

# Cottam Solar Project

## Statement of Reasons Compulsory Acquisition Information

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## Issue Sheet

Report Prepared for: Cottam Solar Project Limited

### Statement of Reasons: Compulsory Acquisition Information

**Prepared by:**

Pinsent Masons LLP

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Date: January 2023

Revision: 01

## **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:

1.1.2.1 acquire land compulsorily;

1.1.2.2 create and compulsorily acquire new rights over land and impose restrictions; and

1.1.2.3 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 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 2)**

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, an export/import 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 Development Proposal of the Environmental Statement [EN010133/APP/C6.2.4] accompanying the DCO Application.

1.2.2 The Order limits comprises four sites (described as Cottam 1, 2, 3a and 3b), which will be connected by underground cables. The Scheme is set out in detail in Schedule 1 of the draft DCO [EN010133/APP/C3.1], 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 Work Plan [EN010133/APP/C2.4].

### **1.3 Description of the Order Limits (Section 4)**

- 1.3.1 The land within the Order limits totals 1,451.23 ha . The Sites are located within a 19km radius of the grid connection of the former Cottam Power Station. The majority of the Scheme will be located within the administrative boundary of West Lindsey District Council and Lincolnshire County Council. The grid connection at the former Cottam 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 Cottam 1 is made up of a number of sites / fields clustered within an area of countryside centred around the village of Coates in the District of West Lindsey.
- 1.3.3 Cottam 2 sits to the north of Cottam 1 and is located to the east of the village of Corringham.
- 1.3.3.1 Cottam 3a sits to the north of Cottam 2 and is located to the north-east and south-east of the village of Blyton; and
- 1.3.3.2 Cottam 3b sits to the north of Cottam 2 and is located to the east of Pilham.
- 1.3.4 The Sites are predominantly in agricultural use, with isolated parts of the Cottam 3a landholding comprising a former airfield and featuring areas of hardstanding used for material storage.
- 1.3.5 The Cable Route Corridor connects Cottam 2, 3a and 3b to the main substation located at Cottam 1. The Cable Route Corridor between Cottam 1 and Cottam Power Station runs through agricultural land within a rural setting. The Cable will be required to cross the B1241, the A1500 and the A156 as well as several small rural lanes. Running northeast to southwest from Cottam 1 to Cottam Power Station, the Cable Route Corridor will be required to cross the River Till as well as the River Trent. At Stow Park, the Cable Route Corridor will run parallel to the route of an existing solar PV farm.

### **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;
  - all interests in land, including freehold in respect of subsoil only (Article 24 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 majority of the land within the Order land and terms have been issued for the remainder of the rights required.

## **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 [EN010133/APP/C7.5] and the Explanatory Memorandum [EN010133/APP/C3.2] 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 [EN010133/APP/C4.2]).

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

- 1.6.4.1 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;

- 1.6.4.2 deliver additional renewable energy capacity, supporting the achievement of the UK Government's climate change commitments and carbon budgets;

- 1.6.4.3 minimise or mitigate adverse impacts to an acceptable degree; and

- 1.6.4.4 comply with NPS EN-1, NPS EN-3, NPS EN-5, Draft NPS EN-1, Draft NPS EN-3 and Draft NPS EN-5 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 [EN010133/APP/C7.4] 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 1691848 or at [info@cottamsolar.co.uk](mailto:info@cottamsolar.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 Cottam 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 Business, Energy and Industrial Strategy (**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 [EN010133/APP/C6.1].

### 2.2 The Scheme

2.2.1 The Cottam Solar Project (**the Scheme**) comprises a number of land parcels (the 'Site' or 'Sites') described as Cottam 1, 2, 3a and 3b (see Location Plan [EN010133/APP/C2.1]) 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 Cottam 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 for Business, Energy and Industrial Strategy (BEIS) 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 'Cottam 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 Development Proposal of the Environmental Statement [EN010133/APP/C6.2.4] accompanying the DCO Application.

## 2.3 The Applicant

- 2.3.1 The Applicant is Cottam Solar Project Limited (company number 12711231), 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 [**EN010133/APP/C4.2**].

## 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 4.1.4;
  - 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 [EN010133/APP/C2.2];
- Works Plan [EN010133/APP/C2.5];
- Draft Development Consent Order [EN010133/APP/C3.1];
- Draft Exploratory Memorandum [EN010133/APP/C3.2];
- Consents and Agreements Position Statement [EN010133/APP/C7.4];
- A Funding Statement [EN010133/APP/C4.2];
- Book of Reference [EN010133/APP/C4.3];
- Statement of Need [EN010133/APP/C7.11]; and
- Planning Statement [EN010133/APP/C7.5]

### 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 1,451.23 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 [EN010133/APP/C3.1] where the "authorised development" is divided into works packages, and the works numbers for those packages are summarised below. The Works Plans [EN010133/APP/C2.4] show the areas in which the parts of the Scheme may be constructed.
- 3.1.4 The Scheme consists of four Sites containing solar photovoltaic generating stations, and a cable corridor linking the Sites to the National Grid substation at Cottam Power Station. The Sites are:
- 3.1.5 **Cottam 1** - 894 ha, made up of a number of fields centred around the village of Coates;
- 3.1.6 **Cottam 2** - 132 ha, located to the north of Cottam 1 and to the east of the village of Corringham;
- 3.1.7 **Cottam 3a** - 168 ha, located to the north of Cottam 2 and to the east of the village of Blyton;
- 3.1.8 **Cottam 3b** - 73 ha, located to the north of Cottam 2 and to the east of Pilham.
- 3.1.9 The Cable Route Corridor connects Cottam 2, 3a and 3b to the main substation located at Cottam 1. The Cable Route Corridor between Cottam 1 and Cottam Power Station runs through agricultural land within a rural setting. The Cable will be required to cross the B1241, the A1500 and the A156 as well as several small rural lanes. Running northeast to southwest from Cottam 1 to Cottam Power Station, the Cable Route Corridor will be required to cross the River Till as well as the River Trent. At Stow Park, the Cable Route Corridor will run parallel to the route of an existing solar PV farm.

### 3.2 Works Packages

- 3.2.1 A detailed description of the Scheme can be found in Chapter 4 of the Environmental Statement [EN010133/APP/C6.2.4]. It comprises four 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 D** 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:** 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;

3.2.6 **Work No 4:** works in connection with onsite substations, including (Work No. 4A) an up to 400kV substation, (Work No 4B, 4C, and 4D) an up to 132 kV substation. Work No 4 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.

3.2.7 **Work No 5:** works at the existing 400kV substation at Cottam 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.

3.2.8 **Work No.6:** comprising Work No. 6A being grid connection cable works connecting the four Solar Farm Sites (Work No.1A - 1D) to the main on-site substation at Cottam 1 (Work No. 4A) and from Work No. 4A to the existing substation at Cottam Power

Station (Work No. 5) and Work No. 6B being part of the grid connection cable works from Work No. 4A to Work No.5 that are located within the Shared Cable Corridor with the proposed Gate Burton Energy Park Project and the proposed West Burton 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.

- 3.2.9 **Work No. 7:** 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;
- 3.2.10 **Work No 8:** 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.
- 3.2.11 **Work No 9:** works to facilitate access to Work Nos. Work Nos. 1 to 8 and 10 to 11 including Work No. 9A to facilitate temporary construction access to Work Nos. 1 to 8 and 10 to 11, and Work 9B to facilitate permanent access to Work Nos. 1 to 7 and 10 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. 9A also includes works adjacent to highways land to facilitate movement of abnormal indivisible loads associated with Work Nos. 4 and 6.
- 3.2.12 **Work No. 10:** works to create and maintain habitat management areas including fencing, gates, boundary treatment and other means of enclosure, earth works, landscaping and biodiversity mitigation, planting, means of access and drainage.
- 3.2.13 **Work No.11:** works to provide a permissive footpath from Normanby Road, Stow to Fleets Lane, Stow Pastures 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 2029 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 West Burton 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 first quarter of 2024 to the first quarter of 2029.
- 3.3.4 Further details of the proposed construction methods can be found in the Outline Construction Environmental Management Plan (OCEMP) **[EN010133/APP/C7.1]**.

### 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 **[EN010133/APP/C6.2.4]**. 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 Methodology of the Environmental Statement **[EN010133/APP/C6.2.2]**, and the maximum (and minimum) parameters assessed as part of the Rochdale Envelope form the Concept Design Parameters and Principles **[EN010133/APP/C7.15]** and explained within the Design and Access Statement **[EN010133/APP/C7.6]**. 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 [**EN010133/APP/C2.1**] 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:
- 4.1.1.1 Cottam 1 - 894 ha centred on the village of Coates; the entirety of the Cottam 1 site is in agricultural use. Isolated parts of the landholding are used for storing materials associated with farming. The B1398 runs north to south and lies to the east of Cottam 1. The B1241 runs north to south and lies to the west of the Site.
- 4.1.1.2 Cottam 2 - 132 ha to the north of Cottam 1; the entirety of the Site is in agricultural use. Cottam 2 is situated 900m to the north-east of the village of Corringham. The main road surrounding the area is the A631 which runs east to west and is 500m to the south of the Site. The A631 joins the north to south oriented A15 to the east of the Site.
- 4.1.1.3 Cottam 3a - 168 ha to the north of Cottam 2; the entirety of the Site is in agricultural use, including an area in the southwest of the Site which is used for the storage of farm related goods. The Site is 600m to the north-east of the village of Blyton.
- 4.1.1.4 Cottam 3b - 73 ha, approximately 650m to the north-east of the village of Pilham. Station Road is 600m to the west of the Site and connects Pilham with Blyton, and Pilham Lane is located 150m to the south of the Site.
- 4.1.1.5 Cable route corridor - running northeast to southwest from Cottam 1 to Cottam Power Station. The Cable Route Corridor runs between Cottam 1 and Cottam 2, running north to south to the east of a string of villages along the Springthorpe Road. The Cable Route Corridor between Cottam 2 and Cottam 3b runs through agricultural land, crossing two rural lanes between Aisby and Pilham. The Cable Route Corridor between Cottam 3b and Cottam 3a runs through primarily agricultural land and is required to cross the B1205 and the Gainsborough to Kirton in Lindsey rail line. 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 West Burton 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 Development Site of the Environmental Statement **[EN010133/APP/C6.2.3].#**

## **5 Source and Scope of Powers Sought in the DCO**

### **5.1 Introduction**

- 5.1.1 The draft DCO [EN010133/APP/C3.1] 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 Cottam 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 four 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 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 [EN010133/APP/C2.2]. This land is described in more detail in the Book of Reference [EN010133/APP/C4.3]. 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, 4, 6, 7, 8, 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. 9) and permanent cable works (Work No. 6) 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 [EN010133/APP/C2.2]. This land is described in more detail in the Book of Reference [EN010133/APPC4.3]. 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. 6, 7 and 9, 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 [EN010133/APP/C2.2]. 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 Plans [EN010133/APP/C2.2]. This land is described in more detail in the Book of Reference [EN010133/APP/C4.3].
- 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 Plans [EN010133/APP/C2.2]; 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 [EN010133/APP/C4.3]:

- 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 - Statutory authority 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 - Incorporation of the minerals code: incorporates Parts 2 d 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 [EN010133/APP/C7.11] 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 Cottam 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 (NPS)**

- 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 [**EN010133/APP/C7.5**]. 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:

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

- 6.2.3 In addition, the Applicant also expects the Draft NPSs listed below to be important and relevant to the SoS's decision:

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

- 6.2.4 The Energy NPSs, Draft 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 states that new low carbon energy NSIPs are required urgently in the next 10-15 years (from its publication date in July 2011). Draft NPS EN-1 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 96.09% gains provided in habitat, 70.22% gains in hedgerow and 10.69% gains in river units.
- 6.2.8 A new permissive footpath from Stow Village to Stow Pastures 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 972 FTE jobs per annum.
- 6.2.10 A Skills, Supply Chain and Employment Plan [**EN010133/APP/C7.10**] 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 [**EN010133/APP/C7.5**] 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 flood risk and water quality; noise and vibration; transport and access; health, minerals safeguarding, glint and glare or air quality or soils and agriculture. In relation to climate change it will have a major beneficial effect. It is, however, acknowledged that Scheme will result in residual significant adverse effects upon landscape and views, ecology (at a site and local level), heritage, socio-economics, tourism and recreation and waste. All these effects apart from effects to 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 will cease when the Scheme is decommissioned and are time-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 and Draft NPS EN-1 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 less than substantial harm to one designated heritage asset (Thorpe Medieval Settlement (NHLE 1016978)) as a result of the Scheme. The benefits of the Scheme are considered to outweigh this less than substantial harm.
- 6.2.15 The majority of the site (95.9%) 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 4.1.4 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 [EN010133/APP/C4.2]; 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 PRowS. The existing network of PRowS will be retained.
- Employment during the construction phase. A Skills, Supply Chain and Employment Plan [**EN010133/APP/C7.10**] 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 [**EN010133/APP/C7.5**].

### **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 **[EN010133/APP/C6.2.5]**.

## **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 600 MW, a site size of approximately 1,300 ha (excluding the cable route) is needed to allow for flexibility to accommodate additional mitigation measures and other constraints.

7.7.2 Cottam 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 Cottam. The search area was identified at a 5km radius, and enlarged incrementally within a 20km 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 95.93% of the Order Limits being classified as non-BMV 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 **[EN010133/APP/C6.2.5]**.

## **7.8 Grid Connection and Capacity**

7.8.1 A viable grid connection is an essential material consideration for a solar development. The Applicant was notified of grid capacity at West Burton, Cottam

and High Marnham Power Stations due to the closure of the coal-fired elements of those sites. National Grid advised that a connection at Cottam would be preferred over a connection at High Marnham because fewer upgrade works would be required. The Applicant was made an offer for connection at Cottam Power Station for 600MW. Further details are set out in the Grid Connection Statement [EN010133/APP/C7.7].

## **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 [EN010133/APP/C4.2] 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 [EN010133/APP/C4.3] 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 [EN010133/APP/C3.1] 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 [EN010133/APP/C7.11] and the Planning Statement [EN010133/APP/C7.5] 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 [EN010133/APP/C2.12] and Part 4 of the Book of Reference [EN010133/APP/C4.3]. 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 [EN010133/APP/C4.3]. These include:

- Anglian Water Services Limited;
- Cadent Gas Limited;
- 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 **[EN010133/APP/C7.4]** 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 1691848 or at [info@cottamsolar.co.uk](mailto:info@cottamsolar.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, NPS EN-3 and NPS EN-5, and the Draft NPS EN-1, Draft NPS EN-3 and Draft NPS EN-5. 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 [EN010133/APP/C4.2].

- 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.)
01-001	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-002	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-003	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-006	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-007	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-009	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-010	Freehold Acquisition	1C(iv), 7C
01-011	Freehold Acquisition	1C(iv), 7C
01-012	Freehold Acquisition	1C(iv), 7C
01-013	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-015	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-016	Freehold Acquisition	1C(iv), 7C
01-017	Freehold Acquisition	1C(i,ii,iii,iv), 6A, 7C, 4D
01-018	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-020	Freehold Acquisition	10
01-021	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-022	Freehold Acquisition	1C(i,ii,iii,iv), 7C
01-024	Freehold Acquisition	1C(iv), 6A, 7C
01-026	Freehold Acquisition	1C(i,ii,iii,iv), 6A, 7C
01-028	Freehold Acquisition	1C(i,ii,iii,iv), 6A, 7C
01-029	Freehold Acquisition	1C(iv), 6A, 7C
01-030	Freehold Acquisition	8C, 10
01-032	Freehold Acquisition	1C(iv), 6A, 7C
02-043	Freehold Acquisition	1C(iv), 6A, 7C
02-044	Freehold Acquisition	1C(i,ii,iii,iv), 7C
02-045	Freehold Acquisition	1C(i,ii,iii,iv), 7C
02-046	Freehold Acquisition	1C(i,ii,iii,iv), 6A, 7C

Plot number	Type of acquisition	Purpose (Work No.)
02-047	Freehold Acquisition	1C(i,ii,iii,iv), 6A, 7C
02-061	Freehold Acquisition	1C(iv), 6A, 7C
02-062	Freehold Acquisition	1C(iv), 6A, 7C
02-063	Freehold Acquisition	1C(i,ii,iii,iv), 6A, 7C, 4D
03-090	Freehold Acquisition	1B(i,ii,iii,iv), 4B, 6A, 6A(viii), 7B, 8B
03-092	Freehold Acquisition	1B(i,ii,iii,iv), 4B, 6A, 6A(viii), 7B, 8B
03-093	Freehold Acquisition	1B(i,ii,iii,iv), 4B, 6A, 6A(viii), 7B, 8B
06-153	Freehold Acquisition	1A(i,ii,iii,iv), 6A, 7A
06-154	Freehold Acquisition	1A(iv), 7A
07-155	Freehold Acquisition	1A(i,ii,iii,iv), 7A
07-156	Freehold Acquisition	10
07-158	Freehold Acquisition	1A(i,ii,iii,iv), 7A
08-164	Freehold Acquisition	1A(i,ii,iii,iv), 6A, 7A
08-165	Freehold Acquisition	1A(i,ii,iii,iv), 6A, 7A
08-166	Freehold Acquisition	1A(i,ii,iii,iv), 6A, 7A
08-167	Freehold Acquisition	1A(i,ii,iii,iv), 6A, 7A
08-168	Freehold Acquisition	1A(iv), 6A, 7A
08-169	Freehold Acquisition	1A(i,ii,iii,iv), 6A, 7A
08-178	Freehold Acquisition	1A(i,ii,iii,iv), 2, 2(viii), 3(viii), 4A, 6A(viii), 7A, 8A
08-179	Freehold Acquisition	1A(iv), 2(viii), 3(viii), 7A
08-180	Freehold Acquisition	1A(i,ii,iii,iv), 2(viii), 3, 3(viii), 7A
08-181	Freehold Acquisition	1A(i,ii,iii,iv), 6A, 7A
08-183	Freehold Acquisition	1A(iv), 6A, 7A
08-184	Freehold Acquisition	1A(iv), 6A, 7A
09-190	Freehold Acquisition	1A(i,ii,iii,iv), 7A, 8A
09-194	Freehold Acquisition	1A(i,ii,iii,iv), 7A
09-195	Freehold Acquisition	1A(i,ii,iii,iv), 7A, 8A
09-196	Freehold Acquisition	10
09-197	Freehold Acquisition	1A(iv), 7A
09-198	Freehold Acquisition	1A(iv), 7A
09-199	Freehold Acquisition	1A(i,ii,iii,iv), 7A

Plot number	Type of acquisition	Purpose (Work No.)
09-200	Freehold Acquisition	1A(iv), 7A
10-204	Freehold Acquisition	1A(i,ii,iii,iv), 6A, 7A
10-205	Freehold Acquisition	10
10-207	Freehold Acquisition	1A(iv), 6A, 7A
10-211	Freehold Acquisition	9B
10-218	Freehold Acquisition	1A(i,ii,iii,iv), 7A
10-219	Freehold Acquisition	1A(i,ii,iii,iv), 7A
10-225	Freehold Acquisition	1A(i,ii,iii,iv), 7A, 8A, 10
10-227	Freehold Acquisition	9B
10-240	Freehold Acquisition	10
10-241	Freehold Acquisition	1A(i,ii,iii,iv), 7A
10-243	Freehold Acquisition	11
10-244	Freehold Acquisition	1A(iv), 7A
11-248	Freehold Acquisition	7A, 10
11-249	Freehold Acquisition	7A, 10
11-250	Freehold Acquisition	7A, 10
11-258	Freehold Acquisition	1A(iv), 7A
11-259	Freehold Acquisition	1A(iv), 7A
11-260	Freehold Acquisition	1A(iv), 7A
11-261	Freehold Acquisition	1A(i,ii,iii,iv), 7A
11-262	Freehold Acquisition	1A(iv), 7A
11-263	Freehold Acquisition	1A(iv), 7A
11-264	Freehold Acquisition	1A(iv), 7A
11-265	Freehold Acquisition	1A(iv), 7A
11-266	Freehold Acquisition	1A(i,ii,iii,iv), 7A
12-267	Freehold Acquisition	1A(i,ii,iii,iv), 7A
12-268	Freehold Acquisition	1A(iv), 10
12-269	Freehold Acquisition	1A(iv), 11
12-270	Freehold Acquisition	1A(i,ii,iii,iv), 7A
12-271	Freehold Acquisition	1A(iv), 7A
12-272	Freehold Acquisition	1A(iv), 7A

Plot number	Type of acquisition	Purpose (Work No.)
12-273	Freehold Acquisition	1A(i,ii,iii,iv), 7A
12-277	Freehold Acquisition	1A(iv), 7A
12-278	Freehold Acquisition	1A(iv), 7A
12-279	Freehold Acquisition	1A(i,ii,iii,iv), 7A
12-280	Freehold Acquisition	1A(i,ii,iii,iv), 7A
13-282	Freehold Acquisition	1A(iv), 7A
13-283	Freehold Acquisition	10
14-288	Freehold Acquisition	1A(iv), 7A

### Part 2 - New rights and imposition of restrictions

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

Rights Class	Purpose of New Rights and Restrictions
Rights Class A	<p>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;</p> <p>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;</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>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>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</p>

Rights Class	Purpose of New Rights and Restrictions
	obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development.
Rights Class B	<p>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 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>

Rights Class	Purpose of New Rights and Restrictions
Rights Class C	<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>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 substation works;</p> <p>restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development.</p>

Plot number	Type of acquisition	Purpose
01-004	Acquisition of new rights and imposition of restrictions	Rights Class A and C
01-005	Acquisition of new rights and imposition of restrictions	Rights Class A and C
01-008	Acquisition of new rights and imposition of restrictions	Rights Class A and C
01-014	Acquisition of new rights and imposition of restrictions	Rights Class A and C
01-019	Acquisition of new rights and imposition of restrictions	Rights Class A and C
01-023	Acquisition of new rights and imposition of restrictions	Rights Class A and C
01-025	Acquisition of new rights and imposition of restrictions	Rights Class A and C
01-027	Acquisition of new rights and imposition of restrictions	Rights Class A and C
01-036	Acquisition of new rights and imposition of restrictions	Rights Class B
01-041	Acquisition of new rights and imposition of restrictions	Rights Class B
02-042	Acquisition of new rights and imposition of restrictions	Rights Class B

<b>Plot number</b>	<b>Type of acquisition</b>	<b>Purpose</b>
02-054	Acquisition of new rights and imposition of restrictions	Rights Class A and C
02-057	Acquisition of new rights and imposition of restrictions	Rights Class A and C
02-058	Acquisition of new rights and imposition of restrictions	Rights Class A and C
02-059	Acquisition of new rights and imposition of restrictions	Rights Class A and C
02-060	Acquisition of new rights and imposition of restrictions	Rights Class A and C
02-064	Acquisition of new rights and imposition of restrictions	Rights Class B
02-065	Acquisition of new rights and imposition of restrictions	Rights Class B
02-070	Acquisition of new rights and imposition of restrictions	Rights Class B
02-071	Acquisition of new rights and imposition of restrictions	Rights Class B
02-074	Acquisition of new rights and imposition of restrictions	Rights Class A
02-076	Acquisition of new rights and imposition of restrictions	Rights Class B
02-077	Acquisition of new rights and imposition of restrictions	Rights Class B
02-078	Acquisition of new rights and imposition of restrictions	Rights Class B
02-079	Acquisition of new rights and imposition of restrictions	Rights Class B
02-080	Acquisition of new rights and imposition of restrictions	Rights Class B
03-084	Acquisition of new rights and imposition of restrictions	Rights Class B
03-089	Acquisition of new rights and imposition of restrictions	Rights Class B
03-091	Acquisition of new rights and imposition of restrictions	Rights Class A and C
03-096	Acquisition of new rights and imposition of restrictions	Rights Class B

<b>Plot number</b>	<b>Type of acquisition</b>	<b>Purpose</b>
03-097	Acquisition of new rights and imposition of restrictions	Rights Class B
03-098	Acquisition of new rights and imposition of restrictions	Rights Class B
04-099	Acquisition of new rights and imposition of restrictions	Rights Class B
04-103	Acquisition of new rights and imposition of restrictions	Rights Class A
04-104	Acquisition of new rights and imposition of restrictions	Rights Class A
04-107	Acquisition of new rights and imposition of restrictions	Rights Class B
04-111	Acquisition of new rights and imposition of restrictions	Rights Class B
04-114	Acquisition of new rights and imposition of restrictions	Rights Class B
04-115	Acquisition of new rights and imposition of restrictions	Rights Class B
04-116	Acquisition of new rights and imposition of restrictions	Rights Class B
04-117	Acquisition of new rights and imposition of restrictions	Rights Class B
04-118	Acquisition of new rights and imposition of restrictions	Rights Class B
04-119	Acquisition of new rights and imposition of restrictions	Rights Class B
05-120	Acquisition of new rights and imposition of restrictions	Rights Class B
05-121	Acquisition of new rights and imposition of restrictions	Rights Class B
05-124	Acquisition of new rights and imposition of restrictions	Rights Class A
05-125	Acquisition of new rights and imposition of restrictions	Rights Class A
05-126	Acquisition of new rights and imposition of restrictions	Rights Class B
05-128	Acquisition of new rights and imposition of restrictions	Rights Class A



<b>Plot number</b>	<b>Type of acquisition</b>	<b>Purpose</b>
05-129	Acquisition of new rights and imposition of restrictions	Rights Class A
05-130	Acquisition of new rights and imposition of restrictions	Rights Class A
05-133	Acquisition of new rights and imposition of restrictions	Rights Class B
05-134	Acquisition of new rights and imposition of restrictions	Rights Class B
05-135	Acquisition of new rights and imposition of restrictions	Rights Class B
05-136	Acquisition of new rights and imposition of restrictions	Rights Class B
05-140	Acquisition of new rights and imposition of restrictions	Rights Class B
05-141	Acquisition of new rights and imposition of restrictions	Rights Class B
06-142	Acquisition of new rights and imposition of restrictions	Rights Class B
06-143	Acquisition of new rights and imposition of restrictions	Rights Class B
06-145	Acquisition of new rights and imposition of restrictions	Rights Class B
06-146	Acquisition of new rights and imposition of restrictions	Rights Class A
06-147	Acquisition of new rights and imposition of restrictions	Rights Class A
06-148	Acquisition of new rights and imposition of restrictions	Rights Class B
06-152	Acquisition of new rights and imposition of restrictions	Rights Class B
07-157	Acquisition of new rights and imposition of restrictions	Rights Class A
07-157	Acquisition of new rights and imposition of restrictions	Rights Class B
07-159	Acquisition of new rights and imposition of restrictions	Rights Class A and B
07-160	Acquisition of new rights and imposition of restrictions	Rights Class B

<b>Plot number</b>	<b>Type of acquisition</b>	<b>Purpose</b>
07-160	Acquisition of new rights and imposition of restrictions	Rights Class A
08-012	Acquisition of new rights and imposition of restrictions	Rights Class A
08-161	Acquisition of new rights and imposition of restrictions	Rights Class A and C
08-162	Acquisition of new rights and imposition of restrictions	Rights Class A
08-162	Acquisition of new rights and imposition of restrictions	Rights Class C
08-163	Acquisition of new rights and imposition of restrictions	Rights Class A and C
08-170	Acquisition of new rights and imposition of restrictions	Rights Class B
08-171	Acquisition of new rights and imposition of restrictions	Rights Class B
08-172	Acquisition of new rights and imposition of restrictions	Rights Class B
08-174	Acquisition of new rights and imposition of restrictions	Rights Class B
08-175	Acquisition of new rights and imposition of restrictions	Rights Class B
08-177	Acquisition of new rights and imposition of restrictions	Rights Class B
08-186	Acquisition of new rights and imposition of restrictions	Rights Class B
09-188	Acquisition of new rights and imposition of restrictions	Rights Class A and B
09-192	Acquisition of new rights and imposition of restrictions	Rights Class A and B
09-194a	Acquisition of new rights and imposition of restrictions	Rights Class A
10-201	Acquisition of new rights and imposition of restrictions	Rights Class B
10-202	Acquisition of new rights and imposition of restrictions	Rights Class B
10-203	Acquisition of new rights and imposition of restrictions	Rights Class B

<b>Plot number</b>	<b>Type of acquisition</b>	<b>Purpose</b>
10-206	Acquisition of new rights and imposition of restrictions	Rights Class B
10-208	Acquisition of new rights and imposition of restrictions	Rights Class A and C
10-209	Acquisition of new rights and imposition of restrictions	Rights Class B
10-210	Acquisition of new rights and imposition of restrictions	Rights Class B
10-212	Acquisition of new rights and imposition of restrictions	Rights Class B
10-213	Acquisition of new rights and imposition of restrictions	Rights Class B
10-214	Acquisition of new rights and imposition of restrictions	Rights Class A and C
10-215	Acquisition of new rights and imposition of restrictions	Rights Class A and C
10-215	Acquisition of new rights and imposition of restrictions	Rights Class B
10-216	Acquisition of new rights and imposition of restrictions	Rights Class B
10-217	Acquisition of new rights and imposition of restrictions	Rights Class B
10-220	Acquisition of new rights and imposition of restrictions	Rights Class B
10-220	Acquisition of new rights and imposition of restrictions	Rights Class A and C
10-221	Acquisition of new rights and imposition of restrictions	Rights Class A, B and C
10-222	Acquisition of new rights and imposition of restrictions	Rights Class A and C
10-222	Acquisition of new rights and imposition of restrictions	Rights Class B
10-223	Acquisition of new rights and imposition of restrictions	Rights Class A, B and C
10-224	Acquisition of new rights and imposition of restrictions	Rights Class A and C
10-226	Acquisition of new rights and imposition of restrictions	Rights Class A and C

<b>Plot number</b>	<b>Type of acquisition</b>	<b>Purpose</b>
10-228	Acquisition of new rights and imposition of restrictions	Rights Class A, B and C
10-229	Acquisition of new rights and imposition of restrictions	Rights Class A, B and C
10-232	Acquisition of new rights and imposition of restrictions	Rights Class A and C
10-233	Acquisition of new rights and imposition of restrictions	Rights Class B
10-235	Acquisition of new rights and imposition of restrictions	Rights Class B
10-239	Acquisition of new rights and imposition of restrictions	Rights Class B
10-241	Acquisition of new rights and imposition of restrictions	Rights Class A
10-244	Acquisition of new rights and imposition of restrictions	Rights Class A
11-246	Acquisition of new rights and imposition of restrictions	Rights Class A and C
11-247	Acquisition of new rights and imposition of restrictions	Rights Class A and C
11-251	Acquisition of new rights and imposition of restrictions	Rights Class B
11-252	Acquisition of new rights and imposition of restrictions	Rights Class B
11-253	Acquisition of new rights and imposition of restrictions	Rights Class B
11-255	Acquisition of new rights and imposition of restrictions	Rights Class B
11-257	Acquisition of new rights and imposition of restrictions	Rights Class B
12-274	Acquisition of new rights and imposition of restrictions	Rights Class A and B
12-275	Acquisition of new rights and imposition of restrictions	Rights Class B
12-276	Acquisition of new rights and imposition of restrictions	Rights Class A and B
14-289	Acquisition of new rights and imposition of restrictions	Rights Class B

<b>Plot number</b>	<b>Type of acquisition</b>	<b>Purpose</b>
14-290	Acquisition of new rights and imposition of restrictions	Rights Class B
14-291	Acquisition of new rights and imposition of restrictions	Rights Class B
14-292	Acquisition of new rights and imposition of restrictions	Rights Class B
14-293	Acquisition of new rights and imposition of restrictions	Rights Class B
14-294	Acquisition of new rights and imposition of restrictions	Rights Class B
14-295	Acquisition of new rights and imposition of restrictions	Rights Class B
14-296	Acquisition of new rights and imposition of restrictions	Rights Class B
14-297	Acquisition of new rights and imposition of restrictions	Rights Class B
14-299	Acquisition of new rights and imposition of restrictions	Rights Class B
14-300	Acquisition of new rights and imposition of restrictions	Rights Class B
14-301	Acquisition of new rights and imposition of restrictions	Rights Class B
15-303	Acquisition of new rights and imposition of restrictions	Rights Class B
15-304	Acquisition of new rights and imposition of restrictions	Rights Class B
15-305	Acquisition of new rights and imposition of restrictions	Rights Class A
15-307	Acquisition of new rights and imposition of restrictions	Rights Class A
15-309	Acquisition of new rights and imposition of restrictions	Rights Class B
15-310	Acquisition of new rights and imposition of restrictions	Rights Class B
15-311	Acquisition of new rights and imposition of restrictions	Rights Class B
15-312	Acquisition of new rights and imposition of restrictions	Rights Class B

<b>Plot number</b>	<b>Type of acquisition</b>	<b>Purpose</b>
15-313	Acquisition of new rights and imposition of restrictions	Rights Class B
16-310	Acquisition of new rights and imposition of restrictions	Rights Class B
16-314	Acquisition of new rights and imposition of restrictions	Rights Class B
16-315	Acquisition of new rights and imposition of restrictions	Rights Class A
16-317	Acquisition of new rights and imposition of restrictions	Rights Class B
16-318	Acquisition of new rights and imposition of restrictions	Rights Class B
16-319	Acquisition of new rights and imposition of restrictions	Rights Class B
16-320	Acquisition of new rights and imposition of restrictions	Rights Class B
16-321	Acquisition of new rights and imposition of restrictions	Rights Class B
16-322	Acquisition of new rights and imposition of restrictions	Rights Class B
16-324	Acquisition of new rights and imposition of restrictions	Rights Class B
16-326	Acquisition of new rights and imposition of restrictions	Rights Class B
16-327	Acquisition of new rights and imposition of restrictions	Rights Class B
16-328	Acquisition of new rights and imposition of restrictions	Rights Class B
16-329	Acquisition of new rights and imposition of restrictions	Rights Class B
16-330	Acquisition of new rights and imposition of restrictions	Rights Class B
16-331	Acquisition of new rights and imposition of restrictions	Rights Class B
17-335	Acquisition of new rights and imposition of restrictions	Rights Class B
17-336	Acquisition of new rights and imposition of restrictions	Rights Class B

<b>Plot number</b>	<b>Type of acquisition</b>	<b>Purpose</b>
17-337	Acquisition of new rights and imposition of restrictions	Rights Class B
17-338	Acquisition of new rights and imposition of restrictions	Rights Class B
17-338a	Acquisition of new rights and imposition of restrictions	Rights Class A
17-339	Acquisition of new rights and imposition of restrictions	Rights Class A and B
17-339a	Acquisition of new rights and imposition of restrictions	Rights Class A
17-340	Acquisition of new rights and imposition of restrictions	Rights Class A
17-345	Acquisition of new rights and imposition of restrictions	Rights Class B
17-346	Acquisition of new rights and imposition of restrictions	Rights Class B
17-347	Acquisition of new rights and imposition of restrictions	Rights Class B
17-348	Acquisition of new rights and imposition of restrictions	Rights Class B
17-349	Acquisition of new rights and imposition of restrictions	Rights Class B
17-350	Acquisition of new rights and imposition of restrictions	Rights Class B
17-351	Acquisition of new rights and imposition of restrictions	Rights Class B
17-352	Acquisition of new rights and imposition of restrictions	Rights Class B
17-353	Acquisition of new rights and imposition of restrictions	Rights Class B
17-354	Acquisition of new rights and imposition of restrictions	Rights Class B
17-355	Acquisition of new rights and imposition of restrictions	Rights Class B
17-356	Acquisition of new rights and imposition of restrictions	Rights Class B
17-357	Acquisition of new rights and imposition of restrictions	Rights Class B

<b>Plot number</b>	<b>Type of acquisition</b>	<b>Purpose</b>
17-358	Acquisition of new rights and imposition of restrictions	Rights Class B
17-359	Acquisition of new rights and imposition of restrictions	Rights Class B
17-360	Acquisition of new rights and imposition of restrictions	Rights Class B
17-361	Acquisition of new rights and imposition of restrictions	Rights Class B
17-362	Acquisition of new rights and imposition of restrictions	Rights Class A
17-363	Acquisition of new rights and imposition of restrictions	Rights Class A
17-364	Acquisition of new rights and imposition of restrictions	Rights Class A
18-365	Acquisition of new rights and imposition of restrictions	Rights Class B
18-366	Acquisition of new rights and imposition of restrictions	Rights Class B
18-367	Acquisition of new rights and imposition of restrictions	Rights Class B
18-368	Acquisition of new rights and imposition of restrictions	Rights Class B
18-369	Acquisition of new rights and imposition of restrictions	Rights Class B
18-370	Acquisition of new rights and imposition of restrictions	Rights Class B
18-371	Acquisition of new rights and imposition of restrictions	Rights Class B
18-372	Acquisition of new rights and imposition of restrictions	Rights Class B
18-373	Acquisition of new rights and imposition of restrictions	Rights Class B
18-374	Acquisition of new rights and imposition of restrictions	Rights Class B
18-375	Acquisition of new rights and imposition of restrictions	Rights Class B
18-377	Acquisition of new rights and imposition of restrictions	Rights Class A



Plot number	Type of acquisition	Purpose
18-379	Acquisition of new rights and imposition of restrictions	Rights Class B
18-381	Acquisition of new rights and imposition of restrictions	Rights Class B
18-382	Acquisition of new rights and imposition of restrictions	Rights Class B
18-383	Acquisition of new rights and imposition of restrictions	Rights Class B
18-384	Acquisition of new rights and imposition of restrictions	Rights Class B
18-385	Acquisition of new rights and imposition of restrictions	Rights Class B
19-390	Acquisition of new rights and imposition of restrictions	Rights Class B
19-391	Acquisition of new rights and imposition of restrictions	Rights Class B
19-392	Acquisition of new rights and imposition of restrictions	Rights Class B

### Part 3 – Temporary possession

Plot number	Purpose
01-031	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 11
01-033	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 12
01-034	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 13
01-035	Temporary use (including access and compound) to facilitate the construction of Work No. 6
01-037	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 14
01-038	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 15
01-039	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 16
01-040	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 17

<b>Plot number</b>	<b>Purpose</b>
02-048	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 18
02-049	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 19
02-050	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 20
02-051	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 21
02-052	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 22
02-053	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 23
02-055	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 24
02-056	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 25
02-066	Temporary use (including access and compound) to facilitate the construction of Work No. 7
02-067	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 26
02-068	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 27
02-069	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 28
02-072	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 29
02-073	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 30
02-075	Temporary use (including access and compound) to facilitate the construction of Work No. 8
03-081	Temporary use (including access and compound) to facilitate the construction of Work No. 9
03-082	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 31
03-083	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 32
03-085	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 33

Plot number	Purpose
03-086	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 34
03-087	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 35
03-088	Temporary use (including access and compound) to facilitate the construction of Work No. 10
03-094	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 36
03-095	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 37
04-100	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 38
04-101	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 39
04-102	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 40
04-105	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 41
04-106	Temporary use (including access and compound) to facilitate the construction of Work No. 11
04-108	Temporary use (including access and compound) to facilitate the construction of Work No. 12
04-109	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 42
04-110	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 43
04-112	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 44
04-113	Temporary use (including access and compound) to facilitate the construction of Work No. 13
05-122	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 45
05-123	Temporary use (including access and compound) to facilitate the construction of Work No. 14
05-127	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 46
05-131	Temporary use (including access and compound) to facilitate the construction of Work No. 15

Plot number	Purpose
05-132	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 47
05-137	Temporary use (including access and compound) to facilitate the construction of Work No. 16
05-138	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 48
05-139	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 49
06-144	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 50
06-149	Temporary use (including access and compound) to facilitate the construction of Work No. 17
06-150	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 51
06-151	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 52
08-173	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 53
08-176	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 54
08-185	Temporary use (including access and compound) to facilitate the construction of Work No. 18
09-187	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 55
09-189	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 56
09-191	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 57
09-193	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 58
10-234	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 59
10-236	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 60
10-237	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 61
10-238	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 62

Plot number	Purpose
10-242	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 63
10-245	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 64
11-254	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 65
11-256	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 66
12-281	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 67
14-284	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 68
14-285	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 69
14-286	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 70
14-287	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 71
14-298	Temporary use (including access and compound) to facilitate the construction of Work No. 19
15-302	Temporary use (including access and compound) to facilitate the construction of Work No. 20
15-306	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 72
15-308	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 73
16-316	Temporary use (including access and compound) to facilitate the construction of Work No. 21
16-323	Temporary use (including access and compound) to facilitate the construction of Work No. 22
16-325	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 74
17-332	Temporary use (including access and compound) to facilitate the construction of Work No. 23
17-333	Temporary use (including access and compound) to facilitate the construction of Work No. 24
17-334	Temporary use (including access and compound) to facilitate the construction of Work No. 25

Plot number	Purpose
17-341	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 75
17-342	Temporary use (including access and compound) to facilitate the construction of Work No. 26
17-343	Temporary use (including access and compound) to facilitate the construction of Work No. 27
17-344	Temporary use (including access and compound) to facilitate the construction of Work No. 28
18-376	Temporary use (including access and compound) to facilitate the construction of Work No. 29
18-378	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 76
18-380	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 77
19-386	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 78
19-387	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 79
19-388	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 80
19-389	Temporary use (including access) to facilitate the construction of Work Nos. 1 to 81

## Appendix B – Summary of Negotiations

Plot Numbers	Name	Status of Negotiations
01-001 01-002 01-003 01-004 01-005 01-007 01-008 01-009 01-010 01-011 01-012 01-014 01-015 01-019 01-020 01-021 01-022 01-023 01-024 01-026 01-027 01-030	Gillian Margaret Jacques and Jonathan David Spencer Jacques	An Option Agreement in respect of Cottam 3a was entered into on 22 December 2020.
01-006 01-013 01-016 01-017 01-025 01-028 01-029	John Riding and Stephen James Riding	An Option Agreement in respect of Cottam 3a was entered into on 22 December 2020.
02-043 02-044	John Riding, Margaret Riding and Stephen James Riding	An Option Agreement in respect of Cottam 3b was entered into between the landowners and Bonsdale Solar Farm Limited on 29 March 2022. Bonsdale

Plot Numbers	Name	Status of Negotiations
02-045 02-046 02-047 02-051 02-061 02-062 02-063 02-064 02-065 02-066 02-067 02-071		Solar Farm Limited is wholly owned by Island Green Power Limited.
01-033 01-034 01-035 01-036 01-041	Angela Shirley Riddle	<p>Heads of Terms were issued to landowner and their land agent on 26 October 2022.</p> <p>Ongoing negotiations with the landowner's land agent regarding the Heads of Terms via email and a meeting on 8 November 2022. Provisions relating to land drainage repair were discussed and agreed. The Applicant anticipates that the Heads of Terms will be signed soon.</p>
01-033 01-035 01-041 02-078 02-079 02-080 03-081 03-082	JMR Farms	<p>Heads of Terms were issued to landowner and their land agent on 26 October 2022.</p> <p>Ongoing negotiations with the landowner's land agent regarding the Heads of Terms via email and a meeting on 8 November 2022. Provisions relating to land drainage repair were discussed and agreed. The Applicant anticipates that the Heads of Terms will be signed soon.</p>
02-064 02-066 02-067 02-068 02-069 02-070	The Lincoln Diocesan Trust And Board Of Finance Limited	Ongoing negotiations with the landowner's land agent and currently awaiting a response from the land agent on the standard Heads of Terms.



Plot Numbers	Name	Status of Negotiations
02-071 02-074 02-075 02-076		
01-031 02-052 02-054 02-058 02-077	Constance Mary Lockwood & Sally Anne Lockwood	Heads of Terms were issued to the landowners and their land agents on 26 October 2022.  Ongoing negotiations with the land agents, Brown & Co, via emails and calls.
03-083 03-084 03-085 03-086 03-087 03-088 03-089 03-094 03-095 03-097 03-098 04-099 04-100 04-101 04-102	Mills & Reeve Trust Corporation Limited & Aubrey James Francis Buxton	Heads of Terms were issued to the landowners and their land agents on 26 October 2022. Ongoing negotiations with the land agents, Jas Martin, via email.
03-087 03-088 03-089	P + P Anyan	Tenant letter issued on 09 November 2022. Discussions ongoing.
03-096	Derek Blades	Heads of Terms were issued to the landowner on 26 October 2022 during a meeting on site. Heads of Terms and plans were signed by the landowner on 28 October 2022. The legal agreements are currently being prepared.

Plot Numbers	Name	Status of Negotiations
		.
03-094 03-097 03-098 04-101	Michael Fieldson	Tenant letter issued on 09 November 2022. Discussion ongoing.
04-099 04-100 04-102 04-103 04-104 04-105 04-106 04-107 04-108 04-109 04-110 04-111	Matthew Thomas Winter, Michael Winter & Neil Richard Winter	Heads of Terms were issued to landowner and their land agent on 26 October 2022.  Ongoing negotiations with the landowner's land agent regarding the Heads of Terms via email and a meeting on 8 November 2022. Provisions relating to land drainage repair were discussed and agreed. The Applicant anticipates that the Heads of Terms will be signed soon.
04-113 04-114 04-115 04-116 04-117 04-118	The Wardens And Assistants Of Rochester Bridge In The County Of Kent	Heads of Terms were issued to the landowner and their land agent on 26 October 2022.  Ongoing negotiations with the land agents, Brown & Co via emails and calls.
04-112 04-113 04-114 04-116	Michael Anyan & Charles Anyan	Tenant letter issued on 09 November 2022. Discussion ongoing.
04-117	Martin Casswell & James Casswell	Tenant letter issued on 09 November 2022. Discussions are ongoing.
05-120	Simon Andrew Elwess & Victoria Jane Elwess	Heads of Terms were issued to the landowner and their land agent on 26 October 2022. Ongoing

Plot Numbers	Name	Status of Negotiations
05-121 05-122 05-123 05-124 05-125 05-127 05-130 05-131 05-133		negotiations with the landowner's land agents, DDM Agriculture via email, calls and meetings. No issues have been raised to date.  Tenant letter also issued on 09 November 2022. Discussions are ongoing.
05-130 05-131 05-133 05-134	David Andrew Elwess & Deborah Elwess	Heads of Terms were issued to the landowner and their land agent on 26 October 2022. Ongoing negotiations with the landowner's land agents, DDM Agriculture via email, calls and meetings. No issues have been raised to date.
05-134 05-135	Alan John Searby	Heads of Terms were issued to landowner and their land agent on 26 October 2022.  Ongoing negotiations with the landowner's land agent regarding the Heads of Terms via email and a meeting on 8 November 2022. Provisions relating to land drainage repair were discussed and agreed. The Applicant anticipates that the Heads of Terms will be signed soon.
05-141 06-142 06-143 06-144 06-146 08-169 08-170 08-171 08-172 08-177 08-178 08-179 08-180	Uniper UK Limited	Uniper has a leasehold interest in the subsoil in respect of a gas pipeline and associated rights. Discussions are ongoing between the Applicant and Uniper regarding protective measures and an asset protection agreement or crossing agreement.

Plot Numbers	Name	Status of Negotiations
14-301 15-302 16-318 16-322 17-342 17-343		
05-136 05-137 05-138 05-139 05-140	James Edwardson	Heads of Terms were issued to the landowner on 26 October 2022.  Ongoing negotiations with landowner via emails and calls. No issues have been raised to date.
05-140 05-141 06-142 06-143 06-144 06-145 06-146 06-147 06-148 06-149 06-150 06-151 06-152 06-154	Winterquay Limited	Heads of Terms were issued to the landowner and their land agent on 26 October 2022. Ongoing negotiations with the landowner's land agent via email and calls. No issues have been raised to date.
06-153 07-155 07-156 07-157 07-158 07-159 08-166	Tillside Limited	An Option Agreement in respect of Cottam 1 was entered into on 19 February 2021.

Plot Numbers	Name	Status of Negotiations
08-167		
08-169		
08-170		
08-171		
08-172		
08-177		
08-178		
08-179		
08-180		
08-181		
09-190		
10-202		
10-203		
10-204		
10-205		
10-210		
10-225		
10-226		
10-227		
10-231		
10-239		
10-240		
10-241		
10-243		
10-244		
11-261		
11-266		
12-273		
12-274		
12-276		
12-279		
12-280		

Plot Numbers	Name	Status of Negotiations
13-283 14-289		
09-194 09-194a 10-216 10-218 10-219	Limestone Farming Company Limited	An Option Agreement in respect of Cottam 1 was entered into on 19 February 2021.
08-168 08-172 08-173 08-174 08-175 08-176 08-184 08-185 08-186 09-191 09-192 09-193 09-195 09-196 09-197 09-198 09-199 09-200 10-201 10-206 10-208 10-209 10-213 10-230 10-232	James Charles Stewart Reynolds Milligan-Manby & John Anthony Shepherdson & Kevin Simon Webster	<p>An Option Agreement in respect of Cottam 1 was entered into on 19 February 2021.</p> <p>Heads of Terms in respect of addition cable easements were initially issued to the landowners and their land agents on 26 October 2022. The Heads of Terms are in the process of being updated to reflect a recent reorganisation of the land ownership.</p> <p>Discussions are ongoing with the land agent and no issues have been raised. The Applicant anticipates that the Heads of Terms will be signed soon.</p>

Plot Numbers	Name	Status of Negotiations
10-233		
10-234		
10-235		
10-236		
10-245		
11-246		
11-247		
11-248		
11-249		
11-250		
11-251		
11-254		
11-255		
11-256		
11-257		
11-258		
11-259		
11-260		
11-262		
11-264		
12-267		
12-268		
12-269		
12-270		
12-271		
12-272		
12-275		
12-277		
12-278		
13-282		
14-293		
14-297		

Plot Numbers	Name	Status of Negotiations
14-298 15-306		
14-292 14-293 14-299 14-300	CM & AM Developments Limited	<p>Heads of Terms were issued to the landowner on 26 October 2022 at a meeting on site and sent again via email on 16 December 2022.</p> <p>Multiple communications between the Applicant's agent and the landowner by email and phone to discuss the landowner's future development proposals for the land.</p> <p>The landowner is in the process of instructing a land agent to help progress the Heads of Terms.</p>
10-242 14-300 14-301 15-302 15-303 15-304 15-305 15-307 15-308 15-309	Jennifer Anne Taylor	<p>Heads of Terms were issued to the landowner on 26 October 2022 at a meeting on site and sent again via email on 16 December 2022.</p> <p>Multiple communications between the Applicant's agent and the landowner's son by email and phone to discuss the landowner's future development proposals for the land.</p> <p>The landowner is in the process of instructing a land agent to help progress the Heads of Terms</p>
15-310 15-311	Timothy Leslie Waudby	<p>Heads of Terms were issued to landowner and their land agent on 26 October 2022.</p> <p>Ongoing negotiations with the landowner's land agent regarding the Heads of Terms via email and a meeting on 8 November 2022. Provisions relating to land drainage repair and cable route were discussed and agreed. The Applicant anticipates that the Heads of Terms will be signed soon.</p>
15-312 15-313 16-134 16-135	Charles Marshall	<p>Heads of Terms were issued to the landowner on 26 October 2022 at a meeting on site and sent again via email on 16 December 2022.</p> <p>Multiple communications between the Applicant's agent and the landowner by email and phone to</p>



Plot Numbers	Name	Status of Negotiations
		<p>discuss the landowner's future development proposals for the land.</p> <p>The landowner is in the process of instructing a land agent to help progress the Heads of Terms.</p>
16-314 16-315 16-317	Richard Taylor & Carolyn Taylor	<p>Heads of Terms were issued to the landowners on 1 November 2022. Heads of Terms and plans were signed by the landowners on 24 November 2022. The legal agreements are currently being prepared.</p>
03-090 03-091 03-092 03-093 03-095 16-316 16-318 16-321 16-322 16-323 16-324 16-325 16-326 16-327	Evesham Properties Limited	<p>An Option Agreement in respect of Cottam 2 was entered into on 18 May 2021.</p> <p>Heads of Terms in respect of additional cable easements were issued to the landowner and their land agent on 26 October 2022.</p> <p>Ongoing negotiations with the landowner's land agents, Savills, via email. No issues have been raised.</p>
03-090 03-091 03-092 03-093 16-318 16-321 16-322 16-323 16-324 16-327	Pongo Farms Limited	<p>Tenant letter issued on 09 November 2022. Discussions are ongoing.</p>

Plot Numbers	Name	Status of Negotiations
16-319	Barbara Ann White & Daniel White	Heads of Terms were issued to the landowners on 27 October 2022 and a further copy was sent on 31 October 2022. Heads of Terms and plans were signed by the landowners on 22 November 2022. The legal agreements are currently being prepared.
02-042 02-043 02-044 02-047 02-049 02-050 16-320 18-372	Network Rail Infrastructure Limited	Heads of Terms issued to the landowner on 27 October 2022.  The Applicant anticipates receiving technical and business clearance in respect of the Scheme's interactions with Network Rail's apparatus from Network Rail.  Discussions will then be able to progress regarding the property agreements, protective provisions and associated framework agreement
16-328 16-329 16-331 17-334 17-335	Correen Tindale	Heads of Terms were issued to the landowner and their land agent on 27 October 2022.  Ongoing negotiations with the landowner's land agents, Perkin George Mawer, via emails and phone calls. No issued raised to date in respect of the Heads of Terms.  The Applicant has been informed that part of this land has been recently sold to Nick Hill although the Land Registry title information has not yet been updated. Discussions are ongoing with Mr Hill regarding the route of the cable corridor and his future development plans for the land.
16-330 16-331 17-337 17-338 17-338a 17-339 17-339a 17-340 17-341 17-342	Alison Olivia Brownlow & Rodger Andrew Brownlow	Heads of Terms were issued to the landowners and their land agent in October 2022.  Ongoing negotiations by emails, calls and meeting regarding financial consideration and cable construction methodology with the landowners' land agents, Brown & Co.

Plot Numbers	Name	Status of Negotiations
17-343 17-344 17-345 17-346 17-347 17-348		
17-336 17-337	Ann Marie Lobley	<p>Heads of Terms were issued to the landowner and their land agent on 27 October 2022.</p> <p>Ongoing negotiations with the landowner's land agents, Jas Martin, via emails and phone calls regarding the heads of terms, financial consideration and access.</p>
17-347 17-349	The Kings Most Excellent Majesty In Right Of His Crown	<p>Heads of Terms were issued to the Crown Estate Commissioners and their land agent on 27 October 2022.</p> <p>Ongoing negotiations with the land agents, Carter Jonas, via email.</p>
17-339 17-339a 17-349	Canal & River Trust	<p>Heads of Terms were issued to the Canal &amp; River Trust on 27 October 2022.</p> <p>Ongoing negotiations with the landowner via emails and virtual meeting.</p>
17-350 17-351 18-369	<p>Kate Kingston &amp; Rachael Woffenden &amp; Victoria Beckett</p> <p>James Lonsdale</p>	<p>Heads of Terms issued to the landowners on 3 November 2022. The Applicant has been informed that the land has been purchased by James Lonsdale although the Land Registry title information has not yet been updated.</p> <p>Ongoing negotiations via emails and calls with James Lonsdale regarding the potential impact of the Scheme on an Environment Agency/ Forestry agreement for the planting of trees.</p>
17-350 17-355 17-356	Cottam Farming Company Limited	<p>The land was previously owned by Kate Kingston &amp; Rachael Woffenden &amp; 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 15 December 2022 to the new landowner. Ongoing negotiations with</p>

Plot Numbers	Name	Status of Negotiations
		the new landowner's land agents, Fisher German, via emails and calls.
17-351 17-352 17-354	Geoffrey Williams & Anthea Margaret Williams	Heads of Terms were issued to the landowners on 27 October 2022.  Ongoing negotiations with the landowners' land agents, William Barkers. Multiple email and teams meetings to discuss the Heads of Terms including land drainage.
17-354 17-359 17-360 17-361 17-362 17-363	Shaun Kimberley & Emma Kimberley	Heads of Terms were issued to the landowners on 27 October 2022. Multiple attempts have been made by email and phone to try to negotiate the terms but no response from the landowners.  The Applicant remains willing to enter into a voluntary agreement with the landowners.
17-356 17-357 17-358 17-359 17-361 17-362 18-365 18-366	Richard Joseph Highfield & Robert Nicholas Highfield	Heads of Terms were issued to the landowners on 27 October 2022.  Ongoing negotiations with the landowner by phone and email and the landowner has confirmed in principle that the heads of terms are acceptable although further discussions taking place between the landowners.
17-351 17-353 17-354 17-355 17-359 17-362 17-363 17-364 18-366 18-367 18-370 18-376	Robert James Dawson	Heads of Terms were issued to the landowner and their land agent on 26 October 2022.  The landowner and the Applicant's land agent attended a meeting and agreed the Heads of Terms subject to land agent review.  Ongoing negotiations with the landowner's land agents, DDM Agriculture via email, calls and meetings. No issues have been raised to date.

Plot Numbers	Name	Status of Negotiations
18-377 18-378 18-380 19-387		
18-367	Steve Howard (Farms) Ltd	Tenant letter issued on 09 November 2022. Discussions are ongoing.
18-368	Southwell and Nottingham Diocesan Board of Finance	Heads of Terms were issued to the landowner and their land agent on 27 October 2022.  Ongoing negotiations with the landowner's land agents regarding the heads of terms and financial consideration.
18-371 18-382	Alan Herbert Headland, Alan John Headland & The Executor of the Estate of the Late Alan James Headland	Heads of Terms were issued to the landowner and their land agent on 26 October 2022. Ongoing negotiations with the landowner's land agent, DDM Agriculture via email, calls and meetings. No issues have been raised to date.
18-373 18-374 18-377	R J Howard Farming Limited	Heads of Terms were issued to the landowner on 27 October 2022. Ongoing negotiations with landowner including emails, calls and a meeting on 09 November 2022.  The landowner has raised concerns regarding the potential impacts of the proposed cable route corridor on its poultry business which are being considered further by the Applicant. Discussions are continuing.
18-374 18-375 18-377 18-379 18-380 18-381 18-383	Geoffrey William Darlay & Keith Stephen Darlay	Heads of Terms were issued to the landowners and their land agent on 26 October 2022. Ongoing negotiations with the landowner's land agent, DDM Agriculture via email, calls and meetings. No issues have been raised to date.

Plot Numbers	Name	Status of Negotiations
18-384	James Douglas Howard and Stephen Mark Howard	Heads of Terms were issued to the landowners on 27 October 2022. Ongoing negotiations with the landowner's land agent, Bagshaws. The Applicant's land agent has attempted contact with Bagshaws by phone and email multiple times to discuss the Heads of Terms and are yet to receive a response.
18-385 19-390 19-391 19-392	EDF Energy (Thermal Generation) Limited	Ongoing negotiations with landowner to confirm cable route to be used in the Heads of Terms. Standard Heads of Terms issued to the landowner for review on 31 October 2022. There have been multiple virtual meetings with representatives of EDF and Cottam Power Station to produce a final cable route for the grid connection.
01-031, 01-036, 01-039, 02-050, 02-053, 02-055, 02-056, 02-068, 02-070, 02-072, 02-073, 03-085, 03-086, 04-099, 04-100, 04-102, 05-126, 05-127, 06-145, 06-147, 06-150, 06-151, 08-161, 08-162, 08-163, 08-166, 08-173, 08-174, 08-176, 09-187, 09-188, 09-189, 09-190, 09-191, 09-192, 09-193, 09-194, 10-234, 10-235, 10-236, 10-237, 10-245, 11-254, 11-255, 11-256, 11-257, 12-279, 12-281, 14-286, 14-292, 14-293, 14-294, 14-296, 15-306, 16-316, 16-325, 16-326, 16-331, 17-332, 17-333, 17-334, 17-356, 17-357, 17-359, 17-362, 17-363,	Anglian Water Services Limited	Discussions are ongoing regarding the form of protective provisions included in Part 7 of Schedule 16 to the draft DCO.

Plot Numbers	Name	Status of Negotiations
17-364, 18-378, 18-379, 18-380, 18-381, 18-385, 19-386, 19-387, 19-388, 19-389, 19-390, 19-391, 19-392		
04-119 05-120 14-292 14-293 14-294 14-296 15-306	Cadent Gas Limited	Discussions are ongoing regarding the form of protective provisions included in Part 6 of Schedule 16 to the draft DCO.
10-204 10-205 10-206 10-209 10-210 10-217 12-275 14-288	Environment Agency	Discussions are ongoing regarding the form of protective provisions included in Part 9 of Schedule 16 to the draft DCO.
16-324	Exolum Pipeline System Limited	Discussions are ongoing regarding an asset protection agreement or crossing agreement.
11-266, 12-280, 13-282, 13-283, 16-330, 16-331, 17-335, 17-364, 18-367, 18-384, 19-387	National Grid Electricity Distribution (East Midlands) plc	Discussions are ongoing regarding the form of protective provisions included in Part 4 of Schedule 16 to the draft DCO.
01-006, 01-017, 01-025, 01-028, 01-029, 17-338, 17-339, 17-341, 17-343, 17-345, 17-346, 18-373, 18-375, 18-376, 18-377, 18-378,	National Grid Electricity Transmission plc	Discussions are ongoing regarding the form of protective provisions included in Part 3 of Schedule 16 to the draft DCO.

Plot Numbers	Name	Status of Negotiations
18-385, 19-390, 19-391		
01-002, 01-009, 01-013, 01-017, 01-021, 01-039, 01-041, 02-048, 02-049, 02-050, 02-059, 02-060, 02-077, 03-090, 03-091, 03-092, 03-093, 04-103, 04-107, 04-108, 04-109, 05-121, 05-124, 05-125, 06-143, 07-159, 07-160, 08-161, 08-163, 08-164, 08-166, 08-172, 09-187, 09-188, 09-189, 09-190, 09-193, 09-194, 10-205, 10-219, 10-221, 10-224, 10-225, 10-226, 10-230, 10-232, 10-233, 10-234, 10-235, 10-236, 10-238, 10-242, 10-243, 11-248, 11-249, 12-268, 12-269, 14-286, 14-287, 14-289, 14-290, 14-291, 14-292, 14-293, 14-297, 14-298, 14-299, 14-300, 14-301, 15-305, 15-306, 15-307, 15-311, 16-310, 16-316, 16-325, 16-326, 16-328, 16-329, 16-330, 16-331, 17-332, 17-333, 17-334, 17-335, 17-336	Northern Powergrid (Yorkshire) PLC	Discussions are ongoing regarding the form of protective provisions included in Part 5 of Schedule 16 to the draft DCO.



Plot Numbers	Name	Status of Negotiations
01-002, 01-013, 01-017, 01-022, 01-026, 01-027, 01-028, 01-029, 01-030, 01-031, 01-036, 01-039, 01-040, 02-048, 02-049, 02-050, 02-053, 02-054, 02-055, 02-056, 02-059, 03-083, 03-084, 03-085, 03-086, 03-090, 03-091, 03-095, 04-099, 04-100, 04-102, 05-126, 05-128, 06-151, 08-161, 08-162, 08-163, 08-166, 08-173, 08-174, 08-176, 08-180, 09-193, 09-194, 10-205, 10-224, 10-230, 10-232, 10-234, 10-235, 10-236, 10-237, 10-238, 10-241, 10-242, 11-261, 11-263, 11-264, 11-265, 12-268, 12-269, 12-281, 14-289, 14-290, 14-291, 14-292, 15-306, 15-308, 16-316, 16-319, 16-325, 16-326, 16-327, 16-328, 16-329, 16-331, 17-332, 17-333, 17-334, 17-341, 17-343, 17-344, 17-355, 17-359, 17-362, 17-363, 17-364, 18-378, 18-379, 18-380, 18-381, 18-385, 19-386, 19-387,	Openreach Limited	Protective provisions for the benefit of telecommunications code network operators have been included in Part 2 of Schedule 16 to the draft DCO.

Plot Numbers	Name	Status of Negotiations
19-388, 19-389, 19-390, 19-391, 19-392		
16-328, 16-330, 16-331, 17-332, 17-333, 17-334, 17-335, 17-364	Severn Trent Water Limited	Protective provisions for the benefit of water undertakers have been included in Part 1 of Schedule 16 to the draft DCO. Discussions ongoing as to whether bespoke protective provisions are required.
14-292, 14-293, 14-294, 14-296, 15-306	Virgin Media Limited	Protective provisions for the benefit of telecommunications code network operators have been included in Part 2 of Schedule 16 to the draft DCO.
18-385	Vodafone Limited	Protective provisions for the benefit of telecommunications code network operators have been included in Part 2 of Schedule 16 to the draft DCO.