

## The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

### Cottam Solar Project proposed provision for the compulsory acquisition of additional land

Regulation 6(1)			
Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application.	Date received	28-day due date	Date of decision
	8 December 2023	5 January 2024	18 December 2023
Regulation 6(2)	Planning Inspectorate Comments		
Regulation 4 - Prescribed procedure for compulsory acquisition of land			
Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where—			
(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;	<p>The proposed changes seek the compulsory acquisition of additional rights and removes some land from the land covered by the original application in order to allow for the following five changes:</p> <ul style="list-style-type: none"> <li>• An extension to the Order limits immediately to the south of Torksey Ferry Road, for works to construct and operate the 400kV cable and associated development.</li> <li>• An extension to the Order limits to the east and west along Torksey Ferry Road to accommodate access during construction and (for some parts of the road) during operation and construction.</li> <li>• An extension to the Order Limits along A156 High Street, Marton in proximity to the north of the Cable Route Corridor (Work No. 6) to increase the size of the visibility splay for access AC108.</li> <li>• A change to Order limits to enable the route of the Cable Route Corridor (Work No. 6) to run to the south of West Farm,</li> </ul>		

	<p>Normanby by Stow.</p> <ul style="list-style-type: none"> <li>An extension to the Order Limits to the east of Stone Pit Lane to allow for flexibility in the location of the construction access for the transportation of abnormal loads relating to the Cottam 1 substation.</li> </ul> <p>The plots subject to the additional rights are considered to be affected by a proposed provision authorising the compulsory acquisition of additional land for the purposes of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.</p>
<p>(b) a person with an interest in the additional land does not consent to the inclusion of the provision</p>	<p>Paragraph 5.1.4 of the Statement of Reasons Revision B [AS-055] states “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.” It is recognised that this statement was made in earlier revisions of this document. It does not appear to be directly stated that a person with an interest in the addition land does not consent to the inclusion of the provision but there is some land with unidentified ownership included.</p>
<p><b>Summary – Regulation 4</b></p>	<p>The proposed provision is one to which regulations 5 to 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 apply.</p>

<b>Regulation 5 - Proposed Provision</b>	
The applicant must send to the Secretary of State details of the proposed provision which must—	
(a) be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book;	An updated Book of Reference was submitted as part of the applicant's change request. This was in the form of a clean [AS-059] and tracked change [AS-060] amendment to the previously submitted Book of Reference (Rev C) [REP2-006 and REP2-007], rather than a supplement.
(b) be accompanied by— (i) land plan identifying the land required as additional land, or affected by the proposed provision; and (ii) a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded.	<p>A new revision of the Land Plan (Revision C) [AS-044] has been provided with the Change Application to identify all land parcels including that affected by the proposed provision.</p> <p>A new revision of the Statement of Reasons (Revision C) has been provided in clean and tracked versions [AS-055 and AS-056] as has a new revision of the Funding Statement (Revision C) in clean and tracked versions [AS-057 and AS-058].</p>
<b>Summary – Regulation 5</b>	<p>The updated Book of Reference is, as permitted by Regulation, is in clean and tracked change form rather than a supplement, however this is sufficient to explain the effect of the proposed provision.</p> <p>The updated Book of Reference, Statement of Reasons, Funding Statement and Land Plan are in clean and tracked change form rather than a supplement, however this is sufficient to explain the effect of the proposed provision.</p> <p>The information provided is considered to satisfy the requirements of Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.</p>

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**Case Manager**    Simon Raywood

*Simon Raywood*

**Signed**

**Date:**

**18 December 2023**

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**Lead member of the  
Examining Authority**    Rory Cridland

*Rory Cridland*

**Signed**

**Date:**

**18 December 2023**

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