as part of the methodology to identify and consult with those with an interest in affected land.

8.2.3 Land Registry data was received in the form of a digital shape file (a GIS layer) and digital copies of the Official Copy Registers and Title Plans. All relevant freehold, leasehold, mortgagee, beneficiary, other charges and restrictive covenant information was extracted and stored in a land referencing database.

8.2.4 An update to the land registry information was carried out prior to the preparation of the Book of Reference [CR1/WB4.3_D] as part of the DCO application documentation.

8.2.5 Adopted highways plans were acquired from Lincolnshire County Council and Nottinghamshire County Council. Information was also obtained regarding special category land (including open space, common land, fuel and field garden

allotments); and any information relating to extant planning permissions. Information was received in a variety of formats and entered into the GIS system as appropriate. Where necessary, further enquiries were made to address any changes, anomalies, or gaps.

- 8.2.6 Statutory undertakers that were believed to have a possible interest in the area were contacted to identify their interests. Information received was entered into the GIS as appropriate and where necessary further enquiries were made to address changes, anomalies or gaps.
- 8.2.7 Any existing information or stakeholder data gained by the Applicant as a result of property negotiation or Section 42 consultation was incorporated accordingly.
- 8.2.8 Consultation with landowners has been ongoing throughout the development of the proposals. The identification of potentially affected parties has been an ongoing process. This included checking all company addresses at Companies House to ensure the correct address was being used. The registered address was used unless advised differently by the affected party.
- 8.2.9 Requests for Information (RFIs) questionnaires were issued to all affected parties within the Order land. This included landowners, lessees, occupiers and statutory undertakers potentially affected by the Scheme. Telephone numbers and email addresses were provided on the letter which accompanied the land referencing questionnaires, allowing parties to make contact if they sought further information on the proposals. Parties identified after this date, or whose initial questionnaire unsuccessfully delivered, were issued at the earliest possible opportunity.
- 8.2.10 Where there was unregistered land within the Order limits, site notices were affixed on or adjacent to the land in order to notify any unregistered interested parties of the proposals.

8.3 Consultation with landowners

- 8.3.1 The Applicant has been seeking to acquire the relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Scheme. The current position in relation to the Applicant's engagement and negotiations with each landowner affected by the Scheme is explained in Appendix B.
- 8.3.2 It has not yet been possible to acquire all of the land, the temporary use of land and the rights required by agreement at the point of 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 Scheme.
- 8.3.3 Negotiations will continue with landowners and persons with interests in land affected by the Scheme. Nonetheless, it is necessary for the Applicant to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights

and interests may be acquired, overridden or extinguished pursuant to the draft DCO, thereby ensuring that the Scheme can be constructed, operated and maintained.

8.4 Consultation with Statutory Undertakers

8.4.1 The Applicant and its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Scheme. A summary of these negotiations and correspondence can be found within Appendix B.

9 Human Rights

9.1.1 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.

9.1.2 The following Articles of the Convention are relevant to the SoS's decision as to whether the draft DCO [CR1/WB3.1_D] should be made so as to include powers of compulsory acquisition:

9.1.3 **Article 1** of the First Protocol to the Convention - protects the rights to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest.

9.1.4 **Article 6** - entitles those affected by powers sought in the draft DCO to a fair and public hearing of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision-making process.

9.1.5 **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.

9.1.6 The SoS, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.

9.1.7 The draft DCO has the potential to infringe the rights of persons who hold interests in land within the Order land under Article 1 of the First Protocol, Article 6 and Article 8. Such an infringement is authorised by law so long as:

- the statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
- the interference with the convention right is proportionate.

9.1.8 In relation to Article 1, in preparing the Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the draft DCO and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. As set out in section 7.3 above and in more detail in the Statement of Need [APP-320] and

the Planning Statement **[REP3-031]** the Applicant considers that there would be very significant public benefits arising from the grant of the DCO. The benefits are only realised if the DCO is accompanied by the grant of powers of compulsory acquisition, and the purpose for which the land is sought (to build and operate the Scheme) is legitimate. 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.

- 9.1.9 In relation to Article 8, the Order limits do not include, and the Scheme does not require, the outright acquisition of any residential dwelling-houses. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. In the event that such rights were to be infringed, such interference would be justifiable on the basis that it would be lawful and in the public interest.
- 9.1.10 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the 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 limits and those with an interest in the Order limits. 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 s152(3) of the PA 2008.
- 9.1.11 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 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.
- 9.1.12 Should the DCO be made, any person aggrieved may challenge the DCO in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the PA 2008.
- 9.1.13 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.
- 9.1.14 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the DCO of powers of compulsory acquisition, is proportionate, necessary and legitimate and is in accordance with national and European law. For the reasons set out in Section 7 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.

9.1.15 The Applicant considers that the DCO strikes a fair balance between the public interest in the Scheme 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 SoS to make the DCO, including the grant of compulsory acquisition powers.

10 Special considerations affecting the Order limits

10.1 Special Category Land - Crown Land

10.1.1 The Order land includes Crown land but this land is excluded from the scope of compulsory acquisition powers - see Crown Land Plan [AS-002] and Part 4 of the Book of Reference [CR1/WB4.3_D]. Title checks at HM Land Registry and discussions with the Crown Estate confirm that such land belongs to the Crown Estate.

10.1.2 The Applicant is engaged with agents for the Crown Estate in order to voluntarily acquire the necessary interests/rights over the Crown Estate's land. This process will run in parallel with the application for development consent. Consent from the Crown Estate pursuant to section 135 of the PA 2008 will also be obtained prior to the Secretary of State determining the DCO Application.

10.2 Special Category Land - Open Space

10.2.1 There is no open space, common land or fuel or field garden allotments included or affected by the Order limits.

10.3 Statutory Undertakers' Land and Apparatus

10.3.1 Section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that matters set out in section 127(3) are satisfied. Those matters are:

- the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- if purchased, the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.

10.3.2 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 matters set out in section 127(6) are satisfied. Those matters are:

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

- 10.3.3 Article 31 of the DCO gives the Applicant the authority to acquire land and rights from Statutory Undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 16 which contains protective provisions for their benefit. The protective provisions provide adequate protection for Statutory Undertakers' assets. 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 powers sought over the Order land being granted. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.
- 10.3.4 Section 138 of the PA 2008 applies if a development consent order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land. The draft DCO includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Scheme. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 16 to the DCO. The protective provisions set out constraints on the exercise of the powers in the DCO, with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Scheme (i.e. the development authorised by the DCO) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.
- 10.3.5 Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order limits. Statutory undertakers and other apparatus owners that are known to have interest in or equipment on, in or over the Order limits are included in the Book of Reference **[CR1/WB4.3_D]**. These include:
- Anglian Water Services Limited;
 - Cadent Gas Limited;
 - E.ON UK plc;
 - EDF Energy (Thermal Generation) Limited;
 - Environment Agency;
 - National Grid Electricity Transmission plc;
 - National Grid Electricity Distribution (East Midlands) plc;
 - Network Rail Infrastructure Limited;
 - Northern Powergrid (Yorkshire) plc;
 - Severn Trent Water Limited;
 - Openreach Limited;
 - Virgin Media Limited;

- Vodafone Limited;
- Exolum Pipeline System Limited;
- Uniper UK Limited.

10.3.6 The Applicant is in discussions with the relevant statutory undertakers and owners of apparatus to agree the form of protective provisions and, where required, side agreements and asset protection agreement with the other parties contacted.

10.3.7 In any event, Part 1 and Part 2 of Schedule 16 to the draft DCO include standard protective provisions for the protection of electricity, gas, water and sewerage undertakers and for the protection of operators of electronic communications code networks, in order to ensure the assets of those parties receive adequate protection.

10.3.8 There are no other relevant special considerations in respect of the Order limits.

11 Related Applications and Consents

11.1.1 Other consents are or may be required in order for the Scheme to be constructed and subsequently operate. The key consents are identified below and reference should be made to the Consents and Agreements Position Statement [APP-312] which sets out the additional consents required and the status and timeframe for each consent. These may include:

- Electricity Generation Licence;
- Water abstraction or impoundment licence;
- Water discharge;
- Bilateral Connection Agreement (to connect to the National Electricity Transmission System);
- Permit for Transport of Abnormal Loads;
- Section 61 consent;
- Health and Safety related consents; and
- Protected species licence.

11.1.2 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Scheme proceeding.

12 Further Information

12.1 Negotiation of Sale

12.1.1 Owners and occupiers of property affected by the Scheme who wish to discuss matters of compensation should contact the Applicant on 0808 1691858 or at info@westburtonsolar.co.uk.

12.2 Compensation

12.2.1 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation value of properties. Helpful information is given in the series of booklets published by DCLG entitled "Compulsory Purchase and Compensation" listed below:-

- Booklet No. 1 - Compulsory Purchase Procedure;
- Booklet No. 2 - Compensation to Business Owners and Occupiers;
- Booklet No. 3 - Compensation to Agricultural Owners and Occupiers;
- Booklet No.4 - Compensation for Residential Owners and Occupiers; and
- Booklet No.5 - Reducing the Adverse Effects of Public Development: Mitigation Works.

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

13 Conclusion

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

13.1.2 A description of the intended use of the land and rights to be acquired compulsorily has been provided.

13.1.3 In summary, the compulsory acquisition of the Order land or 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 Scheme and are proportionate and no more than is reasonably necessary.

13.1.4 Furthermore, there is a compelling case in the public interest for the land or rights over the land to be compulsorily acquired given the meaningful and timely contributions offered by the Scheme to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life.

13.1.5 The need for the Scheme is clearly set out in NPS EN-1 (2011) and NPS EN-5 (2011), and NPS EN-1 (November 2023), NPS EN-3 (November 2023) and NPS EN-5 (November 2023). These demonstrate that there is a compelling case in the public interest for the land, and rights over land and imposition of restrictions, to be acquired compulsorily.

13.1.6 All reasonable alternatives to compulsory acquisition have been explored. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the temporary use of land, the rights and other interests by

agreement, as well as secure the removal of matters affecting the Order Land that may impede the Scheme, wherever possible.

- 13.1.7 Given the national and local need for the Scheme and the support for it found in policy, as well as the suitability of the Order limits (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.
- 13.1.8 The proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose, i.e. the construction and operation of the Scheme which is an NSIP, and is necessary and proportionate to that purpose. The Applicant considers that the very substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be suffered by those whose land or interests are to be acquired, and therefore justifies interfering with that land or rights.
- 13.1.9 The Applicant has set out clear and specific proposals for how the Order Land will be used.
- 13.1.10 An explanation has been provided as to how it is expected that the construction of the Scheme and the acquisition of the land or 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. More detail is provided in the Funding Statement **[CR1/WB4.2_A020]**.
- 13.1.11 Articles 1, 6 and 8 of the First Protocol to the Convention have been considered. The Applicant considers that the very substantial public benefits to be derived from Scheme would outweigh the private loss that would be suffered by those whose land is to be acquired or whose rights would be interfered with.
- 13.1.12 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 – Plots over which Freehold Acquisition, New Rights and Temporary Possession are Required

Part 1 – Freehold Acquisition

Plot number	Type of acquisition	Purpose (Work No.)
01-009	Permanent freehold	6A
01-010	Permanent freehold	1A (i, ii, iii) 6A
01-011	Permanent freehold	6A
01-012	Permanent freehold	1A (i, ii, iii) 3A 6A
01-021	Permanent freehold	6B 9
02-022	Permanent freehold	1B (i, ii, iii) 6B
02-023	Permanent freehold	6B 9
02-024	Permanent freehold	6B 9
02-031	Permanent freehold	1B (i, ii, iii) 3B 6B 11
03-034	Permanent freehold	1B (i, ii, iii) 6B 11
03-035	Permanent freehold	6B 10
03-036	Permanent freehold	6B 11
03-037	Permanent freehold	6B 11
04-041	Permanent freehold	6B
04-042	Permanent freehold	1B (i, ii, iii)

Plot number	Type of acquisition	Purpose (Work No.)
		6B
05-055	Permanent freehold	1C (i, ii, iii) 6C
05-056	Permanent freehold	6C
05-057	Permanent freehold	1C (i, ii, iii) 2 3C 6C
05-058	Permanent freehold	6C
05-059	Permanent freehold	1C (i, ii, iii) 6C
05-060	Permanent freehold	6C
05-061	Permanent freehold	6C
05-063	Permanent freehold	1C (i, ii, iii) 6C
06-064	Permanent freehold	6C
06-065	Permanent freehold	6C
06-066	Permanent freehold	6C
06-067	Permanent freehold	6C
06-075	Permanent freehold	1C (i, ii, iii) 6C
06-079	Permanent freehold	6C
06-088	Permanent freehold	1C (i, ii, iii) 6C
06-089	Permanent freehold	1C (i, ii, iii) 2 6C
06-090	Permanent freehold	1C (i, ii, iii) 6C
06-091	Permanent freehold	1C (i, ii, iii) 6C
06-092	Permanent freehold	1C (i, ii, iii) 6C
06-092a	Permanent freehold	1C (i, ii, iii)

Plot number Type of acquisition Purpose (Work No.)

6C

Part 2 – New rights and imposition of restrictions

New rights and imposition of restrictions may be required for the following purposes:

Plot reference number shown on the Land Plans	Purposes for which rights over land may be required and restrictive covenants imposed
02-033; 04-039; 04-040; 04-043a; 05-062; 06-065; 06-068; 06-069; 06-072; 06-073; 06-074; 06-076; 06-077; 06-078; 07-107; 07-108; 07-109; 09-168; 09-169; 10-183a; 10-183b; 10-183c; 10-187; 10-188; 10-189	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, bridges and road widening and to remove impediments (including vegetation) to such access;
	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;
	install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary;
	install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures the right to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works;
	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.
01-008; 01-013; 01-014; 01-018; 01-019; 01-020; 02-027; 02-028; 02-029; 02-030; 02-033; 04-039; 04-040; 04-043a; 04-044; 04-046; 04-047; 04-049; 04-050; 04-051; 04-052; 05-052a; 05-053; 05-054; 05-054a; 05-	install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain electrical underground cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works

<p>062; 05-063a; 06-065; 06-068; 06-069; 06-072; 06-072a; 06-072b; 06-072c; 06-072d; 06-073; 06 073a; 06-073b; 06-074; 06-074a; 06-076; 07-094; 07-095; 07-096; 07-097; 07-098; 07-102; 07-103; 07-104; 07-105; 07-106; 07-114; 07-114a; 07-115; 07-116; 07-117; 07-118; 07-119; 07-119a; 07-120; 07-120a; 07-121; 07-123; 08-124; 08-125; 08-126; 08-127; 08-128; 08-130; 08-133; 08-134; 08-135; 08-136; 08-137; 08-138; 08-139; 08-140; 08-151; 08-152; 08-153; 08-154; 08-156; 08-158; 08-159; 08-160; 09-161; 09-162; 09-165; 09-170; 09-171; 09-172; 09-173; 10-174; 10-175; 10-176; 10-177; 10-179; 10-180; 10-181; 10-182; 10-183; 10-184; 10-185</p>	<p>associated with such cables including bays, ducts, protection and safety measures and equipment, and other ancillary apparatus and structures (including but not limited to access chambers, manholes and marker posts) and any other works necessary together with the right to fell, trim or lop trees and bushes which may obstruct or interfere with the said cables, telecommunications and other ancillary apparatus;</p>
	<p>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>
	<p>continuous vertical and lateral support for the authorised development;</p>
	<p>install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain sewers, drains, pipes, ducts, mains, conduits, services, flues and to drain into and manage waterflows in any drains, watercourses and culverts;</p>
	<p>install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodlands, shrubs, hedgerows, seeding, landscaping and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, hedgerows, landscaping and other ecological measures the right to pass and repass on foot, with or without vehicles, plant and machinery for all purposes in connection with the implementation and maintenance of landscaping and ecological mitigation or enhancement works;</p>
	<p>install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain security fencing, gates, boundary treatment, public rights of way and any other ancillary apparatus and any other works as necessary;</p>
	<p>restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove vegetation and restrict 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>

Part 3 – Temporary possession

Plot reference number shown on the Land Plans	Purpose for which temporary possession may be taken
01-001, 01-002, 01-002a, 01-003, 01-004, 01-005, 01-006, 01-007, 01-016, 01-017, 02-025, 02-026, 02-032, 04-038, 04-043, 06-080, 06-081, 06-082, 06-083, 06-084, 06-085, 06-086, 06-087, 06-093, 07-099, 07-099a, 07-100, 07-101, 07-110, 07-111, 07-112, 07-113, 08-129, 08-132, 08-141, 08-142, 08-143, 08-144, 08-145, 08-146, 08-147, 08-148, 08-149, 08-150, 08-155, 08-157, 09-163, 09-164, 09-166, 10-178, 10-183d, 10-190, 10-191, 10-192, 10-193, 10-194, 10-194a, 10-195, 10-196, 10-197, 10-198, 10-199	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 11.
01-015, 04-045, 04-048, 06-070, 06-071, 07-122, 08-131, 08-142, 09-163, 09-167	Temporary use (including access and compound) to facilitate the construction of Work No. 5.

Appendix B – Summary of Negotiations

Plot Numbers	Name	Status of Negotiations
01-002, 01-008, 01-009, 01-010, 01-011,	Crow Park Farming Company and Grange Farming Company	An Option Agreement was entered into on 23 July 2021.
01-019, 01-120, 01-021, 02-022, 02-023, 02-024, 02-025, 02-026, 02-027, 02-028, 02-029, 02-030, 02-031, 02-032, 02-033, 03-034, 03-035, 03-036, 03-037, 04-038, 04-039, 04-040, 04-041, 04-042, 04-043, 04-043a,	Leverton Farms Limited	<p>An Option Agreement was entered into on 17 February 2021. It is noted that the landowner requested that the land between plots 01-021 and 02-024 and the River Till were not included within the Option Agreement and are therefore not included within the Order land. The landowner will have a right of access over plots 01-021 and 02-024 to access this land.</p> <p>Ongoing discussions in respect of the cable easement.</p>
04-050, 04-051, 04-052, 05-052a, 05-053, 05-054, 05-054a, 05-055, 05-056, 05-058, 05-059, 05-060, 05-061, 05-062, 05-063, 05-063a, 06-064, 06-065, 06-066, 06-067, 06-068, 06-069, 06-070, 06-072c, 06-072d, 07-071, 06-075, 06-076, 06-077, 06-078, 06-079,	Robin Andrew Barker, Robert Simon Barker, Andrew David Barker and Horace Malcolm Barker	<p>An Option Agreement was entered into on 24 February 2021.</p> <p>Ongoing discussions in respect of the cable easement.</p> <p>Deadline 1 update: Heads of Terms for the cable easement were issued to the landowner on 01 February 2023. Ongoing negotiations with the landowner's land agent via email and calls. Currently agreeing a route for cable with Luminous Energy who have an option on the land for a proposed Town and Country Planning Act solar scheme. Once Luminous Energy has agreed the route the landowner has agreed to sign the Heads of Terms.</p> <p>Deadline 2 update: Discussions are ongoing with Luminous Energy and the landowner. The Applicant is proposing to make a change request to increase the Order Limits in order to allow greater flexibility for the Scheme to co-exist with the Luminous Energy solar scheme at Stow Park Farm.</p>
05-056, 05-057, 05-058, 06-081, 06-084, 06-085, 06-086, 06-087, 06-088, 06-089, 06-090, 06-091, 06-092, 06-092a,	Evesham Properties Limited	An Option Agreement was entered into on 12 February 2021.

Plot Numbers	Name	Status of Negotiations
06-093, 07-094		
01-002, 01-013, 01-014, 01-015, 01-016, 01-017, 01-018, 01-019	Thomas Carl Sutcliffe	<p>Heads of Terms were issued to the landowner and their land agent on 01 February 2023. Ongoing negotiations with the landowner’s land agent via email and calls. No issues have been raised to date.</p> <p>Deadline 1 update: In person site meeting took place on 22nd February 2023. Agreed Heads of Terms were signed 24th July 2023. Comments on the standard provisions of the option agreement have been received and are being considered. Once agreed, additional bespoke clauses for this landowner may be required. It is hoped that this will be finalised prior to the end of the Examination.</p> <p>Deadline 2 update: Negotiations on the standard provisions of the option agreement are ongoing. It is hoped that this will be finalised prior to the end of the Examination.</p>
04-044, 04-045, 04-046, 04-047	Neil Elliott	<p>Heads of Terms were issued to the landowner and their land agent on 01 February 2023. Ongoing negotiations with the landowner’s land agent via email and calls. No issues have been raised to date. The Applicant anticipates that the Heads of Terms will be signed soon.</p> <p>Deadline 1 update: The landowner is not currently willing to enter into a voluntary agreement. However, the Applicant remains willing to do so.</p> <p>Deadline 2 update: no further updates.</p>
04-047, 04-048, 04-049, 04-050, 07-096, 07-098, 07-104, 07-105, 07-106, 07-107, 07-108, 07-109, 07-110, 07-111, 07-112, 07-113, 07-114, 07- 114a, 07-115,	Alison Olivia Brownlow and Rodger Andrew Brownlow	<p>Heads of Terms were issued to the landowner and their land agent on 01 February 2023. Ongoing negotiations by emails, calls and meeting regarding financial consideration and cable construction methodology with the landowners’ land agents, Brown & Co.</p>

Plot Numbers	Name	Status of Negotiations
		<p>Deadline 1 update: The Heads of Terms are with the land agent and landowner for signing. No issues have been raised and commercial points are agreed. The Applicant is hopeful these will be signed soon.</p> <p>Deadline 2 update: The Heads of Terms are with the land agent and landowner for signing. The landowner has raised some commercial points which will be reviewed when the agent sends marked up Heads of Terms back to the Applicant for review. The Applicant is hopeful these will be signed soon</p>
07-095, 07-097, 07-098, 07-099	Correen Tindale	<p>Heads of Terms were issued to the landowner on 01 February 2023. Ongoing negotiations with the landowner’s land agent via email and calls. No issues have been raised to date.</p> <p>Deadline 1 update: Comments on the standard provisions of the option agreement have been received and are being considered. Once agreed, additional bespoke clauses for this landowner may be required. It is hoped that this will be finalised prior to the end of the Examination.</p> <p>Deadline 2 update: The Applicant has approved most of the amendments made by the landowner’s solicitor to the standard provisions of the option agreement and awaits confirmation that the agreement is in final form and grossments can be issued.</p>
07-098, 07-099, 07-102, 07-110	Nicholas Hill and Emma Hill	<p>Heads of Terms were issued on 9 July 2023 to the landowner, who confirmed receipt of these following an on-site meeting to discuss the Scheme’s requirements. Negotiations are ongoing. Mr Hill has requested further information on cable route layouts, which is currently being prepared by the Applicant.</p> <p>This is because the proposed cable route runs across an area where the landowner recently obtained planning permission for agricultural</p>

Plot Numbers	Name	Status of Negotiations
07-103, 07-104	Ann Marie Lobley	<p>barns. A technical solution is being drawn up by the Applicant to confirm whether the barns and cable can coexist. A meeting took place on 23 October 2023.</p> <p>Deadline 1 update: Discussions are ongoing but the landowner is currently refusing to negotiate on an easement and has suggested a subsoil lease or wayleave with increased commercial values may be acceptable. The Applicant is considering this request.</p> <p>The Applicant has carried out a review of the route optioneering in this location in conjunction with the applicant for the Gate Burton Energy Park and Cottam Solar Project. No options have been identified that would avoid the need to seek compulsory acquisition and no options performed better in environmental terms than the existing route alignment. Most alternative options would affect more landowners in total, many of whom were not willing to enter into negotiations.</p> <p>Deadline 2 update: Discussions are ongoing. The Applicant notes that in the Compulsory Acquisition Hearing held on the 7 December 2023 for the Cottam Solar Project, it was suggested to the landowner’s representative that Mr and Mrs Hill appoint a land agent or solicitor as impartial advice may be helpful to them, particularly relating to the process. The reasonable costs for obtaining such advice would be paid for by the Applicant.</p> <p>Heads of Terms were issued to the landowner and their land agent on 01 February 2023. Ongoing negotiations with the landowner’s land agent via email and calls. No issues have been raised to date. The Applicant anticipates that the Heads of Terms will be signed soon.</p> <p>Deadline 1 update: Comments on the standard provisions of the option agreement have been received and are being considered. Once agreed,</p>

Plot Numbers	Name	Status of Negotiations
		<p>additional bespoke clauses for this landowner may be required. It is hoped that this will be finalised prior to the end of the Examination.</p> <p>Deadline 2 update: The Applicant has approved most of the amendments made by the landowner’s solicitor to the standard provisions of the option agreement and awaits confirmation that the agreement is in final form and engrossments can be issued.</p>
07-117, 07-119, 07-119a	Crown Estate Commissioners	<p>Heads of Terms were issued to the Crown Estate Commissioners and their land agent on 01 February 2023.</p> <p>Ongoing negotiations with the land agents, Carter Jonas, via email.</p> <p>Deadline 1 update: Heads of Terms are with land agent for comment. Ongoing discussions are taking place with the agent to agree commercial points, no issues have been raised to date. The Applicant is hopeful the Heads of Terms will be agreed shortly.</p> <p>Deadline 2 update: Heads of Terms have been received from the Crown’s land agent. The Crown are seeking a yearly payment for the easement, which is being reviewed along with other commercial points. The Applicant is hopeful that these points will be agreed soon</p>
07-106, 07-118, 07-119, 07-119a, 07-121	Canal & River Trust	<p>Heads of Terms were issued to the Canal & River Trust on 01 February 2023.</p> <p>Ongoing negotiations with the landowner via emails and virtual meeting.</p> <p>Deadline 1 update: The Protective Provisions are included in Part 13 of Schedule 16 of the draft DCO.</p> <p>Discussions are ongoing regarding the additional wording is required in respect of dredging tip (parcel 07-121). The Applicant is confident that</p>

Plot Numbers	Name	Status of Negotiations
		<p>agreement will be reached prior to the end of the Examination.</p> <p>Deadline 2 update:</p> <p>Discussions are ongoing. The Applicant is confident that agreement will be reached prior to the end of the Examination.</p>
<p>07-120, 07-120a, 07-122, 08-124, 08-128, 08-129, 08-130, 08-132</p>	<p>Cottam Farming Company Limited</p>	<p>The land was previously owned by Kate Kingston, Rachael Woffenden and Victoria Beckett and the Applicant has been informed that it has been sold although the Land Registry title information has not yet been updated.</p> <p>Heads of Terms were issued on 01 February 2023 to the new landowner. Ongoing negotiations with the new landowner’s land agents, Fisher German, via emails and calls.</p> <p>Deadline 1 update: All commercial points were agreed between landowner’s agent and the Applicant and Heads of Terms were signed on 24th October 2023. Comments on the standard provisions of the option agreement have been received from the law firm acting for this landowner and are being considered. Once agreed, additional bespoke clauses for this landowner may be required. It is hoped that this will be finalised prior to the end of the Examination.</p> <p>Deadline 2 update: Heads of Terms were signed on 24th October 2023. The Applicant has approved most of the amendments made by the landowner’s solicitor to the standard provisions of the option agreement and awaits confirmation that the agreement is in final form and engrossments can be issued.</p>
<p>07-123, 08-124, 08-126, 08-127, 08-128, 08-129, 08-130, 08-131, 08-132, 08-150, 08-151</p>	<p>Richard Joseph Highfield and Robert Nicholas Highfield</p>	<p>Heads of Terms were issued to the landowner and their land agent on 01 February 2023. Ongoing negotiations with the landowner’s land agent, DDM Agriculture, via email and calls. No issues have been raised to date.</p> <p>Deadline 1 update: Comments on the standard</p>

Plot Numbers	Name	Status of Negotiations
<p>08-124, 08-125, 08-129, 08-130, 08-132, 08-133, 08-134, 08-135, 08-136, 08-137, 08-138, 08-139, 08-140, 08-141, 08-142, 08-143, 08-145, 08-150, 08-151</p>	<p>Timothy John Highfield</p>	<p>provisions of the option agreement have been received and are being considered. Once agreed, additional bespoke clauses for this landowner may be required. It is hoped that this will be finalised prior to the end of the Examination.</p> <p>Deadline 2 update: The Applicant has approved most of the amendments made by the landowner’s solicitor to the standard provisions of the option agreement and awaits confirmation that the agreement is in final form and engrossments can be issued.</p>
<p>08-124, 08-125, 08-129, 08-130, 08-132, 08-133, 08-134, 08-135, 08-136, 08-137, 08-138, 08-139, 08-140, 08-141, 08-142, 08-143, 08-145, 08-150, 08-151</p>	<p>Timothy John Highfield</p>	<p>Heads of Terms were issued to the landowner and their land agent on 01 February 2023. Ongoing negotiations with the landowner’s land agent, DDM Agriculture, via email and calls. No issues have been raised to date.</p> <p>Deadline 1 update: The landowner’s land agent, DDM Agriculture, Signed the agreed Heads of Terms 10th March 2023. Comments on the standard provisions of the option agreement have been received and are being considered. Once agreed, additional bespoke clauses for this landowner may be required. It is hoped that this will be finalised prior to the end of the Examination.</p> <p>Deadline 2 update: The Applicant has approved most of the amendments made by the landowner’s solicitor to the standard provisions of the option agreement and awaits confirmation that the agreement is in final form and engrossments can be issued.</p>
<p>08-137, 08-139, 08-141, 08-158, 08-159, 10-174, 10-194, 10-183b, 10-194a</p>	<p>Church Commissioners for England</p>	<p>Heads of Terms were issued to the landowner and their land agent on 01 February 2023. Ongoing negotiations with the landowner’s land agent via email and calls. No issues have been raised to date.</p> <p>Deadline 1 update: Agreed agent Fee undertaking and awaiting comments on the Heads of Terms to progress to a point of signing. Likely to be agreed soon.</p>

Plot Numbers	Name	Status of Negotiations
08-146, 08-147, 08-148, 08-149, 08-152, 08-153, 08-154, 08-155, 08-156, 08-157, 08-158, 08-159, 08-160	Alan John Headland and Alan Herbert Headland	<p>Deadline 2 update: All commercial terms have been agreed as well as an agent’s fee undertaking. The Applicant is hopeful that Heads of Terms will be agreed soon.</p> <p>Heads of Terms were issued to the landowner on 01 February 2023. Agreed Heads of Terms with no changes to original standard terms were signed on 02 February 2023. Negotiations regarding the form of Option and Easement are ongoing.</p>
09-162, 09-163, 09-164, 09-165, 09-166, 09-167, 09-168, 09-169, 06-170, 09-171, 09-172, 09-173, 10-174, 10-175, 10-176, 10-177, 10-178, 10-179, 10-180, 10-181, 10-182, 10-187, 10-188, 10-189, 10-196	SNSE Limited, SNSEM Limited and SNSD Limited	<p>Deadline 1 update: The Landowner has changed solicitor and the Applicant is negotiating the option agreement with the newly appointed solicitor and chasing regularly for comments.</p> <p>Deadline 2 update: The Applicant continues to chase the landowner’s solicitor for comments on the draft option agreement.</p> <p>Heads of Terms were issued to the landowner and their land agent on 01 February 2023. Ongoing negotiations with the landowner’s land agent, Strutt & Parker, via email and calls. No issues have been raised to date.</p> <p>Deadline 1 update: Ongoing negotiations with the landowner’s land agent, Strutt & Parker, via email and calls. Ongoing discussion surrounding land value due to mines and mineral safeguarding area and proposal of RES DCO development on land.</p> <p>Deadline 2 update: no further update.</p>
09-162, 09-163, 09-169, 09-170, 09-171, 10-177, 10-179, 10-180	James Arthur Bartle, Philip Ernest Bartle and Simon George Bartle	<p>Heads of Terms were issued to the landowner/tenant on 01 February 2023. Ongoing negotiations with the landowner’s land agent via email and calls. No issues have been raised to date.</p> <p>Heads of Terms were issued to the landowner/tenant on 01 February 2023. Ongoing negotiations with the landowner’s land agent via email and calls. No issues have been raised to date.</p> <p>Deadline 1 update: Ongoing negotiations with the landowner’s land agent via email and calls. No issues have been raised to date. Hopeful party will</p>

Plot Numbers	Name	Status of Negotiations
		<p>sign Heads of Terms when agreed with freeholder of land.</p> <p>Deadline 2 update: Negotiations are ongoing with the landowner’s land agent via email and calls. The Applicant is awaiting marked up Heads of Terms to review from landowner agent. The Applicant is hopeful that the party will sign the Heads of Terms when they have been agreed with freeholder of land.</p>
09-167, 09-170, 09-173, 10-174, 10-175	Andrew John Bradley and Emma Rose Bradley	<p>Heads of Terms were issued to the landowner/tenant on 01 February 2023. Ongoing negotiations with the landowner’s land agent via email and calls. No issues have been raised to date.</p> <p>Deadline 1 update: Ongoing negotiations with the landowner’s land agent via email and calls. No issues have been raised to date. Hopeful party will sign Heads of Terms when agreed with freeholder of land.</p> <p>Deadline 2 update: Negotiations are ongoing with the landowner’s land agent via email and calls. The Applicant is awaiting marked up Heads of Terms to review from landowner’s agent. The Applicant is hopeful that the party will sign the Heads of Terms when they have been agreed with freeholder of land.</p>
09-162, 09-163, 09-164, 09-165, 09-166, 09-170, 10-180, 10-181, 10-182, 10-183, 10-187, 10-191, 10-193	Tarmac Aggregates Limited	<p>Tenant letter issued on 01 February 2023.</p> <p>Discussions are ongoing. Attempt by email to agent to arrange a virtual meeting, no response to date.</p> <p>Deadline 1 update: The Applicant has been informed that the leasehold interest in the minerals has been transferred to Aggregate Industries Limited but is awaiting evidence of this. Virtual meeting held with Aggregate Industries, the Applicant and the Applicant’s agent to discuss access for quarry and likely dates of completion and usage of the road.</p> <p>Deadline 2 update: An access licence has been issued to Aggregate Industries Limited to use the access road to the quarry for the Scheme’s cable</p>

Plot Numbers	Name	Status of Negotiations
		<p>route construction access. The Applicant is awaiting a response from Aggregate Industries to confirm if they are happy with the licence or to review any requested amendments to the agreement.</p>
<p>10-183, 10-183a, 10-183b, 10-183c, 10-183d, 10-184, 10-185, 10-194a</p>	<p>EDF Energy (Thermal Generation) Limited</p>	<p>Heads of Terms were issued to the landowner and their land agent on 01 February 2023. Ongoing negotiations with the landowner's land agent via email and calls. No issues have been raised to date.</p> <p>Landowner's Agent wishes to supply their own version of Heads of Terms. The Applicant is waiting to receive their Heads of Terms.</p> <p>Deadline 1 update: Bespoke draft Protective Provisions have been received from EDF and are being negotiated. These will be included in the draft DCO when they are close to an agreed form. The Applicant is confident that an agreement will be reached prior to the end of the Examination.</p> <p>Deadline 2 update:</p> <p>Discussions are ongoing. The Applicant is confident that agreement will be reached prior to the end of the Examination</p>
<p>01-010, 01-011, 01-017, 01-021, 02-022, 02-025, 02-026, 02-027, 02-028, 02-029, 02-032, 04-038, 04-041, 05-063, 05-063a, 06-074, 06-076, 06-077, 06-080, 06-081, 06-083, 06-084, 06-093, 07-098, 07-099, 07-099a, 07-100, 07-101, 08-129, 08-130, 08-132, 10-183c, 10-187, 10-193, 10-196, 10-197, 10-198</p>	<p>Anglian Water Services Limited</p>	<p>Discussions are ongoing regarding the form of protective provisions included in Part 7 of Schedule 16 to the draft DCO.</p> <p>Deadline 1 update: Draft Protective Provisions have been included in the draft DCO. The Applicant is continuing to discuss the detail of the Protective Provisions with Anglian Water and is confident that these will be agreed prior to the end of Examination.</p> <p>The Applicant is awaiting confirmation from Anglian Water that the protective provisions are agreed.</p> <p>Deadline 2 update: The Protective Provisions included in Part 7 of Schedule 16 of the draft DCO submitted at Deadline 2 [EX2/WB3.1_B] have been agreed with Anglian Water Services Limited.</p>
<p>10-194, 10-195, 10-196</p>	<p>Cadent Gas Limited</p>	<p>Discussions are ongoing regarding the form of protective provisions included in Part 6 of Schedule 16 to the draft DCO.</p>

Plot Numbers	Name	Status of Negotiations
		<p>Deadline 1 update: Draft Protective Provisions have been included in the draft DCO. Discussions are ongoing with comments on the draft protective provisions and an associated side agreement recently received from Cadent’s solicitors. A revised set of Protective Provisions will be included in the draft DCO submitted at Deadline 2. The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>Deadline 2 update:</p> <p>Discussions are ongoing in respect of the side agreement. A revised set of protective provisions has been included in the draft DCO submitted at Deadline 2. The Applicant is confident that agreement will be reached prior to the end of the Examination.</p>
07-119, 07-119a	E.ON UK plc	<p>Discussions are ongoing regarding an asset protection agreement or crossing agreement.</p> <p>Deadline 2 update: Discussions are ongoing regarding an asset protection agreement or crossing agreement, if required.</p>
01-018, 01-019, 02-023, 02-024, 07-106, 07-107, 10-183, 10-183a, 10-183b, 10-183c, 10-183d, 10-184, 10-185, 10-194a	Environment Agency	<p>Discussions are ongoing regarding the form of protective provisions included in Part 9 of Schedule 16 to the draft DCO.</p> <p>Deadline 1 update: Draft Protective Provisions have been included in the draft DCO. The Applicant is continuing to discuss the detail of the Protective Provisions with the EA and is confident that these will be agreed prior to the end of Examination.</p> <p>Deadline 2 update:</p> <p>Discussions are ongoing. The Applicant is confident that agreement will be reached prior to the end of the examination.</p>
05-055, 05-057, 05-058, 05-059, 05-060, 05-061, 06-066, 06-067, 06-084, 06-085, 06-087, 06-088, 06-091, 06-092, 06-092a, 09-167, 09-168, 09-169, 09-170, 09-171,	Exolum Pipeline System Limited	<p>Discussions are ongoing regarding an asset protection agreement or crossing agreement.</p> <p>Deadline 1 update: Draft Protective Provisions have been received from Exolum and are being negotiated. The Applicant will include the Protective Provisions in full in the draft DCO once these are substantially agreed. The Applicant is</p>

Plot Numbers	Name	Status of Negotiations
10-183b, 10-177, 10-180, 10-184, 10-187		<p>confident that agreement will be reached prior to the close of the Examination.</p> <p>Deadline 2 update: Discussions are ongoing. The Applicant is confident that agreement will be reached prior to the close of the Examination</p>
01-012, 01-014, 01-015, 01-017, 02-029, 02-030, 02-031, 02-033, 04-038, 04-040, 04-042, 04-043, 04-043a, 05-057, 05-062, 05-063, 06-075, 06-076, 06-077, 06-089, 06-090, 06-092, 06-092a, 07-096, 07-098, 07-102, 08-135, 08-136, 08-145, 08-160, 10-183c, 10-184, 10-185	National Grid Electricity Distribution (East Midlands) plc	<p>Discussions are ongoing regarding the form of protective provisions included in Part 4 of Schedule 16 to the draft DCO.</p> <p>Deadline 1 update: Draft Protective Provisions have been included in the draft DCO. The Applicant is continuing to discuss the detail of the Protective Provisions and an associated side agreement with NGED and is confident that these will be agreed prior to the end of Examination.</p> <p>Deadline 2 update: Discussions are ongoing. The Applicant is confident that agreement will be reached prior to the end of the Examination</p>
01-012, 05-057, 05-062, 05-063, 06-075, 06-089, 06-090, 07-105, 07-106, 07-107, 07-108, 07-110, 07-114, 07-114a, 07-115, 08-158, 08-159, 09-162, 09-163, 09-164, 09-167, 09-168, 09-169, 09-170, 09-171, 09-172, 09-173, 10-174, 10-175, 10-177, 10-178, 10-179, 10-180, 10-181, 10-182, 10-183a, 10-183b, 10-183c, 10-183d, 10-184, 10-185, 10-187, 10-188, 10-189, 10-194a	National Grid Electricity Transmission plc	<p>Discussions are ongoing regarding the form of protective provisions included in Part 3 of Schedule 16 to the draft DCO.</p> <p>Heads of Terms were issued to the landowner and their land agent on 01 February 2023. Ongoing negotiations with the landowner's land agent via email and calls. No issues have been raised to date in respect of an easement for the cable.</p> <p>Deadline 1 update: Draft Protective Provisions have been included in the draft DCO. The Applicant is continuing to discuss the detail of the Protective Provisions with NGET and an associated side agreement and is confident that these will be agreed prior to examination.</p> <p>Deadline 2 update: Discussions are ongoing. The Applicant is confident that agreement will be reached prior to the end of the Examination</p>
05-063, 05-063a, 06-068, 06-069, 06-070, 06-071, 06-072, 06-072a, 06-072b, 06-073a, 06-073b, 06-074a, 06-073, 06-074, 06-077, 06-083	Network Rail Infrastructure	<p>Discussions are ongoing regarding the form of protective provisions included in Part 10 of Schedule 16 to the draft DCO. Ongoing discussions regarding deed of easement for cable.</p> <p>Deadline 1 update: Draft Protective Provisions have been included in the draft DCO. Discussions</p>

Plot Numbers	Name	Status of Negotiations
		<p>are ongoing. Heads of Terms are almost agreed for the property documents and solicitors instructed to prepare the documents. The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>Deadline 2 update: Discussions are ongoing. The Applicant is confident that agreement will be reached prior to the end of the Examination</p>
04-046, 04-047, 04-049, 05-057, 05-059, 05-060, 05-061, 05-063, 06-064, 06-066, 06-067, 06-069, 06-070, 06-071, 06-072, 06-072a, 06-073, 06-074, 06-074a, 06-078, 06-079, 06-081, 06-082, 06-083, 06-084, 06-085, 06-087, 06-088, 06-093, 07-094, 07-095, 07-096, 07-097, 07-098, 07-099, 07-099a, 07-100, 07-101, 07-102, 07-103	Northern Powergrid (Yorkshire) PLC	<p>Discussions are ongoing regarding the form of protective provisions included in Part 5 of Schedule 16 to the draft DCO.</p> <p>Deadline 1 update: Draft Protective Provisions have been included in the draft DCO. The Applicant is continuing to discuss the detail of the Protective Provisions and an associated side agreement with NPG and is confident that these will be agreed prior to the end of Examination.</p> <p>Deadline 2 update: Discussions are ongoing. The Applicant is confident that agreement will be reached prior to the end of the Examination</p>
01-017, 02-025, 02-028, 02-029, 02-030, 02-031, 02-032, 02-033, 04-038, 04-039, 04-040, 04-046, 04-047, 05-055, 05-059, 05-063, 05-063a, 06-075, 06-080, 06-081, 06-082, 06-083, 06-084, 06-085, 06-086, 06-087, 06-088, 06-091, 06-092, 06-092a, 06-093, 07-095, 07-098, 07-099, 07-099a, 07-100, 07-101, 07-110, 07-111, 07-113, 08-129, 08-130, 08-132, 09-164, 09-165, 09-166, 09-169, 09-171, 10-183b, 10-183c, 10-183d, 10-184, 10-194, 10-194a,	Openreach Limited	<p>Protective provisions for the benefit of telecommunications code network operators have been included in Part 2 of Schedule 16 to the draft DCO.</p> <p>Deadline 1 update: Openreach Limited has not submitted a relevant representation and has not requested any bespoke protective provisions.</p>
07-095, 07-096, 07-098, 07-099, 07-099a, 07-	Severn Trent Water Limited	<p>Protective provisions for the benefit of water undertakers have been included in Part 1 of</p>

Plot Numbers	Name	Status of Negotiations
100, 07-101, 07-102, 07-118, 07-121, 10-177, 10-178, 10-180, 10-183a, 10-183b, 10-183c, 10-183d, 10-194a		<p>Schedule 16 to the draft DCO. Discussions ongoing as to whether bespoke protective provisions are required.</p> <p>Deadline 1 update: STWL has not submitted a relevant representation and has not requested bespoke protective provisions</p>
06-085, 06-086, 06-087, 06-089, 06-090, 06-091, 07-111, 07-112	Uniper UK Limited	<p>Discussions are ongoing regarding an asset protection agreement or crossing agreement.</p> <p>Deadline 1 update: Draft Protective Provisions are currently being negotiated with Uniper. These will be included in a revision of the draft DCO once they have been substantially agreed.</p> <p>The Applicant is confident that an agreement will be reached prior to the close of the Examination.</p> <p>Deadline 2 update:</p> <p>Discussions are ongoing. The Applicant is confident that agreement will be reached prior to the close of the Examination.</p>
02-025, 02-026, 02-027, 02-028, 02-029, 02-032, 04-038	Virgin Media Limited	<p>Protective provisions for the benefit of telecommunications code network operators have been included in Part 2 of Schedule 16 to the draft DCO.</p> <p>Deadline 1 update: Virgin Media Limited has not submitted a relevant representation and has not requested any bespoke protective provisions.</p>
10-184, 10-185	Vodafone Limited	<p>Protective provisions for the benefit of telecommunications code network operators have been included in Part 2 of Schedule 16 to the draft DCO.</p> <p>Deadline 1 update: Vodafone Limited has not submitted a relevant representation and has not requested any bespoke protective provisions.</p>