7000 Acres

7000 Acres comments on the potential use of compulsory acquisition for the purpose of large-scale ground mounted solar

CA Regulations Deadline 3A, 28th January 2024

Compulsory Acquisition:

It is appropriate that there is a high threshold that must be overcome to allow compulsory purchase.

The proposed solar scheme falls short of such a high threshold for a number of reasons:

At a fundamental level, for a project of NSIP-scale to fulfil its objective, such as a policy or task, a particular minimum scale is implied. For instance, to develop a road or rail link between two towns, there may be variability in the route or design features, but to fulfil the objective implies a certain scale. Similarly, to admit a certain size vessel to a port or to build a nuclear power plant implies a certain scale of infrastructure. In each case, the project may have a degree of scalability, but there is an indivisible nature to the solution. To fulfil the objective, it must exist. If it does not exist, the objective cannot be fulfilled. For such schemes, there is a clear case for an NSIP process to adjudicate and consider the relative merits, the outcome of which may demonstrate there is a compelling case in the public interest and hence justify compulsory purchase.

By contrast, the proposed solar scheme is infinitely divisible. The objective, in this case to provide decarbonized electricity, may be directly provided by any number of aggregated smaller schemes, with identical functionality to the proposed solar scheme, and often with far fewer disadvantages or harms (fewer transmission losses, less impact on landscape, less pressure on land use, less socioeconomic or potential health impacts). It is only the choice by the developer to aggregate so many panels to occupy a large grid connection that creates a proposed solution to the meet the objective, that creates a project with sufficient MW capacity to meet the threshold for NSIP. Because there is no fundamental need for the scheme to be delivered in such a large block – as this is purely the commercial preference of the Applicant, this undermines the strength of argument for there being there a compelling case in the public interest to justify compulsory purchase.

While there is a relatively recent government policy ambition for 70GW of installed solar capacity (from 2022), up to now the government has been silent on how this may be achieved. Nevertheless, since the publication of the 70GW ambition, there have been a number of reports and reviews which consider the country's approach and path to decarbonization, which recognize the need for holistic solutions, improved coordination of actions and, specifically with regard so solar, "a rooftop revolution", and a clear deployment plan for solar, as well as an effective land use framework.

Germany is a fantastic case study for what can be achieved. Germany has already delivered 80GW of solar, without a single large-scale ground mounted scheme of size being proposed at Cottam. Their largest scheme is less than 200MW, and over 70% of their capacity is installed on domestic and commercial rooftops.

In addition, while the National Policy Statement landscape clearly facilitates large-scale solar, it does not mean there is any or even unlimited demand for such schemes – as might be inferred from the current rush of NSIP-scale solar applications.

Despite this, for the proposed solar scheme, the Applicant has exclusively favoured their own solution to the policy requirement, by pursuing ground-mounted solar of a scale that maximises the commercial return from their available grid connection opportunity.

The proposed scheme therefore provides only one possible route that could help fulfil government policy objectives, and the fact that the Applicant has chosen to pursue its commercially expedient proposal for extensive ground mounted solar, despite the emerging weight of advice to emphasise rooftop solar and other deployment which maximises land use, should count against the Applicant when weighing the need for compulsory purchase.