



HELIOS RENEWABLE
ENERGY
PROJECT

PINS Document Number:
EN010140/APP/4.2

Pursuant to:
APFP Regulation 5(2)(h)

Statement of Reasons

June 2024



Helios Renewable Energy Project

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Planning Inspectorate Reference: EN010140

July 2024

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Prepared on behalf of Enso Green Holdings D Limited

Project Ref:	33627/A5/SoR	
Status:	Draft	Final
Issue/Rev:	02	03
Date:	July 2024	July 2024
Prepared by:	Julie Barrow	Julie Barrow
Checked by:	Gareth Wilson	GW/CT

Stantec
7 Soho Square
London
W1D 3QB

Tel: 020 7446 6888



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PREFACE

This Statement of Reasons has been prepared in relation to an application to be made to the Secretary of State for the Department for Energy Security and Net Zero under Section 37 of the Planning Act 2008 (as amended), seeking a Development Consent Order for the Helios Renewable Energy Project (the 'Proposed Development').

The Proposed Development is located within the administrative areas of North Yorkshire Council ('NYC').

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1. Executive Summary

1.1. Purpose and Structure of this Statement of reasons

1.1.1. This Statement of Reasons relates to the Application for a development consent order (DCO) made by Enso Green Holdings D Limited (the 'Applicant') to the Secretary of State for the Department for Energy Security and Net Zero under the Planning Act 2008 (PA 2008) for powers to construct, operate, maintain and decommission the Helios Renewable Energy Project.

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

- a. Create and compulsorily acquire new rights over land;
- b. Create and compulsorily acquire new rights over subsoil;
- c. impose restrictive covenants; and
- d. Extinguish or override existing rights over land.

1.1.3. The Applicant is also seeking powers to take temporary possession of land to construct and maintain the Proposed Development.

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.

1.2. Description of the Proposed Development (Section 3)

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

development to support the construction, operation and maintenance of the Proposed Development. The Proposed Development 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 3: Site and Development Description [EN010140/APP/6.1.3]** of the **Environmental Statement (ES)** accompanying the DCO application.

- 1.2.2. A DCO is required for the Proposed Development as it falls within the definition and thresholds for a Nationally Significant Infrastructure Scheme Project (NSIP) under sections 14(1) and 15 of the PA 2008. This is because it consists of an onshore generating station in England which does not generate electricity from wind and has a generating capacity exceeding 50MW.
- 1.2.3. The Order limits comprise 475 hectares (ha) in the District of North Yorkshire. The Proposed Development is described at Schedule 1 to the Helios Renewable Energy Project **draft DCO [EN010140/APP/3.1]**, and the areas in which each component (the Work Nos.) may be constructed are shown on the **Works Plans [EN010140/APP/2.3]**.

1.3. Description of the Order Limits (Section 4)

- 1.3.1. The Proposed Development comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) electricity generating station, with a total capacity exceeding 50 megawatts (MW) with export connection to the National Grid Drax Substation. The Proposed Development has an operational life of 40 years.
- 1.3.2. The Order limits comprise:
- 1.3.3. The Order Limits, which include all land falling within the Site boundary, are shown on the **Location and Order Limits Plan [EN010140/APP/2.1]** and includes all land falling within the DCO application boundary (the 'Order Limits'). The Order Limits cover an area of 475ha (approximately 1,173.75 acres), located entirely within the host authority area of NYC.
- 1.3.4. The land within the Order Limits comprises the following:

- ‘Development Area’ – 392.87ha;
- ‘Underground Cable Connection Area’ – 79.82ha; and
- ‘Underground Grid Connection Cable Area’ – 2.31ha.

1.3.5. The powers in the Order enabling the acquisition of land and subsoil interests, new rights over land and the imposition of restrictive covenants over land, as well as the temporary possession and use of land, relate to the Order Limits only.

1.4. Source and Scope of Powers Sought in the DCO (Section 5)

1.4.1. The powers sought with the Application for the DCO are:

- a. permanent acquisition of new rights (including restrictive covenants) (article 23 of the DCO) – shown edged red and shaded blue on the Land Plan;
- b. acquisition of subsoil (article 26 of the DCO) – shown edged red and shaded blue on the Land Plan as it is presented together with new rights on the top section of the relevant plots;
- c. temporary use of land to permit construction and maintenance where the Applicant has not yet exercised powers of compulsory acquisition (articles 30 and 31 of the DCO) – shown blue where for a specific plot both temporary possession and new rights are sought.

1.4.2. The Applicant considers that in the absence of these powers, the land and rights required to allow the Proposed Development to be constructed and operated may not be secured.

1.4.3. The Applicant has been seeking to acquire the relevant proprietary interests including new rights and temporary use of land by voluntary agreement, in order to ensure implementation of the Proposed Development. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire use of 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 rights affecting the Order land that may impede the Proposed Development, by agreement wherever practicable. This approach of seeking powers of compulsory acquisition in 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).

- 1.4.4. This Statement sets out the position in relation to the negotiations undertaken to date with affected owners. In summary, at the time of writing, negotiations are ongoing with landowners in relation to the land and rights required within the Order limits.

1.5. Purpose of the Powers (Section 6)

- 1.5.1. The meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of supply-will be critical on the path to Net Zero. Without the Proposed Development, 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, the land and rights required to allow the Proposed Development to be constructed and operated may not be secured.

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 SoS is satisfied that the land is required for the Proposed Development (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 CA Guidance related to procedures for the compulsory acquisition of land 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 [EN010140/APP/7.1]** and the **Explanatory Memorandum [EN010140/APP/3.2]**, 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. The availability of funding is considered within the **Funding Statement [EN010140/APP/4.3]**.

1.6.4. In particular these documents demonstrate that the Proposed Development would:

- help meet the urgent need for new energy infrastructure in the UK, providing enhanced energy security and supporting UK Government priorities in relation to economic development and security of supply;
- deliver additional renewable energy capacity, supporting the achievement of the UK Government's climate change commitments and carbon budgets;
- minimise or mitigate adverse impacts to an acceptable degree; and
- comply with NPS EN-1, NPS EN-3 and NPS EN-5.

1.7 **Communications and Negotiations (Section 8)**

1.7.1. In accordance with the requirements of the PA 2008, 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 PA 2008. Category 1 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 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 Proposed Development.

1.7.2. The current position in relation to the Applicant's engagement and negotiations with landowners affected by the Proposed Development is explained in Table 1 which is appended to this Statement. 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 Proposed Development. The Applicant and

its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Proposed Development.

1.8 Human Rights (Section 7)

1.8.1 Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and Articles 6 and 8 of the ECHR have been considered in respect of the Proposed Development. 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 Proposed Development) is legitimate, necessary and proportionate.

1.9 Special Considerations (Section 8)

1.9.1 There is no special category land within or affected by the Order limits.

1.9.2 There is no Crown land within the Order limits.

1.9.3 There is apparatus of statutory undertakers within the Order limits. The Applicant has included protected provisions within the Order and is seeking to agree these with each statutory undertaker whose apparatus would be affected by the Proposed Development.

1.10 Related Applications and Consents (Section 9)

1.10.1 The Applicant requires or may require various other consents, as well as a DCO, in order to build and operate the Proposed Development. The **Consents and Licences Position Statement [EN010140/APP/3.3]** sets out the additional consents required and when they will be applied for. 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 Proposed Development 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 and relevant Article in the DCO, 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 Proposed Development who wish to discuss matters of compensation should contact Helios dedicated email address or phone number (info@helios-renewable-energy-project.co.uk or 0800 6990081).
- 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/compulsorypurchase-system-guidance>.

1.12 Conclusion

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

2 Introduction

2.1 This Statement of Reasons has been prepared on behalf of Enso Green Holdings D Limited (the 'Applicant'). It forms part of the application (the 'DCO Application') as for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State for Energy Security and Net Zero (the 'Secretary of State'), under section 37 of the Planning Act 2008 (the 'PA 2008').

2.2 The Proposed Development

2.3 Helios Renewable Energy Project is a proposed solar farm and associated energy storage facility that will generate and store renewable electricity for export to the National Grid.

2.4 The Proposed Development comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) electricity generating station, with a total capacity exceeding 50 megawatts (MW) with export connection to National Grid Drax Substation. The Proposed Development has an operational life of 40 years.

2.5 The Proposed Development qualifies as a Nationally Significant Infrastructure Scheme Project (NSIP) and will require a DCO to be granted from the SoS, due to its generating capacity exceeding 50 MW.

2.6 Full details of the Proposed Development can be found in **Chapter 3: Site and Development Description** of the **ES [EN010140/APP/6.1/3]** accompanying the Application.

2.7 The Applicant

2.2.1 The Applicant (Enso Green Holdings D Limited, company number 12762856) is registered in England and Wales.

2.2.2 Further information on the Applicant, its corporate structure and financial standing is presented in the **Funding Statement [EN010140/APP/4.3]**.

2.8 The Purpose and Structure of this Document

2.8.1 This Statement has been produced having regard to Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures)

Regulations 2009 (the APFP Regulations) and the Department of Communities and Local Government guidance 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) (the CA Guidance).

2.8.2 This Statement is required because the DCO sought for the Proposed Development would authorise the compulsory acquisition of land or interests in and rights over land.

2.8.3 This Statement explains why it is necessary to acquire subsoil interests, acquire and/or create rights and impose restrictive covenants over land, override, suspend or extinguish rights over land and to temporarily possess and use land for the purposes of the Proposed Development, 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 Planning Act 2008 (PA 2008).

2.8.4 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 set out in section 2.3;
- A description of the Proposed Development is set out in section 2.2;
- A description of the Order limits, its location and present use is set out in section 4;
- The legislation relied on and scope of powers sought are set out in section 5;
- The purpose of the powers including the need for the Proposed Development 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 the human rights legislation relevant to the determination of the Application is included in section 9;

2.8.5 Any special considerations affecting the Order limits including special category land is included in section 10;

2.8.6 Details of the other consents needed before the Proposed Development can be implemented are included in section 11;

2.8.7 Any other information which would be of interest to someone affected by the Proposed Development, such as the telephone number and email address where further information on these matters can be obtained, is included in section 12.

2.9 Useful Documents

2.9.1 This Statement is one of a number of documents accompanying the Application submitted to the Secretary of State (SoS). It should be read in conjunction with the rest of the documents comprising the Application, particularly the following:

- a. Land Plans **[EN010140/APP/2.2];**
- b. Works Plans **[EN010140/APP/2.3];**
- c. Draft Development Consent Order **[EN010140/APP/3.1];**
- d. Draft Explanatory Memorandum **[EN010140/APP/3.2];**
- e. Consents and Licenses Position Statement **[EN010140/APP/3.3];**
- f. Funding Statement **[EN010140/APP/4.3];**
- g. Book of Reference **[EN010140/APP/4.1];**
- h. Planning Statement **[EN010140/APP/7.1].**

3 Description of the Proposed Development

- 3.1.1 The Proposed Development comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) electricity generating station, with a total capacity exceeding 50 megawatts (MW) with export connection to the National Grid Drax Substation. The Proposed Development has an operational life of 40 years. The Proposed Development lies within the administrative area of North Yorkshire Council. A detailed description of the Proposed Development can be found in **Chapter 3: Site and Development Description** of the **ES [EN010140/APP/6.1.3]**.
- 3.1.2 The Proposed Development qualifies as an NSIP and will require a DCO to be granted from the SoS, due to its generating capacity exceeding 50MW.
- 3.1.3 The DCO Application Order Limits comprise 475 hectares (ha) of land, which includes the solar PV equipment, substation, battery electrical storage system (BESS), interconnecting cable corridor, inter-array cabling, Grid Connection Corridor, green infrastructure and associated site accesses. The Proposed Development is also described in Schedule 1 of the **draft DCO [EN010140/APP/3.1]** where it is defined as the 'authorised development' and is divided into works packages alongside the corresponding works numbers.

3.2 Proposed Timing of Construction

- 3.2.1 The construction of the Proposed Development is anticipated to comprise a 12 month period commencement no earlier than 2027 and with completion of the Proposed Development no later than 2029.
- 3.2.2 Full details of the proposed construction of the Proposed Development, including the proposed construction methods and phasing, can be found in **Chapter 5: Construction and Decommissioning Methodology and Program** of the **ES [EN010140/APP/6.1.5.]** and the **Outline Construction Environmental Management Plan (oCEMP) [EN010140/APP/6.3.5.1]** accompanying the Application.

4 Description of the Order Limits

- 4.1.1 The Order Limits, which include all land falling within the Site boundary, are shown on the **Location Plan and Order Limits Plan [EN010140/APP/2.1]** and includes all land falling within the DCO application boundary (the 'Order Limits'). The Order Limits cover an area of 475ha (approximately 1,173.75 acres), located entirely within the administrative area of NYC.
- 4.1.2 The Site contains 47 fields, as shown on **Figure 3.1 Field Boundaries Plan [EN010140/APP/6.2.3.1]**. The main part of the Site sits within a wider area of land bounded to the north-east by the A1041, to the west by agricultural fields between the Site and the Selby Branch of the East Coast Mainline railway further west, and to the south by agricultural fields and agricultural development fronting Hirst Road. The surrounding landscape is characterised by large, irregular-shaped fields delineated by partially denuded hedgerows or drainage ditches. Occasional woodland blocks and tree belts are also present, but the landscape is primarily flat and open.
- 4.1.3 Selby is the principal settlement within the area in the vicinity of the Site. A number of smaller settlements are dispersed throughout the area, including Camblesforth, Hirst Courtney, Temple Hirst, Carlton, Drax, Barlow and Burn. The industrial complexes of Drax and (the partially demolished) Eggborough Power Stations form prominent features in the surrounding area. The former RAF Burn airfield is located to the west of the Site.
- 4.1.4 Transport routes are a notable feature in the vicinity of the Site. In addition to the Selby Branch of the East Coast Mainline railway to the west of the site, the M62 motorway and A63 extend on east – west alignments beyond the southern and northern extents of the Site, respectively.
- 4.1.5 Public Rights of Way ('PRoW') cross the Site and the wider landscape, often following farm tracks or rural lanes. The Trans Pennine Trail long distance walking and cycling route extends south from Selby and in close proximity to the western and southern parts of the Site boundary.

5 Source and Scope of Powers Sought in the DCO

5.1 Introduction

5.1.1 The **draft DCO [EN010140/APP/3.1]** contains powers to enable the acquisition of new rights over land and the imposition of restrictions that are required to construct, operate and maintain the Proposed Development. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction and maintenance of the Proposed Development. Where the necessary rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the draft DCO enables the acquisition of these rights. These powers in the draft DCO relate to the Order land only.

5.1.2 The Applicant has been seeking to acquire the relevant interests and other rights over land required by agreement, in order to allow for the construction, operation and decommissioning of the Proposed Development. Discussions with the relevant landowners are ongoing, with good progress made in relation to securing voluntary agreements over the Order land (see Table 1 appended to this Statement]). The Applicant will continue to endeavour to acquire 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 The compulsory acquisition powers in the DCO will enable the Applicant to protect the Proposed Development, to mitigate impacts of the Proposed Development where necessary, and to ensure that access could be taken as necessary to facilitate the construction, operation and maintenance of the Proposed Development.

5.1.4 Notably the Applicant is not seeking to acquire the freehold of any land.

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):

- a. the acquisition of land, compulsorily or by agreement (paragraph 1);
- b. 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);
- c. the abrogation or modification of agreements relating to land (paragraph 3);
- d. and the payment of compensation (paragraph 36).

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

- a. required for the development to which the DCO relates;
- b. required to facilitate or is incidental to that development; or
- c. replacement land for commons, open spaces and other forms of special category land.

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 Land

5.3.1 The Applicant is not seeking the permanent acquisition of any land as part of the Proposed Development.

5.4 Permanent Acquisition of Rights

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 Plans [EN010140/APP/2.2]**. This land is described in more detail in the **Book of Reference**

[EN010140/APP4.1]. Article 23 of the DCO is relied upon in respect of new rights. The new rights are set out in Schedule 7 to the DCO and include access rights, cable rights and substation connection rights. Table 3 of this Statement of Reasons set out the detail of these rights.

- 5.4.2 Articles 21 and 23 of the DCO is relied upon for this purpose. They reflect the terms of the source of the compulsory acquisition powers in section 122 of the PA 2008, would provide the Applicant with the power to acquire interests in so much of the Order Land as is required for the Proposed Development, or such interests as is required because it facilitates or is incidental to the Proposed Development.
- 5.4.3 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 Proposed Development 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 Proposed Development within programme and with the minimum of disruption to landowners and the wider community.
- 5.4.4 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 Proposed Development.
- 5.3.5 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.

- 5.3.6 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.
- 5.3.7 The Applicant has had regard to this guidance in preparing its draft DCO. Article 23 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.
- 5.3.8 The Applicant considers the imposition of such restrictions to be justified and proportionate in the circumstances of this case, in order to implement the Proposed Development.

5.5 Temporary Use

- 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 is sought is shown edged red and shaded blue on the **Land Plans [EN010140/APP/2.2]**. The Applicant is seeking temporary use powers over all the land within the Order land, in order to allow it to take temporary possession ahead of acquiring rights permanently (see further explanation below). This land is described in more detail in the **Book of Reference [EN010140/APP/4.1]**
- 5.5.2 The reason for seeking temporary use powers over all other land within the Order land is that it allows the Applicant to 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 rights over land required to construct, operate and maintain the Proposed Development, because, for example, the Applicant could exercise the temporary possession powers to undertake site investigation works to inform and minimise the land within the Grid Connection Corridor over which permanent rights are needed.

- 5.5.3 Articles 30 and 31 of the DCO are relied upon in respect of all land within the Order land. Article 31 allows the Applicant to take temporary possession of land for the purposes of maintaining the Proposed Development. As noted above, Article 30 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. For example, this would allow the Applicant to initially take temporary possession of the whole width of the land required for the Grid Connection Corridor. Once the Applicant has carried out the detailed surveys and installed the relevant apparatus (such as pipes or cables), 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.
- 5.5.4 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. Such an approach has precedent amongst other DCOs authorising linear forms of development, including the Longfield Solar Farm Order 2023. Table 1 of this Statement of Reasons 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.
- 5.5.5 Under Article 31, the Applicant is entitled to occupy the land only for as long as reasonably 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 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 Proposed Development 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 Proposed Development. Articles 23 and 24 of the DCO are relied upon in respect of this land and apply in relation to all of the Order land (that is, all land edged red on the **Land Plans [EN010140/APP/2.2]**).
- 5.6.2 The Order contains the following additional powers which may constitute an interference with land and/or rights over land and as such are captured in the **Book of Reference [EN010140/APP/4.1]**:
- a. Article 10 – 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;
 - b. Article 14 – Temporary stopping up of and permitting vehicular use on public rights of way: this article permits the Applicant to temporarily stop up, alter, divert or restrict the use of public rights of way for the purposes of the development, whilst ensuring that pedestrian access is maintained;
 - c. Article 15 – 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;
 - d. Article 18 – 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;
 - e. Article 19 – 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;

- f. Article 20 – 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;
- g. Article 27 – Power to override easements and other rights: this article permits the Applicant to override easements and other rights such that land vested in the Applicant would be discharged from all rights, trusts and incidents to which it was previously subject at the point of vesting, together with the benefit of restrictive covenants and instances where land subject to third party rights is acquired by agreement rather than through compulsory acquisition;
- h. Article 35 – Incorporation of the minerals code: incorporates Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981. It has been included within the Draft DCO as mineral rights have been identified within the Order land and the mineral code provides a statutory process for dealing with the purchase of and compensation for minerals; and
- i. Article 40 – Felling or lopping of trees or removal of hedgerows: this article would permit any tree or shrub that is near the Proposed Development 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 Proposed Development or endanger anyone using it. Compensation is payable for any loss or damage caused;

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

6 Purpose of the Powers

6.1 Proposed Development - National Policy Support

- 6.1.1 A more detailed explanation of the legislative and policy context of the Proposed Development is set out in Section 4 of the Planning Statement [EN010140/APP/7.1].
- 6.1.2 The urgent need for renewable energy generation is set out in National Policy Statement EN-1. Furthermore, the UK government's commitment to sustained growth in solar photovoltaic energy generation is outlined in National Policy Statement EN-3.
- 6.1.3 The Proposed Development would materially contribute to meeting these needs. The Proposed Development offers a cost-effective contribution to decarbonising the UK's electricity sector, provides energy security through diversity in supply, will assist the operation of the National Energy Transmission System ("NETS") through its energy storage facility and will lower costs to consumers. NPS EN-1 recognises that meeting energy objectives necessitates the development of large-scale renewable energy infrastructure. Paragraph 3.2.1 outlines that this type of development is required to "ensure our supply of energy always remains secure, reliable, affordable, and consistent with net zero emissions in 2050".
- 6.1.4 Paragraph 3.3.25 states that "Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated." Paragraphs 3.3.26 to 3.3.31 further outline the critical importance of storage facilities for reducing costs, increasing reliability and providing balancing services.
- 6.1.5 Paragraph 3.3.57 states that based on the Net Zero Strategy and the government's commitment to a 78% reduction in GHG emissions by 2035, all of our electricity needs to come from low carbon sources by 2035, while meeting a 40-60% increase in demand.
- 6.1.6 Paragraph 3.3.58 recognises that "there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward as soon as possible". The government has concluded that there is a critical national priority for the provision of nationally significant low carbon infrastructure, as

set out in paragraph 3.3.62.

- 6.1.7 Section 4.1 highlights that given the level and urgency of need for infrastructure, the Secretary of State will start with a “presumption in favour of granting consent to applications for energy NSIPs” (Paragraph 4.1.3).
- 6.1.8 Paragraph 4.1.2 states that “The Energy White Paper and British Energy Security Strategy emphasises the importance of the government’s net zero commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable energy system. The Levelling Up White Paper calls on the Government to ensure investment in the transition to Net Zero benefits less well-performing parts of the UK, reducing emissions, facilitating economic development and the creation of jobs.”
- 6.1.9 NPS EN-3 Section 2.10 explores the need for solar PV generation in greater detail and specific policies. Paragraph 2.10.9 states that ‘solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector’ and ‘the Government expects a five-fold increase in solar deployment by 2035 (up to 75GW)’. Paragraph 2.10.10 states that ‘Solar also has an important role in delivering the government’s goals for greater energy independence. The British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)’. The Powering Up Britain: Energy Security Plan further emphasises the need for large scale ground-mount solar deployment across the UK, as set out in Paragraph 2.10.11.
- 6.1.10 The British Energy Security Strategy sets out how the UK intends to secure clean and affordable energy for the ‘long-term’. Realising the strategy requires 70GW of solar generation capacity by 2035. This is a significant increase from the 13.7GW of solar as of February 2022.
- 6.1.11 Over the last five-year period, the UK increased its solar capacity by only an estimated 1.8GW, highlighting the extraordinary need for a significant increase in the deployment of decentralised solar energy schemes of the Proposed Development’s scale if targets are to be met. The British Energy Security Strategy offers clear support for solar development that is co-located with other functions to maximise the efficiency of land use – this includes dual solar and agricultural land use.

6.2 The Need for the Proposed Development

- 6.2.1 The Proposed Development is a renewable low energy generation development and will contribute to the Government's carbon emissions and climate change targets. Large-scale solar generation is essential to support the urgent decarbonisation of the electricity sector.
- 6.2.2 The Proposed Development would also increase the country's energy security by helping reduce the national dependency on imported hydrocarbons, whilst keeping cost comparatively low against that of other conventional and low-carbon generation, both domestically and abroad. The Proposed Development will contribute to the UK's energy objectives by providing flexible, resilient and high-efficiency renewable energy. The provision of a battery storage facility will help balance electricity supply and demand, thus increasing the security of power.
- 6.2.3 The Levelling Up White Paper aims to focus investment on areas outside of the Greater South East of England. The location of the Proposed Development in North Yorkshire would contribute to this aim.
- 6.2.4 A more detailed explanation of the Need for the Proposed Development is set out in Section 4.8 of the Planning Statement **[EN10140/APP/7.1]**.

7 Justification for the Compulsory Acquisition Powers

7.1 The Matters to which the Secretary of State 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:

- a. 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 5 above); and
- b. there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (Section 122(3)). The Secretary of State must be persuaded that the public benefits from the compulsory acquisitions 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 Secretary of State 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:

- a. that all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Development) have been explored – see section 7.5 below in relation to how the Applicant has given regard to alternatives to compulsory acquisition;
- b. 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;
- c. 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 Proposed Development, and Section 5 describes the nature of the interest sought and the purposes for which areas are to be used.
- d. that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see Section 7.7 below and the **Funding Statement [EN010140/APP/4.3]**; and
- e. that the purposes for which compulsory acquisition of land powers are included in the Helios Renewables Solar Project are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see Section 9.

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 Proposed Development and that it is no more than is reasonably required for that Proposed Development. 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 Proposed Development and determining the land to be subject to compulsory acquisition and temporary possession powers, as

demonstrated in section 7.4 to 7.7 below, the Applicant has considered alternatives and modifications to the Proposed Development to minimise the potential land take.

- 7.2.3 Section 3 sets out the Proposed Development and a summary of the Proposed Development for which rights in the Order land are required. Table 3 summarises the purpose for which rights in 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 Proposed Development 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 Proposed Development. Table 3 shows the rights being applied over each plot and the requirement for each plot of land demonstrating the assessment that has been carried out on each plot. Steps have been taken, such as not seeking to acquire the freehold interests in the land, 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 Proposed Development.

7.3 Public Benefits

- 7.3.1 Section 6.1 sets out the need for the Proposed Development 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 Proposed Development, 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 Proposed Development will deliver other benefits, many of which have been maximised and will be delivered as a result

of the Proposed Development's careful design. These include but are not limited to:

- Given the export capacity and the incorporation of battery storage, the Proposed Development will provide a reliable energy output,
- The Proposed Development would contribute positively to the GVA (Gross Value Added) within North Yorkshire,
- The Proposed Development will deliver indirect employment creation;
- The Proposed Development includes significant habitat enhancement provisions, delivering a quantifiable BNG.

7.4 Impacts and Private Loss

7.4.1 In order to deliver the benefits of the Proposed Development 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 affected by compulsorily acquisition. 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 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 Table 1, the Applicant has taken pro-active steps to engage with these persons through formal consultation and informal engagement to understand the direct and indirect impacts on them. 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 Proposed Development 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 Proposed Development is an NSIP and the public benefits associated with the Proposed Development 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 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 Proposed Development. The extent of the Order limits is no more than is reasonably necessary for the construction, operation and maintenance of the Proposed Development 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 Proposed Development have been considered prior to making the Application. The Applicant's use of compulsory acquisition powers is intended to be proportionate. The Applicant is not seeking powers to acquire the freehold of any of the Order land and where practicable, lesser powers of temporary possession will be used.

7.6 Alternatives to the Proposed Development

7.6.1 The 'no development' scenario as an alternative to the Proposed Development has been considered and discounted. This is because 'no development' is not considered to be a reasonable alternative to the Proposed Development 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 Proposed Development 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 Proposed Development 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 4: Alternatives and Design Evolution [EN010140/APP/6.1.4]** of the **ES**.

7.7 Site Selection

- 7.7.1 The Proposed Development must be located near to existing grid infrastructure to ensure a viable development capable of generating renewable electricity that can be exported to the grid can come forward. An existing suitable grid connection point was identified at the Drax Power Station site, with sufficient capacity to connect a large-scale solar photovoltaic farm of the scale of the Proposed Development.
- 7.7.2 On identification of the grid connection to the Drax Power Station, comprising a 132Kv substation, the Applicant conducted a rigorous site search for suitable land closest to the connection that balances proximity with environmental constraints and the ability to deliver a large-scale solar facility, consistent with the opportunity presented by the grid connection. This process involved:
- Review of Land Availability and Suitability;
 - Selection and Assembly of Land; and
 - Refinement of Land.
- 7.7.3 A search of suitable land within 5km of the grid connection (refer to **Appendix**

4.1 Opportunities and Constraints Mapping for Site Selection [EN010140/APP/6.3.4.1] was conducted to find an appropriate site.

7.7.4 The process of site selection and the exploration of alternatives is described in in detail in **Chapter 4: Alternatives and Design Evolution [EN010140/APP/6.1.4]** of the **ES** and the **Alternative Site Assessment [EN010140/APP/7.1.2]**.

7.8 Availability of Funds for Compensation

7.8.1 The Applicant has sufficient funding to compensate those with an interest in the Order Land. Further detail of this is included in the **Funding Statement [EN010140/APP/4.3]**. Funding for any use of compulsory powers is also secured by article 46 of the DCO which requires that the Secretary of State be satisfied that a suitable guarantee that any compensation which may be come payable will be met is in place before any powers are exercised.

Corporate structure

7.8.2 Enso Green Holdings D Limited (company number: 12762856) is the Applicant for the DCO. The Applicant has been formed to create and develop the Proposed Development and is a company registered in England and Wales.

7.8.3 Enso Green Holdings D Limited is the beneficiary of a grid connection agreement with National Grid to connect the Proposed Development to the grid.

7.8.4 Enso Green Holdings D Limited is owned by Enso Green Holdings Limited (company number: 12153574), which is a joint venture partnership between Enso Energy Limited (company number: 09892057) and Cero Generation Holdings UK Limited (company number: 12318275). Cero Generation is a Macquarie Asset Management portfolio company operating on a stand-alone basis.

7.8.5 Enso Energy is one of the UK's most experienced renewable energy developers, with an unparalleled focus on solar energy. Cero identifies, develops, builds and operates utility scale solar energy and battery storage projects across eight European countries, and by doing so responsibly, we are helping communities to thrive across Europe and beyond.

7.8.6 For nearly two decades, Macquarie has been investing in renewable energy and now has a secure foothold in all established and many of the emerging energy transition technologies. So far, Green Investments, which Macquarie acquired in 2017 and which started out as the UK's Green Investment Bank in 2012, has committed or arranged more than £26 billion (\$32.4) While utilising dedicated energy transition strategies and expanding partnerships, the team also oversees transition-related investments.

Project funding

7.8.7 Enso Green Holdings D Limited is owned by Enso Green Holdings Limited of which Macquarie Group Limited is ultimately a joint venture partner via its standalone operating company Cero Generation.

7.8.8 If the Secretary of State grants development consent for the Proposed Development, as is common in privately funded infrastructure projects, Enso Green Holdings D Limited would seek further funding with the support of its legal and financial advisors at Macquarie Group Limited. A final decision has not yet been taken on the type of finance that will be used and that will ultimately depend on the cost and availability of debt and equity at the point at which the development reaches financial close, but there are no concerns that it would be unable to obtain finance for the construction, operation and decommissioning of the proposed development as the United Kingdom remains an attractive territory within which to invest in renewable technologies.

Project Cost

7.8.9 The current cost estimate for Helios Renewable Energy Project is approximately £230 million.

7.8.10 This estimate covers all aspects of the proposed development including construction, preparation, installation of equipment, supervision, acquisition of all necessary proprietary rights, commissioning and achieving commercial operation.

8 Communications and Negotiations

8.1 Diligent Inquiry / Land Referencing

8.1.1 In accordance with the requirements of the PA 2008, 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 PA 2008. 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.

8.1.2 Based on environmental information available at the point of statutory consultation, and the position of the red line boundary at that point, qualifying persons were identified using professional judgement to ascertain whether a person may have a relevant claim for compensation as a result of a reduction in value of their property as a result of the use of the proposed scheme caused by physical factors under section 57(4) of the PA 2008, on a worst-case assessment.

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 PA 2008. This included undertaking diligent inquiry to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the PA 2008. 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 PA 2008.

8.2.2 The Land Referencing limits were set to include all land and rights necessary to construct and operate the Proposed Development. 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 [EN010140/APP/4.1]** as part of the DCO application documentation.
- 8.2.5 Adopted highways plans were acquired from North Yorkshire 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. Any existing information or stakeholder data gained by the Applicant as a result of property negotiation or Section 42 consultation was incorporated accordingly.
- 8.2.7 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 Land Interest Questionnaires (LIQs) were issued to all affected parties within the Order land. Telephone numbers and email addresses were provided on

the letter which accompanied the LIQs, allowing parties to make contact if they sought further information on the proposals. Parties identified after this date, or whose initial LIQ 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 voluntary agreements, in order to ensure implementation of the Proposed Development. The current position in relation to the Applicant's engagement and negotiations with each landowner affected by the Proposed Development is explained in Table 1 appended to this Statement and the **Consultation Report [EN010140/APP/5.1]**.

- 8.3.2 It has not yet been possible to acquire the necessary interests all of the land including 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 Proposed Development.

- 8.3.3 Negotiations will continue with landowners and persons with interests in land affected by the Proposed Development. 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 Proposed Development can be constructed, operated and maintained.

8.4 Consultation with Statutory Undertakers

The Applicant and its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Proposed Development. A summary of these negotiations and correspondence can be found within Table 2 appended to this Statement.

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 [EN010140/APP/3.1]** 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 the compulsory acquisition 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 Order 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. Such an infringement is authorised by law so long as:
- a. the statutory procedures for making the draft DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the draft DCO; and
 - b. 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 **Planning Statement [EN010140/APP/7.1]** the Applicant considers that there would be very significant public benefits arising from the grant of the draft DCO. The benefits are only realised if the draft 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 Proposed Development) 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 Proposed Development does not require, the outright acquisition of any residential dwelling-houses or their curtilage. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed.
- 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 draft DCO be made, any person aggrieved may challenge this 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 draft 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 Sections 7 and 8 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 Order strikes a fair balance between the public interest in the Proposed Development 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 There is no Crown land within the Order limits

10.2 Special Category Land – Open Space

10.2.1 There is no special category land within or affected by the Order limits.

10.3 Statutory Undertakers' Land and Apparatus

10.3.1 The interests held by each Statutory Undertaker identified by the Applicant as having a right to keep or access apparatus within the Order limits are identified in the **Book of Reference [EN010140/APP/4.1]**.

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:

- a. the right can be purchased without serious detriment to the carrying on of the undertaking; or
- b. 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 32 of the DCO gives the Applicant the authority to acquire rights from Statutory Undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 9 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 section 127(6) of the PA 2008 is therefore satisfied.

10.3.4 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 equipment on, in or over the Order limits are included in the **Book of Reference [EN010140/APP/4.1]**. 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 relocation or removal of relevant apparatus belonging to statutory undertakers, however the exercise of such powers will be subject to the protective provisions for the benefit of statutory undertakers contained in Schedule 9 to the DCO which 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 Proposed Development (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 The current status of negotiations with Statutory Undertakers can be seen in Table 2 which is appended to this Statement. The Applicant will continue to seek agreement as to protective provisions, and in any event has included standard protective provisions in the DCO 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 under the draft DCO.
- 10.3.6 There are no other relevant special considerations in respect of the Order limits.

11 Related Applications and Consents

11.1.1 Other consents are required in order for the Proposed Development to be constructed and subsequently operate. The key consents are identified below and reference should be made to the **Consents and Licences Position Statement [EN010140/APP/3.3]** which sets out the additional consents which may be required and the status and timeframe for each consent. These may include:

- a. Electricity Generation Licence;
- b. Bilateral Connection Agreement (to connect to the National Electricity Transmission System);
- c. Water abstraction or impoundment licence;
- d. Water discharge;
- e. Permit for Transport of Abnormal Loads;
- f. Section 61 consent (control of noise on construction site);
- g. Health and Safety related consents; and
- h. Protected species licence.

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

12 Further Information

12.1 Negotiations with affected parties

12.1.1 Owners and occupiers of properties affected by the Proposed Development who wish to discuss matters of compensation should contact Helios dedicated email address or phone number (info@helios-renewable-energy-project.co.uk or 0800 6990081).

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 DLUHC and MHCLG entitled "Compulsory Purchase and Compensation: plain English guides" 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; and
- Booklet No.4 – Compensation for Residential Owners and Occupiers.

12.2.2 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 draft DCO for the purposes of the Proposed Development 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 rights over the Order land (including imposition of restrictive covenants), 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 Proposed Development 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 rights over the land to be compulsorily acquired given the meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life.
- 13.1.5 The need for the Proposed Development is clearly set out in NPS EN-1, NPS EN-3 and NPS EN-5. These demonstrate that there is a compelling case in the public interest for the 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 necessary interests in the land including the temporary use of land and the rights and other interests by agreement, as well as secure the removal of matters affecting the Order land that may impede the Proposed Development, wherever possible.
- 13.1.7 Given the national and local need for the Proposed Development 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 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, namely the construction and operation of the Proposed Development 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 Proposed Development 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. Further detail is provided in the **Funding Statement [EN010140/APP/4.3]**.
- 13.1.11 Articles 1 of the First Protocol to the ECHR and Articles 6 and 8 of the ECHR have been considered. The Applicant considers that the very substantial public benefits to be derived from Proposed Development 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 draft DCO be made and any compulsory acquisition powers and powers of temporary possession sought within the draft DCO be granted.

Table 1. Category 1 Interests - Landowners

<i>Line ID</i>	<i>Land Interest</i>	<i>Type of Interest</i>	<i>Permanent/Temporary</i>	<i>Plots</i>	<i>Compulsory Acquisition</i>	<i>Status of Negotiations</i>
1	Alexandra Louise Aldersley	Category 1 Freeholder	Permanent	1 2 4	New rights and temporary possession	The Applicant has an Option for Lease secured with Alexandra Louise Aldersley. The Option is in the process of being varied and variations are in agreed form and awaiting signatures. The Applicant is confident that all the relevant rights will be secured through voluntary agreement.
2	Christopher Roger Platt	Category 1 Freeholder	Permanent	44 46 49	New rights and temporary possession	The Applicant has an Option for Lease secured with Christopher Roger Platt. The Option is in the process of being varied and variations are in agreed form and awaiting signatures. The Applicant is confident that all the relevant rights will be secured through voluntary agreement.

<i>Line ID</i>	<i>Land Interest</i>	<i>Type of Interest</i>	<i>Permanent/Temporary</i>	<i>Plots</i>	<i>Compulsory Acquisition</i>	<i>Status of Negotiations</i>
3	David Nicholas Jackson	Category 1 Occupation	Permanent	26	New rights and temporary possession	The Applicant has secured an Option for lease with the Freeholders (James David Lee and John Stephen Lee). The Freeholders will therefore notify David Nicholas Jackson as an interested party when the Applicant enters the Lease.
4	Drax Power Limited	Category 1 Freeholder	Permanent	51 53 54 55 56 57 58 59 60 62 65 66 67	New rights and temporary possession	The Applicant is in negotiations with Drax Power Limited to agree an Option for easement. The Applicant is confident that all the relevant rights can be secured through voluntary agreement.
5	Eileen Webster	Category 1 Freeholder	Permanent	3 4 6 7	New rights and temporary possession	The Applicant has an Option for Lease secured with Eileen Webster. The Option is in the process of

<i>Line ID</i>	<i>Land Interest</i>	<i>Type of Interest</i>	<i>Permanent/Temporary</i>	<i>Plots</i>	<i>Compulsory Acquisition</i>	<i>Status of Negotiations</i>
				8 20		being varied and variations are in agreed form and awaiting signatures. The Applicant is confident that all the relevant rights will be secured through voluntary agreement.
6	Ian Johnstone Stephen (as trustee of The Camburn Trust)	Category 1 Freeholder	Permanent	30 33	New rights and temporary possession	The Applicant has been in negotiations with Ian Johnstone Stephen (as trustee of The Camburn Trust) to agree an Option for lease. The Option has been agreed and is awaiting signatures. The Applicant is confident that all the relevant rights will be secured through voluntary agreement.
7	James David Lee	Category 1 Freeholder	Permanent	25 26 27 28 29	New rights and temporary possession	The Applicant has been in negotiations with James David Lee and secured an Option for Lease over the affected title.

<i>Line ID</i>	<i>Land Interest</i>	<i>Type of Interest</i>	<i>Permanent/Temporary</i>	<i>Plots</i>	<i>Compulsory Acquisition</i>	<i>Status of Negotiations</i>
8	John Pricket	Category 1 Leaseholder	Permanent	54 56 59 60	New rights and temporary possession	John Pricket is the Leaseholder of the Drax Sports and Social Club and associated golf club. The Applicant is in negotiations with Drax Power Limited (as the Freeholder) to agree an Option for easement. The Applicant is confident that all the relevant rights can be secured through voluntary agreement.
9	John Stephen Lee	Category 1 Freeholder	Permanent	25 26 27 28 29	New rights and temporary possession	The Applicant has been in negotiations with John Stephen Lee and secured an Option for Lease over the affected title.
10	Juliette Marie Stack	Category 1 Freeholder	Permanent	1 2	New rights and temporary possession	The Applicant has an Option for Lease secured with Juliette Marie Stack. The Option is in the process of being varied and variations are in agreed form and awaiting signatures. The Applicant is confident that all the relevant rights will be

<i>Line ID</i>	<i>Land Interest</i>	<i>Type of Interest</i>	<i>Permanent/Temporary</i>	<i>Plots</i>	<i>Compulsory Acquisition</i>	<i>Status of Negotiations</i>
						secured through voluntary agreement.
11	Sagars Trustees LLP (as trustees of The Camburn Trust)	Category 1 Freeholder	Permanent	30 33	New rights and temporary possession	The Applicant has been in negotiations with Sagars Trustees LLP (as trustees of The Camburn Trust) to agree an Option for lease. The Option has been agreed and is awaiting signatures. The Applicant is confident that all the relevant rights will be secured through voluntary agreement.
12	The Aire and Ouse Farms Limited	Category 1 Freeholder	Permanent	3 4 7 8 9 10 11 12 13 14 15 16 17 18	New rights and temporary possession	The Applicant has an Option for Lease secured with The Aire and Ouse Farms Limited. The Option is in the process of being varied and variations are in agreed form and awaiting signatures. The Applicant is confident that all the relevant rights will be secured through voluntary agreement.

<i>Line ID</i>	<i>Land Interest</i>	<i>Type of Interest</i>	<i>Permanent/Temporary</i>	<i>Plots</i>	<i>Compulsory Acquisition</i>	<i>Status of Negotiations</i>
				19 20 21 22 23 24 27 30 31 32 33 34 35 37 39 40 41 42 43 44 45 47		
13	Jennifer Iris Webster (as reputed owner)	Category 1 Freeholder	Permanent	5	New rights and temporary possession	The Applicant has been in negotiations with Jennifer Iris Webster (as reputed owner) to agree an Option for lease. The Option has been agreed and is awaiting signatures. The

<i>Line ID</i>	<i>Land Interest</i>	<i>Type of Interest</i>	<i>Permanent/Temporary</i>	<i>Plots</i>	<i>Compulsory Acquisition</i>	<i>Status of Negotiations</i>
						Applicant is confident that all the relevant rights will be secured through voluntary agreement.
14	Michael Norman Webster (as reputed owner)	Category 1 Freeholder	Permanent	5	New rights and temporary possession	The Applicant has been in negotiations with Michael Norman Webster (as reputed owner) to agree an Option for lease. The Option has been agreed and is awaiting signatures. The Applicant is confident that all the relevant rights will be secured through voluntary agreement.

Table 2. Category 1 Interests - Statutory Undertakers

<i>Line ID</i>	<i>Land Interest</i>	<i>Type of Interest</i>	<i>Permanent/Temporary</i>	<i>Plots</i>	<i>Compulsory Acquisition</i>	<i>Status of Negotiations</i>
1	National Gas Transmission plc	Category 1 Freeholder	Permanent	19 32 39 40 45 46 49	New rights and temporary possession	National Gas Transmission plc have infrastructure within the Order land and have been consulted as part of statutory consultation. The draft DCO contains standard protective provisions for the protection of any assets. The Applicant has undertaken initial discussions with National Gas Transmission plc. to agree the mechanisms in which the Applicant will need to secure rights to cross the underground gas main asset.
2	National Grid Electricity Transmission plc	Category 1 Freeholder	Permanent	11 12 14 19 51 53 54 55	New rights and temporary possession	National Grid Electricity Transmission have infrastructure within the Order land and have been consulted as part of statutory consultation. National Grid Electricity Transmission plc have

Line ID	Land Interest	Type of Interest	Permanent/Temporary	Plots	Compulsory Acquisition	Status of Negotiations
				56 57 58 59 60 61 62 65 66 67 68 69		<p>overhead electricity transmission line assets which intersect the site. The safety clearance requirements of the overhead electricity transmission are noted by the Applicant in the design. The draft DCO contains standard protective provisions for the protection of any assets.</p> <p>The Applicant is in negotiations with National Grid Electricity Transmission plc to agree an Option for easement at National Grid Drax 132kV substation. The Applicant is confident that the relevant rights can be secured through voluntary agreement.</p>
3	National Highways Limited	Category 1 Freeholder	Permanent	48 49	New rights and temporary possession	National Highways may be interested in these plots as highway authority. However, the Applicant is in

Line ID	Land Interest	Type of Interest	Permanent/Temporary	Plots	Compulsory Acquisition	Status of Negotiations
						discussions with National Highways regarding whether this land should have been transferred to North Yorkshire Council as part of a historic detrunking of the highway. National Highways have also been consulted as part of the statutory consultation process.
4	North Yorkshire Council	Category 1 Freeholder	Permanent	1 2 3 5 6 9 10 12 13 16 18 19 20 21 22 23 27	New rights and temporary possession	North Yorkshire Council are highway authority for roads and public rights of way. They have been consulted as part of the statutory consultation process and the Applicant has continued to engage with the Council. The Applicant is looking to agree and Statement of Common Ground with the Council covering all aspects of their statutory functions.

<i>Line ID</i>	<i>Land Interest</i>	<i>Type of Interest</i>	<i>Permanent/Temporary</i>	<i>Plots</i>	<i>Compulsory Acquisition</i>	<i>Status of Negotiations</i>
				31		
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Line ID	Land Interest	Type of Interest	Permanent/Temporary	Plots	Compulsory Acquisition	Status of Negotiations
5	Northern Gas Networks Limited	Category 1 Occupation	Permanent	48 49 50 51	New rights and temporary possession	Northern Gas Networks Limited have infrastructure within the Order land and have been consulted as part of statutory consultation. The draft DCO contains standard protective provisions to protect their assets.
6	Northern Powergrid (Yorkshire) plc	Category 1 Leaseholder	Permanent	1 2 6 11 13 14 16 19 22 24 32 39 40 41 45 46 48 49 50	New rights and temporary possession	Northern Power Grid have infrastructure within the Order land and have been consulted as part of statutory consultation. The draft DCO contains standard protective provisions for the protection of any assets.

Line ID	Land Interest	Type of Interest	Permanent/Temporary	Plots	Compulsory Acquisition	Status of Negotiations
				51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69		
7	Openreach Limited	Category 1 Occupation	Permanent	3 6 14 21 22 24 41 46 48	New rights and temporary possession	Openreach Limited have infrastructure within the Order land and have been consulted as part of statutory consultation. The draft DCO contains standard protective

Line ID	Land Interest	Type of Interest	Permanent/Temporary	Plots	Compulsory Acquisition	Status of Negotiations
				49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68		provisions to protect their assets.
8	Selby Area Internal Drainage Board	Category 1 Occupation	Permanent	2 3 5 6 7 8 9 11	New rights and temporary possession	Selby Area Internal Drainage Board have watercourses within the Order land and have been consulted as part of statutory consultation. They have responded. The Applicant is continuing to

<i>Line ID</i>	<i>Land Interest</i>	<i>Type of Interest</i>	<i>Permanent/Temporary</i>	<i>Plots</i>	<i>Compulsory Acquisition</i>	<i>Status of Negotiations</i>
				14 15 16 17 18 19 22 24 26 27 30 31 32 33 35 36 39 40 41 42 43 44 45 46 47 50		engage with them. The draft DCO contains protective provisions in respect of securing consents to undertake any necessary works.

Line ID	Land Interest	Type of Interest	Permanent/Temporary	Plots	Compulsory Acquisition	Status of Negotiations
9	Yorkshire Water Services Limited	Category 1 Occupation	Permanent	12 13 14 16 17 18 43 45 46 47 48 49 50 51 53 55 56 57 58 59 60 61 62 63 64 65 66 68	New rights and temporary possession	Yorkshire Water Services have infrastructure within the Order land and have been consulted as part of statutory consultation. They have responded and not objected. The Applicant is continuing to engage with them. The draft DCO contains standard protective provisions for the protection of any assets.

Table 3 – Purpose for which rights may be acquired

Plot number	Work No.	Purpose for which rights may be acquired
1	Work No. 1, 4 and 9	Access rights, cable rights, vegetation maintenance rights
2	Work No. 1, 4 and 9	Access rights, cable rights, vegetation maintenance rights
3	Work No. 1, 4 and 9	Access rights, cable rights, vegetation maintenance rights
4	Work No. 1, 4 and 9	Access rights, cable rights, vegetation maintenance rights
5	Work No. 4 and 9	Access rights, cable rights, vegetation maintenance rights
6	Work No. 1, 4 and 9	Access rights, cable rights, vegetation maintenance rights
7	Work No. 4 and 9	Access rights, cable rights, vegetation maintenance rights
8	Work No. 4 and 9	Access rights, cable rights, vegetation maintenance rights
9	Work No. 1, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
10	Work No. 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
11	Work No. 1, 4, 7, 8 and 9	Access rights, cable rights, vegetation maintenance rights
12	Work No. 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
13	Work No. 4 and 9	Access rights, cable rights, vegetation maintenance rights
14	Work No. 1, 4, 7, 8 and 9	Access rights, cable rights, vegetation maintenance rights
15	Work No. 4 and 9	Access rights, cable rights, vegetation maintenance rights
16	Work No. 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
17	Work No. 4, 7, 8 and 9	Access rights, cable rights, vegetation maintenance rights
18	Work No. 4 and 8	Access rights, cable rights

19	Work No. 4, 4A, 8 and 9	Access rights, cable rights, vegetation maintenance rights
20	Work No. 4 and 4A	Access rights, cable rights
21	Work No. 4 and 9	Access rights, cable rights, vegetation maintenance rights
22	Work No. 4, 4A, 8 and 9	Access rights, cable rights, vegetation maintenance rights
23	Work No. 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
24	Work No. 1, 2, 3, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
25	Work No. 1, 4 and 9	Access rights, cable rights, vegetation maintenance rights
26	Work No. 1, 4, 4A, 8 and 9	Access rights, cable rights, vegetation maintenance rights
27	Work No. 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
28	Work No. 4 and 9	Access rights, cable rights, vegetation maintenance rights
29	Work No. 1, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
30	Work No. 1, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
31	Work No. 1, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
32	Work No. 1, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
33	Work No. 1, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
34	Work No. 1, 4 and 9	Access rights, cable rights, vegetation maintenance rights
35	Work No. 1, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
36	Work No. 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
37	Work No. 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
38	Work No. 4 and 9	Access rights, cable rights, vegetation maintenance rights

39	Work No. 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
40	Work No. 1, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
41	Work No. 4 and 8	Access rights, cable rights
42	Work No. 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
43	Work No. 1, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
44	Work No. 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
45	Work No. 1, 4, 8 and 9	Access rights, cable rights, vegetation maintenance rights
46	Work No. 1, 4, 5, 8 and 9	Access rights, cable rights, vegetation maintenance rights
47	Work No. 1,4 and 9	Access rights, cable rights, vegetation maintenance rights
48	Work No. 4 and 5	Access rights, cable rights
49	Work No. 4 and 5	Access rights, cable rights
50	Work No. 5	Access rights, cable rights
51	Work No. 5 and 8A	Substation connection works
52	Work No. 5 and 8A	Access rights, cable rights, railway crossing rights
53	Work No. 5 and 8A	Substation connection works, railway crossing rights
54	Work No. 5 and 8A	Substation connection works, railway crossing rights
55	Work No. 5 and 8A	Access rights, cable rights, railway crossing rights
56	Work No. 5 and 8A	Substation connection works, railway crossing rights
57	Work No. 5 and 8A	Substation connection works, railway crossing rights
58	Work No. 5, 6A and 8A	Substation connection works, railway crossing rights

59	Work No. 5 and 8A	Substation connection works, railway crossing rights
60	Wok No. 5 and 8A	Substation connection works, railway crossing rights
61	Work No. 5	Access rights, cable rights
62	Work No. 5	Access rights, cable rights
63	Work No. 5	Access rights, cable rights
64	Work No. 5	Access rights, cable rights
65	Work No. 5	Substation connection works
66	Work No. 5, 6 and 6A	Substation connection works
67	Work No. 5	Substation connection works
68	Work No. 5, 6 and 6A	Substation connection works
69	Work No. 5 and 6	Substation connection works, railway crossing rights

“**access rights**” means rights over land to—

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 and road widening and to remove impediments (including vegetation) to such access; and

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;

“**cable rights**” means rights over land to—

(a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical 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 apparatus and structures and to connect such cables and services to the on-site substation;

install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain watercourses, public sewers and drains and drainage apparatus and equipment;

install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain landscaping and biodiversity measures;

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; and

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;

“railway crossing rights” means rights over land to—

(a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical 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 apparatus and structures and to connect such cables and services to the National Grid Drax 132kV Substation;

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; and

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;

“substation connection rights” means rights over land to—

(a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical 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 apparatus and structures and to connect such cables and services to the National Grid Drax 132kV Substation;

install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain watercourses, public sewers and drains and drainage apparatus and equipment;

install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain landscaping and biodiversity measures;

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; and

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;

“vegetation maintenance rights” means rights over land to—

- (a) plant, inspect, alter, remove, replace, retain, renew, improve and maintain vegetation and restrict or prevent the removal of vegetation for the purposes of the authorised development and in connection with the authorised development.