

**Tillbridge Solar Project  
EN010142**

**Volume 4  
Statement of Reasons**

**Document Reference: EN010142/APP/4.1**

**APFP Regulation 5(2)(h)**

**Planning Act 2008**

**Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**September 2024  
Revision Number: 01**

## Planning Act 2008

### The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

## Tillbridge Solar Development Consent Order 202[x]

### Statement of Reasons

<b>Regulation Reference:</b>	Regulation 5(2)(h)
<b>Planning Inspectorate Scheme Reference</b>	EN010142
<b>Application Document Reference</b>	EN010142/APP/4.1
<b>Author</b>	Pinsent Masons LLP

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	April 2024	Submission
Rev 1	September 2024	Change Application

## Table of Contents

Executive Summary .....	1
1. Introduction .....	8
1.1 Overview .....	8
1.2 The Scheme .....	8
1.3 The Applicant .....	9
1.4 The Order limits .....	10
1.5 The purpose and structure of this document.....	10
2. Description of the Scheme .....	12
2.1 Overview .....	12
2.2 Works Packages .....	12
2.3 The Principal Site .....	14
2.4 Cable Route Corridor .....	15
2.5 Works to National Grid Substation .....	16
2.6 Accesses .....	16
2.7 Flexibility .....	17
2.8 Timing of construction .....	17
3. Description of the Order limits.....	19
3.1 Overview .....	19
3.2 The Principal Site .....	19
3.3 Cable Route Corridor .....	20
4. Basis for the Compulsory Acquisition Powers.....	22
5. Need for the compulsory acquisition of land and rights .....	23
5.1 The matters to which the Secretary of State must have regard .....	23
5.2 Need for Compulsory Acquisition of Land and Rights (Sections 122(2) and (3))	24
5.3 Use of the Order land and Status of Negotiations.....	33
5.4 Alternatives to Compulsory Acquisition .....	34
Consideration of Alternative Cable Route Corridor .....	35
Conclusion on Alternatives.....	38
5.5 Availability of Funds for Compensation.....	38
6. Justification for the use of the powers of compulsory acquisition.....	39
6.1 The Compelling Case .....	39
6.2 The need for the Scheme .....	39
7. Policy Support.....	40
8. Special Considerations .....	42
8.1 Crown Land .....	42
8.2 Special Category Land.....	42
8.3 Statutory Undertakers' Land and Apparatus .....	42
9. Other consents and orders .....	57
9.1 Other planning permissions, consents and orders.....	57
10. Human Rights .....	58
10.1 Overview of relevant Articles of the Convention.....	58
Article 1 of the First Protocol to the Convention.....	58
Article 6.....	58

Article 8.....	58
10.2 Assessment .....	58
11. Conclusions .....	61
12. Further information .....	63
12.1 Negotiations.....	63
12.2 Compensation.....	63
Appendix A : Rules pertaining to the determination of the Cable Route Corridor width .....	64

## Tables

<b>Table 1: Acquisition of freehold interests for the Principal Site by the Applicant in respect of the Order limits.....</b>	<b>24</b>
---	-----------

<b>Table 2: Summary of status with statutory undertakers.....</b>	<b>42</b>
---	-----------

## Executive Summary

### Purpose and Structure of this Statement of Reasons

- a. This Statement of Reasons relates to the Application for a Development Consent Order (a 'DCO') made by the Applicant to the Secretary of State under the PA 2008 for powers to construct, operate, maintain and decommission the Scheme.
- b. This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers to acquire land compulsorily, create and compulsorily acquire new rights over land and impose restrictions, and extinguish or override existing rights over land, as well as powers to take temporary possession of land to construct and maintain the Scheme.
- c. 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, and this Statement demonstrates that there is a compelling case in the public interest justifying the granting of such powers.
- d. 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. Defined terms used throughout this Statement are defined in the Glossary within **Chapter 0** of the Environmental Statement (ES) [EN010142/APP/6.1].

### Description of the Scheme (Section 2)

- e. The Scheme is set out in detail at Schedule 1 to the **Draft DCO [EN010142/APP/3.1]**, and the areas in which each component (the Work Nos.) may be constructed are shown on the Works Plans.
- f. The Scheme is split into 11 Work Nos. as follows:
  - i. **Work No. 1 – a ground mounted solar photovoltaic generating station** with a gross electrical output capacity of over 50 megawatts; and associated development including –
  - ii. **Work No. 2 – battery energy storage systems;**
  - iii. **Work No. 3 – development of onsite substations and associated works** including Substation A (**Work No. 3A**) and Substation B (**Work No. 3B**);
  - iv. **Work No. 4 – works in connection with high voltage electrical cabling** including works to connect the onsite substations (**Work No. 4A and 4B**) and works to lay cables, construct accesses and construction compounds and utilise laydown areas across the Principal Site and Cable Route Corridor to the National Grid Cottam Substation (**Work Nos. 4C – 4E**);
  - v. **Work No. 5 – works to the National Grid Cottam substation to facilitate connection of the Scheme to the substation;**
  - vi. **Work No. 6 – works to enable associated development for Work Nos. 1 to 10**, including in respect of cabling, landscaping, site

- establishment and preparatory works, permissive paths and private tracks, hardstanding and parking areas, drainage systems, fencing and security systems, maintenance and repair of existing streets and paths, services connections and other mitigation works;
- vii. **Work No. 7 – works to establish construction and decommissioning compounds;**
  - viii. **Work No. 8 – works to develop a solar farm control centre and equipment storage;**
  - ix. **Work No. 9 – works to establish areas of habitat management and protection;**
  - x. **Work No. 10 – works to facilitate access to Work Nos. 1 to 9,** including works to facilitate permanent (**Work No. 10A**), works to facilitate temporary construction and decommissioning access (**Work No. 10B**) and works to facilitate permanent emergency access for fire service vehicles (**Work No.10C**); and
  - xi. **Work No. 11 – sensitive archaeological site protection and management**
- g. In addition, Schedule 1 to the Draft DCO lists generic works which may be carried out anywhere within **Work Nos. 1 to 10**.
- h. The Principal Site will have four permanent primary points of access for construction, operation and decommissioning, three located along the A631 Harpswell Lane and one located on the B1398 Middle Street. In addition, there will be four secondary accesses for construction, operation and decommissioning, two off School Lane and two off Common Lane and two access provided for emergency use only during operation, both off Common Lane. There are 24 (23 temporary, one permanent) accesses proposed for the Cable Route Corridor.

### **Description of the Order land (Section 3)**

- i. The Order land extends to approximately 1,670 hectares ('ha') in area. The Principal Site which contains the solar PV panels covers an area of approximately 1,350 ha of largely agricultural land and is located to the south of Harpswell Lane (A631), to the west of Middle Street (B1398) and largely to the north of Kexby Road and to the east of Springthorpe.
- j. The cable route is located within the area referred to as the Cable Route Corridor, which connects the Principal Site and the National Grid Cottam Substation. This route is approximately 18.5km in length, covering approximately 320 ha, and crosses agricultural land, various roads, footpaths and watercourses.
- k. The electricity generated by the Scheme would be transformed at the onsite substations and carried via 400kV to the National Grid Cottam Substation.
- l. There is also land included within the Order limits for the purposes of facilitating access to the Scheme from existing streets.

#### **Basis for Compulsory Acquisition Powers (Section 4)**

- m. Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- n. Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is required for the development to which the DCO relates, and the land is required to facilitate or is incidental to that development.
- o. The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO.

#### **Need for the Compulsory Acquisition of Land and Rights (Section 5)**

- p. Under Section 122 of the PA 2008, compulsory acquisition powers may only be granted if the Secretary of State is satisfied that the land is required for the Scheme (or is required to facilitate it or is incidental to it), and if there is a compelling case in the public interest for inclusion of the powers.
- q. The 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG, September 2013) ("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.
- r. All of these matters are considered in this Statement, other than the availability of funding which is set out in the **Funding Statement [EN010142/APP/4.2]**.
- s. The Applicant require powers of compulsory acquisition to ensure that the Scheme can be built, maintained and operated, and so that the Government's policies in relation to the timely delivery of new generating capacity and achieving ambitious net zero targets are met.
- t. The powers sought are:
  - i. **All interests in land, including freehold** (article 21 in the **Draft DCO [EN010142/APP/3.1]**)– shown edged red and shaded pink on the **Land and Crown Land Plans [EN010142/APP/2.2]**. These areas are for **Work Nos. 1, 2, 3, 6, 8, 9, 10 and 11** and relate to where solar PV panels, BESS, onsite substations and associated works, works to develop a solar farm control centre and equipment storage, areas of habitat management and protection, works to facilitate access, sensitive archaeological site protection and management, and associated works would be located;

- ii. **New rights** (article 23 in the Draft DCO) - shown edged red and shaded blue and blue hatched purple (in respect of Crown Land) on the **Land and Crown Land Plans [EN010142/APP/2.2]**. For the land set out in Schedule 9 to the Draft DCO, the Applicant can only acquire and create new rights or impose restrictive covenants for the reasons set out in that schedule. These areas are required for the installation, construction, operation and maintenance of **Work Nos. 4A, 4B, 4C, 4D and 4E** which is the Cable Route Corridor and **Work No. 5** which is works to the National Grid Cottam Substation to facilitate the grid connection;
- iii. **Extinguishment and/or suspension of rights** (articles 24 and 27 in the Draft DCO). The Applicant has included these powers to ensure that easements and other private rights affecting the Order land are extinguished or suspended so that the Scheme can be constructed and operated without hindrance;
- iv. **Subsoil or airspace only**, (article 26 in the Draft DCO). This allows the Applicant to acquire the subsoil or airspace rights only in land;
- v. **Temporary use of land to permit construction or maintenance** – (articles 30 and 31 in the Draft DCO) – shown edged red and shaded green on the **Land and Crown Land Plans [EN010142/APP/2.2]**. The Applicant can only take temporary possession of the land which is listed in Schedule 11 to the Draft DCO, and additionally can take temporary possession of any other land where it has not yet exercised powers of compulsory acquisition.
- u. The Applicant considers that in the absence of these powers, the Order land may not be assembled, uncertainty will continue to prevail, and its objectives and Government policy objectives would not be achieved.
- v. The Applicant has been seeking to acquire the relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Scheme. However, it has not yet been possible to acquire all of these by agreement. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, as well as secure the removal of matters affecting the Order land that may impede the Scheme, wherever possible. This approach of making the application for powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with page 6 of the CA Guidance.
- w. This Statement sets out the position in relation to the negotiations undertaken to date with affected owners, occupiers and others.
- x. The Applicant has considered all reasonable alternatives to compulsory acquisition but considers that these would not achieve their objectives nor the substantial public benefits that will arise from the Scheme. The 'Do Nothing' scenario is not appropriate given the established national need for both power generation and a legally binding target of net zero carbon emissions by 2050. The Order limits have been selected by the Applicant for a number of technical, environmental, land ownership and other reasons, and are highly suitable for the Scheme.



- y. The Scheme has been refined in particular having regard to design considerations for the Cable Route Corridor. The Cable Route Corridor has evolved so that it is now a shared corridor with three other solar Nationally Significant Infrastructure Projects (NSIP) projects, that are either connecting to the National Grid Cottam Substation or (as is the case with West Burton Solar Project) sharing the Cable Route Corridor in part in order to connect to another National Grid substation. The approach ultimately taken by the Applicant provides compelling benefits, minimises environmental impacts and avoids additional impacts, which would not be achieved with other alternatives.
- z. The Applicant has sought to acquire all of the necessary land and rights by agreement but has not been able to do so. Whilst it will continue to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition in order to provide certainty that they will have all the land required to construct and operate the Scheme, in order to realise its very significant public benefits.

### **Justification for the Use of the Powers of Compulsory Acquisition (Section 6)**

- aa. The principal justification for the use of powers of compulsory acquisition arises from the following, that the Scheme:
  - a. Meets an urgent need for new energy infrastructure;
  - b. Is a form of economic development that is suitable in its local context;
  - c. Minimises or mitigates adverse impacts to an acceptable degree; and
  - d. Is compliant with the relevant National Policy Statements (NPS), being NPS EN-1; EN-3 and EN-5 pursuant to section 104 of the PA 2008.
- bb. The Statement of Need **[EN010142/APP/7.1]** and Planning Statement **[EN01042/APP/7.2]** set out the need for the Scheme.
- cc. The Scheme has a vital role to play on the national and world stage in the urgent response to tackle climate change and to make a contribution to generation capacity towards achieving the Government's target of delivering 70GW of solar in the UK by 2035.

### **Policy Support (Section 7)**

- dd. The Energy National Planning Statements (EN-1, EN-3 and EN-5) provide the policy framework for the decision on the Application. Pursuant to s104(3) of the PA 2008, the Secretary of State must decide the application in accordance with the Energy NPSs except in those circumstances set out in s104 (4) to (8). The Scheme is in accordance with the Energy NPSs and as such it follows that the presumption in favour of granting the consent in accordance with paragraph 4.2.4 of NPS EN-1 applies. The Scheme will provide Critical National Priority ('CNP') infrastructure for which there is an urgent need to deliver to decarbonise the energy sector by 2035 and to achieve net zero by 2050. The **Statement of Need [EN010142/APP/7.1]** and **Planning Statement [EN01042/APP/7.2]** set out the need for and benefits of the Scheme demonstrating that this outweighs any adverse impacts and that there are no policy tests which indicate that consent should be refused.

## Special Considerations (Section 8)

- ee. There is a Crown land interest within the Order limits. The Draft DCO includes an article protecting the position of the Crown. The Applicant has approached the Crown Estate to secure the rights necessary to carry out the relevant parts of the authorised development (crossing of the River Trent) and to obtain the consent of the Crown to the inclusion of provisions applying in relation to Crown land.
- ff. Various land or apparatus of statutory undertakers is affected by the Scheme. The Applicant has included protective provisions within the Draft DCO and separately is seeking to agree these with each statutory undertaker.

## Other Consents and Orders (Section 9)

- gg. The Applicant requires various other consents, as well as a DCO, in order to build and operate the Scheme. These include:
  - i. Electricity Generation Licence;
  - ii. Bilateral Connection Agreement with National Grid to connect to the National Grid Cottam Substation;
  - iii. Water abstraction or impoundment licence;
  - iv. Water discharge;
  - v. Permit for Transport of Abnormal Loads;
  - vi. Construction Noise Consent prior to carrying out noise generating activities during construction;
  - vii. Health and Safety related consents;
  - viii. Building Regulations Approval;
  - ix. Protected Species Licence; and
  - x. New water mains connection.
- hh. The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Scheme proceeding. Further details on these are set out in the **Consents and Agreements Position Statement [EN010142/APP/3.3]**.

## Human Rights (Section 10)

- ii. The Tillbridge 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 Tillbridge DCO.
- jj. The Applicant considers that there would be very significant public benefit arising from the making of the Tillbridge DCO. That benefit can only be realised if the Tillbridge DCO includes compulsory acquisition powers, and the purpose for which the land is sought (to build and operate the Scheme) is legitimate.
- kk. The Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition. The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Tillbridge DCO, including the compulsory acquisition powers sought.

## Further Information (Section 12)

- ll. Owners and occupiers of property affected by the Tillbridge DCO who wish to negotiate a sale or discuss matters of compensation should contact Giles Johnston of DDM (telephone – [REDACTED], email – [REDACTED]@ddmagriculture.co.uk).
- mm. Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation". Copies of these booklets are obtainable, free of charge, from:  
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.

# 1. Introduction

## 1.1 Overview

- 1.1.1 This Statement of Reasons has been prepared on behalf of Tillbridge Solar Limited (the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State for Energy Security and Net Zero ('Secretary of State'), under section 37 of 'The Planning Act 2008' (the 'PA 2008').
- 1.1.2 The Applicant is seeking development consent for the construction, operation, maintenance and decommissioning of a new solar farm proposal in Lincolnshire that would deliver electricity to the national electricity transmission network. The Scheme lies within the administrative areas of Lincolnshire County Council, West Lindsey District Council, Nottinghamshire County Council and Bassetlaw District Council.
- 1.1.3 The Applicant will use ground mounted solar photovoltaic (PV) panel arrays to generate electricity energy from the sun and combine these with Battery Energy Storage Systems ('BESS'). A DCO is required for the Scheme as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under sections 14(1)(a) and 15 of the PA 2008 due to its generating capacity exceeding 50 MW. The DCO, if made by the Secretary of State, would be known as the 'Tillbridge Solar Order' (referred to herein as the "Tillbridge DCO", a draft of which the Applicant has submitted with its application and which is referred to herein as the **Draft DCO [EN010142/APP/3.1]**).

## 1.2 The Scheme

- 1.2.1 The Tillbridge Solar Project ('the Scheme') will comprise the construction, operation (including maintenance), and decommissioning of ground-mounted solar photovoltaic (PV) arrays. The Scheme will also include associated development to support the solar PV arrays.
- 1.2.2 The Scheme is made up of the Principal Site, the Cable Route Corridor and works to the existing National Grid Cottam Substation. The Principal Site comprises the solar PV arrays, electrical substations, grid balancing infrastructure, cabling and areas for landscaping and ecological enhancement.
- 1.2.3 The associated development element of the Scheme includes but is not limited to access provision; a BESS, to support the operation of the ground mounted solar PV arrays; the development of on-site substations; underground cabling between the different areas of solar PV arrays; and areas of landscaping and biodiversity enhancement.
- 1.2.4 The Scheme also includes a 400kV underground Cable Route Corridor of approximately 18.5km in length connecting the Principal Site to the National Electricity Transmission System ('NETS') at the existing National Grid Cottam Substation. The Scheme will export and import electricity to the NETS.

- 1.2.5 A full description of the Scheme is included in **Chapter 3: Scheme Description** of the Environmental Statement [EN010142/APP/6.1]. An overview of the Scheme and its environmental impacts is provided in the Environmental Statement **Non-Technical Summary** [EN010142/APP/6.4].

## 1.3 The Applicant

- 1.3.1 Tillbridge Solar Limited is the Applicant for the Application.
- 1.3.2 The majority shareholder in the Applicant is CS UK Holdings III Limited, which is a company registered in England and Wales (together with its affiliates referred to herein as 'Recurrent Energy'). Recurrent Energy is a subsidiary of Canadian Solar UK Projects Limited with the ultimate parent company being Canadian Solar Inc. which is a publicly traded company listed on NASDAQ. The minority shareholder in the Applicant, is Marcus Luke Murray, a majority shareholder and director of Tribus Clean Energy Limited (Tribus). Tribus is the developer and day to day manager of the development of the Scheme, alongside Recurrent Energy, the funder.
- 1.3.3 Recurrent Energy and Tribus have significant experience of promoting solar farms in the UK:

### Recurrent Energy

- a. Recurrent Energy was launched in April 2023 as the rebranded subsidiary development and services arm of parent company Canadian Solar, founded in 2001 and one of the world's largest solar technology and renewable energy companies. Recurrent Energy has developed, built and connected over 9 GW across 6 continents, with 6 GW of projects in operation, and an additional 25 GW of solar and 47 GWh of battery storage projects in the pipeline.
- b. Recurrent Energy is one of the most bankable companies in the solar and renewable energy industry, having been publicly listed on the NASDAQ since 2006, with a mission to foster sustainable development and create a better, cleaner earth for future generations by generating electricity from the sun.
- c. Recurrent Energy has a strong track record having developed and built dozens of projects in the UK including Christchurch Solar Farm (Dorset), Bobbing Solar Farm (Kent) and Ballygarvey Solar Farm (Co. Antrim).

### Tribus

- d. Tribus specialises in the development of renewable energy projects and has a UK solar PV development pipeline of over 1.5 gigawatts (GW) and a pipeline of over three gigawatt hours (GWh) of BESS. Tribus is a privately held company, founded in 2018.
- e. Tribus believes that climate change is the defining environmental issue of our time. To mitigate and adapt for the worst effects, a transition to a low-carbon economy must be implemented rapidly.

## 1.4 The Order limits

- 1.4.1 The Order limits comprise approximately 1,670 hectares (ha) of land located within the administrative areas of West Lindsey District Council within Lincolnshire County Council, and Bassetlaw District Council within Nottinghamshire County Council.
- 1.4.2 The Order limits comprise two distinct sections, which are:
- a. 'the Principal Site', which is the location where ground mounted solar PV panels, electrical sub-stations, solar stations and BESS will be installed; and
  - b. 'the Cable Route Corridor', which will comprise the underground electrical infrastructure required to connect the Principal Site to national transmission system at Cottam Power Station.
- 1.4.3 The Order limits are the area within which the Scheme may be carried out. The Order limits are shown on the **Land and Crown Land Plans [EN010142/APP/2.2]** and **Works Plans [EN010142/APP/2.3]**.
- 1.4.4 Information about the Order limits, including about the current land use and any environmental sensitivities, is provided in greater detail in **Chapter 2: Scheme Location** of the ES [EN010142/APP/6.1], however a summary is provided below.
- 1.4.5 The Scheme is located approximately 5km to the east of Gainsborough and approximately 13km to the north of Lincoln. The area within and surrounding the Order limits is a primarily rural setting, comprising open agricultural fields with sparse areas of woodland and villages.
- 1.4.6 The Principal Site is situated to the east and south-east of Gainsborough in Lincolnshire and lies entirely within the administrative boundary of West Lindsey District Council (within Lincolnshire County Council). It covers an area of approximately 1,350 hectares (ha) and is located to the south of Harpswell Lane (A631), to the west of Middle Street (B1398) and largely to the north of Kexby Road and to the east of Springthorpe.
- 1.4.7 The Cable Route Corridor runs from the Principal Site in a south westerly direction across West Lindsey District Council (within Lincolnshire County Council) and the River Trent into the administrative area of Bassetlaw District Council (within Nottinghamshire County Council) and covers an area of approximately 320 ha.
- 1.4.8 There are no international or nationally designated sites of nature conservation or landscape protection within the Order limits. There are also no Scheduled Monuments, Registered Parks and Gardens, or Conservation Areas within the Order limits, and no designated heritage assets within the Principal Site.

## 1.5 The purpose and structure of this document

- 1.5.1 This statement is one of a number of documents required to support the Application submitted to the Secretary of State and should be read together with those documents.

- 1.5.2 The purpose of this document is to explain why it is necessary, proportionate and justifiable for the Applicant to seek powers of compulsory acquisition within the Application to acquire land, acquire or create rights over land, to extinguish or suspend rights over land, and to temporarily use land for the purposes of the Scheme, and why there is a compelling case in the public interest for the Applicant to be granted these powers.
- 1.5.3 This document has been prepared in accordance with the requirements of section 37(3)(d) of the PA 2008, Regulations 5(2)(h) and 5(2)(n) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations'), and the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG, September 2013) ('the CA Guidance').
- 1.5.4 Defined terms used throughout this Statement are defined in the Glossary within **Chapter 0** of the Environmental Statement (ES) **[EN010142/APP/6.1]**.
- 1.5.5 This Statement should be read alongside the other DCO application documents that relate to the compulsory acquisition powers sought by the Applicant and the need for the Scheme, including:
- a. **Land and Crown Land Plans [EN010142/APP/2.2];**
  - b. **Works Plans [EN010142/APP/2.3];**
  - c. **Draft DCO [EN010142/APP/3.1];**
  - d. **Explanatory Memorandum [EN010142/APP/3.2];**
  - e. **Consents and Agreements Position Statement [EN010142/APP/3.3];**
  - f. **Funding Statement [EN01042/APP/4.2];**
  - g. **Schedule of Negotiations and Powers Sought [EN010142/APP/4.4];**
  - h. **Book of Reference [EN010142/APP/4.3];**
  - i. **Statement of Need [EN010142/APP/7.1];** and
  - j. **Planning Statement [EN010142/APP/7.2].**

## 2. Description of the Scheme

### 2.1 Overview

2.1.1 This section provides further detail on the components of the Scheme. The development to which the Tillbridge DCO applies is set out at Schedule 1 to the **Draft DCO [EN010142/APP/3.1]** and is called the “authorised development” in that document. The “authorised development” is divided into works packages with corresponding works numbers. The **Works Plans [EN010142/APP/2.3]** show the areas of land associated with the works packages defined in Schedule 1 of the **Draft DCO [EN010142/APP/3.1]**.

### 2.2 Works Packages

2.2.1 A detailed description of the Scheme can be found in **Chapter 3: The Scheme** of the ES **[EN010142/APP/6.1]**. It comprises a generating station of more than 50MW, being the NSIP, and is described in **Work No. 1** in Schedule 1 to the **Draft DCO [EN010142/APP/3.1]**. The Scheme also includes Associated Development, which comprises **Work Nos. 2 to 11** in Schedule 1 to the Draft DCO.

2.2.2 **Work No. 1** comprises a ground mounted solar PV generating station with a gross electrical output capacity of over 50 megawatts including—

- a. solar panels fitted to mounting structures; and
- b. solar stations.

2.2.3 The Associated Development for the purposes of section 115 of the PA 2008 comprises **Work Nos 2 to 11** of the Scheme as provided for in Schedule 1 of the **Draft DCO [EN010142/APP/3.1]**.

2.2.4 **Work No. 2:** BESS including structures protecting the BESS and ancillary equipment, heating, ventilation and air conditioning (HVAC) or liquid cooling, monitoring and control systems, battery management system, DC/DC convertor, fire safety infrastructure, water storage structures, parking spaces and electrical cables connecting to **Work No. 1(b) and Work No. 3**.

2.2.5 **Work No. 3: development of onsite substations and associated works** for the erection of two substations defined as **Work No. 3A** (Substation A) and **Work No. 3B** (Substation B). The works include substation buildings; GIS buildings to accommodate switchgear, 33Kv building to accommodate 33Kv switchgear, a control building to accommodate protection and control cabinets and auxiliary boards and panels and a diesel generator. The works also include parking areas and water storage structures to collect and treat surface water. Substation A also comprises a shunt reactor.

2.2.6 **Work No. 4: works in connection with high voltage electrical cabling** including connecting **Work No. 3A to Work No. 3B** and works to lay 400Kv cables along the Cable Route Corridor connecting the ground mounted solar photovoltaic generating station with the National Grid Cottam Substation. The works to lay high voltage electricity cables also include works associated with access, construction compounds, laying down of access tracks, ramps, footpaths, roads, including the laying and construction of



drainage infrastructure, signage and information boards, joint bays, link boxes, cable ducts, cable protection, joint protection, manholes; marker posts, underground cable marker, tiles and tape, communications chambers, fibre optic cables and lighting and other works associated with cable laying; tunnelling, boring and drilling works; and temporary construction and decommissioning laydown areas.

- 2.2.7 **Work No. 5: works to National Grid Cottam Substation to facilitate connection of the authorised development to the National Grid Cottam Substation** including busbars and connectors to connect to the existing busbar disconnectors at the National Grid substation, a 400kV 3phase circuit breaker for control and protection of the outgoing circuit serving the authorised development, a 3phase set of current transformers for protection of the new outgoing 400kV feeder circuit and the overlap with the National Grid system, a 3phase high accuracy metering current and voltage transformer assembly for commercial metering of the connection, a 3phase 400kV line disconnector/earth switch for isolation and earthing of the outgoing 400kV feeder circuit, a 3phase set of 400kV high voltage cable sealing ends and cables connecting the National Grid Cottam Substation with **Work No. 6**; and protection and control works in the existing relay room or erection of new building to house protection and control works apparatus if required.
- 2.2.8 **Work No. 6: associated works** including but not limited to cables connecting **Work Nos. 1, 2 and 3** to one another, connecting solar panels to one another, connecting solar panels to the BESS, the solar stations and on-site substations, including tunnelling, boring and drilling works for trenchless crossings and open trench crossings, site establishment and preparation works, laying down of permissive paths, management of existing public rights of ways, hardstanding and parking areas, sustainable drainage systems, fencing, gates, boundary treatment and other means of enclosure, works for the provision of security and monitoring systems, improvement, maintenance and use of existing private tracks, works to maintain and repair streets and access roads, the laying down of internal access tracks, ramps, means of access, footpaths, crossing of watercourses and roads, electricity, water and waste water and telecommunications connections including pressurised water pipes and other works to mitigate any adverse effects of the construction, maintenance, operation or decommissioning of the authorised development.
- 2.2.9 **Work No. 7: works associated with the construction and decommissioning compounds** including areas of hardstanding, parking areas, site and welfare offices, canteens and workshops, security infrastructure, including cameras, perimeter fencing and lighting, areas to store materials and equipment and waste skips, site drainage and waste management infrastructure (including sewerage); and electricity, water, waste water and telecommunications connections.
- 2.2.10 **Work No. 8: works to develop a solar farm control centre and equipment storage** including the erection of a new building to accommodate the solar farm control centre including Central Control Room, Central CCTV and security control, including access gates to fenced areas, welfare facility for staff and subcontractors, parking area for staff and visitors,

independent power supply including emergency power supply; and equipment storage for spare parts either: as open storage covered by a canopy for weather protection with the provision of parking areas and associated infrastructure; or through the use of storage containers and the provision of parking areas and associated infrastructure.

- 2.2.11 **Work No. 9: works associated with habitat management and protection** including existing woodland and hedgerows, landscape and biodiversity enhancement measures, habitat creation and management including earthworks and landscaping, construction of drainage infrastructure and means of access, laying down of internal access tracks, means of access and crossing of watercourses, and fencing gates boundary treatment and other means of enclosure.
- 2.2.12 **Work No. 10: works to facilitate access to Work Nos. 1 to 9** including **Work No. 10A** to facilitate permanent access, **Work No. 10B** to facilitate temporary construction and decommissioning accesses to **Work Nos. 1 and 9** and **Work No. 10C** to facilitate emergency access to **Work No. 2** (BESS).
- 2.2.13 **Work No. 11 sensitive archaeological site protection and management works** including habitat creation and management, fencing, gates, boundary treatment and other means of access.
- 2.2.14 The Associated Development also includes such other works or operations as may be necessary or expedient for the purposes of or in connection with the construction, operation, maintenance and decommissioning of the Scheme.

## 2.3 The Principal Site

- 2.3.1 The total area for all works within the Principal Site would be 1,350 ha. The Principal Site consists of the following main infrastructure:
- a. Solar PV panels.
  - b. Solar Stations incorporating inverters, transformers and switchgear – will be located throughout the Principal Site (co-located with BESS) in up to 50 locations.
  - c. BESS – which will be DC-coupled meaning small areas of BESS will be spread across the site and co-located alongside the Solar Stations, prioritising the cable length to minimise losses.
  - d. Battery DC/DC convertors - will be installed alongside every BESS battery.
  - e. On-site cabling within the Principal Site – will include underground 1.5 kV cabling to connect solar PV panels to solar stations, and solar stations and BESS to inverters, and underground 33 kV cabling between transformers and on-site substations. A further 400kV underground cable circuit approximately 8km long will be required within the Principal Site to interconnect the two 400kV/33kV substations.
  - f. Two on-site substations (Substations A and B, comprising electrical infrastructure to facilitate connection to National Grid Cottam Substation). Each Substation will serve approximately one half of the

Scheme with Substation A located within the north of the Principal Site located to the north of Northlands Road and Substation B located within the south of the Principal Site to the south of the A631 and to the west of School Lane.

- g. Solar Farm Control Centre – will be located within the north of the Principal Site accessed off the A631 via Site Access 2 and will provide facilities for up to 12 staff to operate and maintain the solar farm.
- 2.3.2 There will also be temporary office and warehouse buildings for construction staff, equipment storage, fencing, security and lighting, site access and access tracks, material laydown areas, drainage works and mitigation and enhancement areas.
- 2.3.3 In terms of environmental mitigation and enhancement, the areas under the solar panels and areas outside biodiversity areas will be planted with semi improved or species rich grassland where suitable, and hedgerows and woodland will be planted in strategic locations to provide visual screening and to enhance the biodiversity value and connectivity of the site.
- 2.3.4 Across the Order limits, the following approximate areas will be planted for habitat creation, landscaping and visual screening:
- a. Native grassland planting within areas of solar panels, Biodiversity Zones and Sensitive Archaeology Areas: over 1,000ha;
  - b. Woodland planting: over 40ha; and
  - c. New species rich hedgerow planting (length): over 10km.
- 2.3.5 Further details of the infrastructure to be provided within the Principal Site is set out in **Chapter 3: Scheme Description** of the **ES [EN010142/APP/6.1]**, and the design principles that the Scheme will be in accordance with are set out in the **Outline Design Principles Statement [EN010142/APP/7.4]**.

## 2.4 Cable Route Corridor

- 2.4.1 In order to connect the Principal Site to the National Grid Cottam Substation, underground 400 kV cables would be installed. The total length of the cable run within the Cable Route Corridor from the edge of the Principal Site is approximately 18.5 km.
- 2.4.2 The Cable Route Corridor will comprise one single circuit of 3 cables laid in trefoil formation. The Cable Route Corridor is generally 100m in width unless a wider width is required to accommodate known constraints and the need for optionality. **Appendix A** sets out the rules or considerations that have informed the anticipated widths and depths of the areas required to establish and operate cabling through the corridor. A 40m working width is considered to be required for open trenching to construct the cabling, however the intention is for the Cable Route Corridor to be constructed by horizontal directional drilling ('HDD') where practicable, so as to reduce above ground disturbance during construction (noting that areas of above ground works will still be required, for example to enable excavation of launch and retrieval pits, or for spacing of drill boring holes).
- 2.4.3 The Cable Route Corridor will be further refined during detailed design post consent of the DCO to confirm final locations of construction areas, including

laydown areas, and take account of any unexpected, localised issues, including but not limited to archaeological finds, implications with respect to protected species and reducing impacts upon trees and hedgerows.

## 2.5 Works to National Grid Substation

2.5.1 National Grid Energy Transmission ('NGET') has confirmed that an existing spare bay within National Grid Cottam Substation is currently available. Works will be required as part of the Scheme to facilitate connection to the NETS and will be undertaken by the Applicant.

2.5.2 The works undertaken by the Applicant will comprise the following electrical works:

- a. Busbars and connectors to connect to the existing busbar disconnectors at the National Grid Cottam Substation;
- b. A 400kV 3phase circuit breaker for control and protection of the outgoing circuit;
- c. A 3phase set of current transformers for protection of the new outgoing 400kV feeder circuit and the overlap with the NETS;
- d. A 3phase high accuracy metering current and voltage transformer assembly for commercial metering of the connection;
- e. A 3phase 400kV line disconnector/earth switch for isolation and earthing of the outgoing 400kV feeder circuit;
- f. A 3phase set of 400kV high voltage cable sealing ends and cables connecting the National Grid Cottam Substation with the interconnecting cables (**Work No. 6**); and
- g. Protection and control works in the existing relay room or erection of new building to house protection and control works apparatus if required.

2.5.3 Once established, this infrastructure will be operated by NGET.

## 2.6 Accesses

2.6.1 The Principal Site will have four permanent primary points of access for construction, operation and decommissioning, three located along the A631 Harpswell Lane and one located on the B1398 Middle Street. In addition, there will be four secondary, internal accesses for construction, operation and decommissioning, two off School Lane and two off Common Lane and two accesses provided for emergency use only during operation, both off Common Lane. **Table 3-6 of Chapter 3: Scheme Description** of the ES [EN010142/APP/6.1] provides a summary of the proposed access points for the Principal Site, which are also shown on **Figure 3-7** of the ES [EN010142/APP/6.3].

2.6.2 One permanent access point is required for the Cable Route Corridor. There are 23 temporary accesses proposed for the Cable Route Corridor. **Table 3-6 of Chapter 3: Scheme Description** of the ES [EN010142/APP/6.1] provides a summary of the proposed 24 access points for the Cable Route Corridor, which are also illustrated on **Figure 3-7** [EN010142/APP/6.3].

- 2.6.3 Internal access tracks within the Principal Site will facilitate construction and the operation of the Scheme and are shown indicatively on **Figure 3-1** of the ES [EN010142/APP/6.3]. The majority of these will utilise existing farm tracks, upgrading surfaces as required. The creation of new access tracks will be minimised. The proposed access tracks will be compacted stone tracks up to 4m wide with 1:2 gradient slopes on either side. The four primary access points will be wider, up to a maximum of 6m to facilitate two-way Heavy Goods Vehicles (HGVs) traffic.

## 2.7 Flexibility

- 2.7.1 The Applicant has undertaken extensive studies and assessments in order to obtain as much certainty as possible, however, a number of elements of detailed design for the Scheme cannot be confirmed until the tendering process for the design and construction of the Scheme has been completed. For example, due to the rapid pace of technological development in the solar PV industry, the Scheme could utilise technology which does not currently exist and therefore sufficient flexibility needs to be incorporated into the Application.
- 2.7.2 To address this, a 'Rochdale Envelope' approach is used as set out in **Chapter 5: Environmental Impact Assessment Methodology** of the ES [EN010142/APP/6.1]. This involves assessing the maximum (and where relevant, the minimum) parameters for the Scheme where flexibility needs to be retained. The principles and justification for this approach are set out in section 5.2 of **Chapter 5: Environmental Impact Assessment Methodology** of the ES [EN010142/APP/6.1], and the maximum (and minimum) parameters assessed as part of the Rochdale Envelope form the Design Principles set out in the **Outline Design Principles Statement** [EN010142/APP/7.4]. The **Draft DCO** [EN010142/APP/3.1] includes a requirement that detailed design of the Scheme must be in accordance with the **Outline Design Principles Statement** [EN010142/APP/7.4].
- 2.7.3 This flexibility is essential to ensure the successful delivery of the Scheme.

## 2.8 Timing of construction

- 2.8.1 Subject to the DCO being granted, the earliest construction could start is Q4 2025, with planned operation of the Scheme to commence by 2028. Commencement of commercial operation of the Scheme in 2028 is based on the earliest date that the Scheme could be connected under the proposed agreement with National Grid.
- 2.8.2 At this stage, the construction phase is anticipated to be a minimum of 24 months and a maximum of 36 months. A construction period of 24 months is considered to be the likely worst case from an environmental assessment perspective for the majority of the environmental topics, although for some topics the longer construction period has been treated as the worst-case scenario. The final programme will be dependent on the final Scheme design and potential environmental constraints on the timing of the construction activities.
- 2.8.3 **A Framework Construction Environmental Management Plan (CEMP)** [EN010142/APP/7.8] has been prepared as part of the DCO Application.

This describes the framework of mitigation measures to be followed and to be carried forward to a detailed CEMP prior to construction. The **Framework CEMP [EN010142/APP/7.8]** will be secured through a requirement of the DCO.

## 3. Description of the Order limits

### 3.1 Overview

- 3.1.1 The land comprising the Scheme includes that required for the Solar PV infrastructure, as well as the associated electrical cabling and infrastructure for connection to the National Grid. There is also land within the Order limits for associated development, including mitigation works and works to facilitate access to the Scheme from existing streets.
- 3.1.2 The Scheme has undergone several stages of design evolution which has resulted in changes to its layout and the Order limits. This process of design evolution has been informed by ongoing environmental assessments, engineering and design considerations, engagement with stakeholders and collaboration with the other developers bringing forward solar DCO projects within the area.
- 3.1.3 The maximum area of land required for the construction, operation (including maintenance), and decommissioning of the Scheme is shown on the **Land and Crown Land Plans [EN010142/APP/2.2]**. The land-take for the Order limits has been refined as the Scheme design has progressed, taking into account environmental and technical factors, and consultation responses. The key areas comprising the Order limits are set out below.

### 3.2 The Principal Site

- 3.2.1 As outlined above, the Principal Site is located to the east and south-east of Gainsborough in Lincolnshire and lies entirely within the administrative boundary of West Lindsey District Council (within Lincolnshire County Council). It is in close proximity to the hamlets and villages of Corringham, Hemswell, Springthorpe, Hemswell Cliff, Glentworth, Heapham, Upton, Kexby, and Willingham by Stow. It covers an area of approximately 1,350 ha.
- 3.2.2 The land within the Principal Site consists predominantly of large agricultural fields used for arable farming, with limited hedgerows and trees. Where there are hedgerows and trees these generally form the boundaries of fields as they adjoin roads. There are also some small, scattered areas of woodland within the Principal Site. The topography of the land is generally flat and has good irradiance. Existing infrastructure within the Principal Site comprises a Uniper gas pipe running north east to south west, 'West Burton B' gas pipe across Parcel 1 only, a Cadent gas pipe running east to west, and 33kV and 11kV overhead lines.
- 3.2.3 The following plot numbers are identified as comprising the Principal Site:
- 1-02, 1-03, 1-05, 1-06, 1-07, 1-08, 1-09, 1-10, 2-02, 2-03, 2-04a, 2-04b, 2-05, 2-06, 2-07, 2-08, 2-09, 3-01, 3-03, 3-04, 3-05, 3-06, 3-07, 3-08, 3-09, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, 3-17, 3-18, 3-19, 3-20, 3-21, ~~3-22~~, 4-02, 4-03, 4-04, 4-05, 4-06, 4-07, 4-08, 4-09, 4-10, 4-11, 4-12, 5-01, 5-02, 5-03, 5-04, 5-05, 5-06, 5-07, 5-08, 5-09, 5-10, 5-11, 5-12a, 5-12b, 5-13, 5-14, 5-15, 5-16, 5-17, 5-18, 5-19, 6-01, 6-02, 6-03, 6-04, 6-05, 6-06, 6-07, 6-08, 6-09, 6-10, 6-11, 6-12, 6-13, 6-14, 6-15, 6-16, 6-17, 6-18, 6-19, 6-20, 7-01, 7-02, 7-03, 7-04, 7-04a, 7-05, 7-06, ~~7-07~~, 7-08, 7-09, 7-10, 7-11, 7-12, 7-14,

8-01, 8-04, 8-05, 8-06, 8-07, 8-08, 9-01, 9-02, 9-03, 9-04, 9-05, 9-11, 10-01, 10-02, 10-03, 10-07, 11-01.

### 3.2.4 Voluntary agreements have been reached with the following landowners:

- a. Alison Rachel Elwess, in respect of plots 3-16, 3-18, 3-20, 3-21, 6-07, 6-08, 6-09, 6-18, 7-01, 7-05, 7-06, 7-10;
- b. David Andrew Elwess, in respect of plots 3-16, 3-17, 3-18, 3-20, 3-21, 5-08, 5-12a, 5-12b, 5-16, 5-19, 6-05, 6-07, 6-08, 6-09, 6-10, 6-11, 6-12, 6-13, 6-14, 6-15, 6-16, 6-17, 6-18, 7-01, 7-02, 7-03, 7-04, 7-05, 7-06, 7-10, 8-06, 9-02, 9-03, 9-04, 12-01;
- c. Deborah Elwess, in respect of plots 3-16, 3-17, 3-18, 3-20, 3-21, 5-08, 5-12a, 5-12b, 5-16, 5-19, 6-05, 6-07, 6-08, 6-09, 6-10, 6-11, 6-12, 6-13, 6-14, 6-15, 6-16, 6-17, 6-18, 7-01, 7-02, 7-03, 7-04, 7-05, 7-06, 7-10, 8-06, 9-02, 9-03, 9-04, 12-01;
- d. Simon Andrew Elwess, in respect of plots 5-04, 5-07, 5-08, 5-09, 5-10, 5-11, 5-12a, 5-12b, 6-04, 6-11;
- e. Timothy Robert Elwess, in respect of plots 3-16, 3-18, 3-20, 3-21, 6-07, 6-08, 6-09, 6-16, 6-18, 7-01, 7-04, 7-05, 7-06, 7-10; and
- f. Victoria Jane Elwess, in respect of plots 5-04, 5-08, 5-09, 5-10, 5-12a, 5-12b, 6-11.

## 3.3 Cable Route Corridor

3.3.1 The Cable Route Corridor runs from the Principal Site in a south westerly direction across West Lindsey District Council (within Lincolnshire County Council) and the River Trent into the administrative area of Bassetlaw District Council (within Nottinghamshire County Council) and covers an area of approximately 320 ha.

3.3.2 The majority of land along the Cable Route Corridor consists of agricultural fields used for arable farming, consistent with land within the Principal Site, with a generally flat topography. There are some residential properties within the route, in particular close to Cottam Village, Marton and some barn conversions along Stow Park Road and at Normanby-by-Stow.

3.3.3 The following plot numbers are identified as comprising the Cable Route Corridor:

8-10, 8-11, 9-06, 9-07, 9-08, 9-09, 9-10, 9-11, 9-12, 12-01, 12-02, 12-03, 12-04, ~~12-04a~~, 12-05, 13-01, 13-02, 13-03, ~~13-03a~~, 13-04, 13-05, 13-06, 13-07, 13-08, 13-09, 13-10, 13-11a, 13-11b, 13-12, 13-13, 13-14, 13-15, 13-16, 13-17, 13-18, 13-19, 13-20, 14-01a, 14-01b, 14-01c, 14-02, 15-01, 15-02, 15-03, 15-04, 15-05, 15-06, 15-07, 15-08, 16-01, 16-01a, 16-03, 16-04, 16-05, 16-06, 16-07, 16-08, 16-09, 16-10, 17-01, 17-02, 17-03, 17-05, 17-06a, 17-06b, 17-06c, 17-06d, 17-06e, 17-07, 18-01, 18-02, 18-03, 18-04, 18-05, 18-06, 18-07, 18-08, 18-09, 18-10, 18-11, 18-12, 18-13, 18-14, 18-15, 18-16, 18-17, 18-18, 18-19, 18-20, 18-21, 18-22, 18-23, 19-01, 19-02, 19-03, 19-03a, 19-04, 19-05, 19-06, 19-07, 19-08, 19-09, 19-10, 19-11, 19-12, 19-13, 20-01, 20-02, 20-03, 20-04, 20-05, 20-06, ~~20-07~~, 20-08, 20-09, 20-10, 20-11, ~~20-12~~, 20-13, 20-14, 20-15, 21-01, 21-02, 21-03, 21-04, 21-05, 21-06, 21-07, 21-08, 21-08a, 21-08b, 21-08c, 21-08d, 21-09, 21-10, 21-11, 21-12, 21-13,



21-14, 21-15, 21-16, 21-17, 21-17a, 21-18, 21-19, 21-20, 21-23, 21-24, 21-25, 21-26, 22-01, 22-02, 22-03, 22-04, 22-05, 23-01, 23-02, 23-03, 23-04, 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, 23-11, 23-12, 23-13, 24-01, 24-02.

- 3.3.4 Negotiations with landowners on the Cable Route Corridor have commenced to seek voluntary agreement. Heads of Terms have been agreed with the following landowners: A H Headland and A J Headland, D White and Mrs B A White, G W Darlay and K S Darlay, Paul Spink Limited, R J Highfield and R N Highfield, R J Dawson. Further detail on these negotiations is available in **Schedule of Negotiations and Powers Sought [EN010142/APP/4.4]**.

## **4. Basis for the Compulsory Acquisition Powers**

- 4.1.1 Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- 4.1.2 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is:
- a. Required for the development to which the development consent relates,
  - b. Required to facilitate or is incidental to that development, or
  - c. Replacement land for commons, open spaces, etc.
- 4.1.3 The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Tillbridge DCO. This is required by section 122(3).

## **5. Need for the compulsory acquisition of land and rights**

### **5.1 The matters to which the Secretary of State must have regard**

- 5.1.1 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 paragraph 5.2 onwards below); 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 6 and 7 below).
- 5.1.2 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 Secretary of State that the land in question is needed for the development for which consent is sought. The CA Guidance goes on to say that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.
- 5.1.3 In respect of the Section 122(3) condition, the CA Guidance (at paragraph 13) states that the Secretary of State 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.
- 5.1.4 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 Secretary of State when justifying an order authorising compulsory acquisition. These are as follows:
- a. That all reasonable alternatives to compulsory acquisition (including modifications to the Scheme) have been explored - see paragraph 5.4 and following, below, in relation to how the Applicant has selected aspects of the Order limits;
  - 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 10 below;
  - c. That the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire - Sections 2 and 3 above describe the

Order limits and the Scheme, and this section describes the nature of the interest sought and the purposes for which areas are to be acquired or used;

- d. That there is a reasonable prospect of the requisite funds for the acquisition becoming available - see the **Funding Statement [EN010142/APP/4.2]**; and
- e. That the purposes for which compulsory acquisition of land powers are included in the Tillbridge DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see Section 10.

5.1.5 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.

## 5.2 Need for Compulsory Acquisition of Land and Rights (Sections 122(2) and (3))

5.2.1 The Applicant has already negotiated and completed property agreements with some of the freehold owners of the land within the Order limits of the Principal Site. This means that should development consent be granted by the Secretary of State that the Applicant will be able to exercise an option for lease for those plots within the Order limits of the Principal Site.

5.2.2 Negotiations remain ongoing in respect of the remainder of the plots within the Principal Site and all plots within the Cable Route Corridor. The Applicant shall continue to provide updates as to the status of these negotiations through Examination.

5.2.3 Further details are set out below in **Table 1**:

**Table 1. Acquisition of freehold interests for the Principal Site by the Applicant in respect of the Order limits**

Plot No.	Work No.	Freehold Owners	Status
5-15, 6-11, 8-05	6, 9, 10A, 10B	Alan Edis	The Applicant has been corresponding with the Landowner since March 2023. Discussions are continuing with the Applicant's agent and the Edis family regarding the property interests they hold within the Order limits.
2-04a, 2-04b, 2-07, 2-08, 2-09, 3-01, 3-03, 3-04, 3-05, 3-06, 3-07, 3-08, 6-02	1, 2, 4A, 6, 9, 10A, 11	Alan Pickering	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.

<b>Plot No.</b>	<b>Work No.</b>	<b>Freehold Owners</b>	<b>Status</b>
3-13, 3-14, 3-19, 6-03	1, 2, 4A, 6, 9, 11	Alasdair Tatam	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are at an advanced stage but the current registered owner of the land has passed away, so finalisation is delayed until grant of probate.
3-16, 3-18, 3-20, 3-21, 6-07, 6-08, 6-09, 6-18, 7-01, 7-05, 7-06, 7-10	1, 2, 4A, 6, 6C, 7, 9, 10B, 11	Alison Rachel Elwess	Option for lease exchanged.
1-02, 1-03, 1-05, 1-06, 1-07, 1-09, 1-10, 2-02, 2-03, 5-01, 5-03	1, 2, 3 4A, 6, 7, 9, 10A, 11	Aubrey James Francis Buxton	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
3-03, 3-11, 3-12, 3-13, 3-15, 6-03	1, 2, 4A, 6, 9, 10A, 11	Caroline Fox	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
3-16, 3-17, 3-18, 3-20, 3-21, 5-08, 5-12a, 5-12b, 5-16, 5-19, 6-05, 6-07, 6-08, 6-09, 6-10, 6-11, 6-12, 6-13, 6-14, 6-15, 6-16, 6-17, 6-18, 7-01, 7-02, 7-03, 7-04, 7-05, 7-06, 7-10, 8-06, 9-02, 9-03, 9-04, 12-01	1, 2, 4A, 4B, 4C, 6, 6C, 7, 9, 10A, 10B, 10C, 11	David Andrew Elwess	Option for lease exchanged.
3-16, 3-17, 3-18, 3-20, 3-21, 5-08, 5-12a, 5-12b, 5-16, 5-19, 6-05, 6-07, 6-	1, 2, 4A, 4B, 4C, 6, 6C, 7, 9, 10A,	Deborah Elwess	Option for lease exchanged.

<b>Plot No.</b>	<b>Work No.</b>	<b>Freehold Owners</b>	<b>Status</b>
08, 6-09, 6-10, 6-11, 6-12, 6-13, 6-14, 6-15, 6-16, 6-17, 6-18, 7-01, 7-02, 7-03, 7-04, 7-05, 7-06, 7-10, 8-06, 9-02, 9-03, 9-04, 12-01	10B, 10C, 11		
2-08, 3-01, 4-03, 4-05, 4-06, 4-07, 4-08, 4-09, 4-10, 4-11, 7-08, 7-09, 7-11, 7-12	1, 2, 6, 6C, 9, 10A, 10B, 11	Geoffrey Bernard Kealey	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
4-11, 4-12, 6-19, 6-20, 7-14, 9-05, 10-01, 10-02, 10-03, 10-07, 11-01	1, 1A, 2, 3, 4A, 4B, 6, 6C, 7, 9, 10A, 11	Glentworth Scottish Farms Limited	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Comments on this draft are awaited.
4-05, 4-06, 4-07, 4-08, 4-09, 4-10, 4-11, 7-06, 7-08, 7-09, 7-11, 7-12	1, 2, 6, 6C, 9, 10A, 10B, 11	Harpwell Farms Limited	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
3-03, 3-11, 3-12, 3-13, 3-15, 6-03	1, 2, 4A, 6, 9, 10A, 11	Heather Jane Eato	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
1-07, 2-04a, 2-04b, 2-05, 2-08, 3-01, 3-03, 5-06, 6-01, 13-05, 13-07, 13-10, 13-11b, 13-12, 13-14, 13-16, 13-17, 13-18, 13-19, 13-20, 15-02, 15-04,	1, 2, 4A, 4C, 6, 7, 8, 9, 10A, 10B, 11	James Charles Stewart Reynolds Milligan-Manby	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are ongoing.

<b>Plot No.</b>	<b>Work No.</b>	<b>Freehold Owners</b>	<b>Status</b>
15-06, 15-07, 16-01, 16-01a, 16-03			
5-12a, 5-12b, 5-17, 5-18, 6-11, 8-07, 8-08, 9-01	1, 2, 6, 9, 10A, 10B, 11	Jennifer Ann Booth	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
1-07, 2-04a, 2-04b, 2-05, 2-08, 3-01, 3-03, 5-06, 6-01, 13-05, 13-07, 13-10, 13-11b, 13-12, 13-14, 13-16, 13-17, 13-18, 13-19, 13-20, 15-02, 15-04, 15-06, 15-07, 16-01, 16-01a, 16-03	1, 2, 4A, 4C, 6, 7, 8, 9, 10A, 10B, 11	John Anthony Shepherdson	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are ongoing.
6-19, 9-05, 10-01, 10-02, 10-07, 11-01, 12-01	1, 2, 4B, 4C, 6, 9, 11	John Stewart Deech	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Comments on this draft are awaited.
1-07, 2-04a, 2-04b, 2-05, 2-08, 3-01, 3-03, 5-06, 6-01, 13-05, 13-07, 13-10, 13-11b, 13-12, 13-14, 13-16, 13-17, 13-18, 13-19, 13-20, 15-02, 15-04, 15-06, 15-07, 16-01, 16-01a, 16-03	1, 2, 4A, 4C, 6, 7, 8, 9, 10A, 10B, 11	Kevin Simon Webster	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are ongoing.
1-02, 1-03, 1-05, 1-07	1, 2, 4A, 6, 9, 10A, 11	Matthew Thomas Winter	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.

<b>Plot No.</b>	<b>Work No.</b>	<b>Freehold Owners</b>	<b>Status</b>
1-02, 1-03, 1-05, 1-07, 5-13, 5-14, 6-11, 8-01, 8-04	1, 2, 4A, 6, 9, 10A, 10B, 11	Michael Winter	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
1-02, 1-03, 1-05, 1-07	1, 2, 4A, 6, 9, 10A, 11	Mills & Reeve Trust Corporation Limited	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
1-02, 1-03, 1-05, 1-07	1, 2, 4A, 6, 9, 10A, 11	Neil Richard Winter	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
3-13, 3-14, 3-19, 6-03	1, 2, 4A, 6, 9, 11	Pamela Tatam	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are at an advanced stage but the current registered owner of the land has passed away, so finalisation is delayed until grant of probate.
3-16, 3-18, <del>3-22</del> , 5-07, 5-10, 5-11, 6-04, 6-09, 6-18, 7-01, <del>7-07</del> , 7-10	1, 2, 4A, 6, 6C, 7, 9, 10B, 11	Paul Marris	The Applicant has been corresponding with the Affected Person since March 2023. The Affected Person has appointed an agent and discussions are ongoing with the Applicant's agent to confirm Mr Marris' property interests within the Order limits.
2-08, 3-01, 4-03, 4-05, 4-06, 4-07, 4-08, 4-09, 4-10, 4-	1, 2, 6, 6C, 9, 10A, 10B, 11	Pauline Mary Kealey	Heads of terms are agreed and draft option and lease have been issued to the



<b>Plot No.</b>	<b>Work No.</b>	<b>Freehold Owners</b>	<b>Status</b>
11, 7-08, 7-09, 7-11, 7-12			Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
5-12a, 5-12b, 5-17, 5-18, 6-11, 8-07, 8-08, 9-01	1, 2, 6, 9, 10A, 10B, 11	Peter Edwin Pike	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
2-04a, 2-04b, 2-07, 2-08, 2-09, 3-01, 3-03, 3-04, 3-05, 3-06, 3-07, 3-08, 6-02	1, 2, 4A, 6, 9, 10A, 11	Robert Alan Pickering	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
3-15, 4-02	6, 9, 10B	Robert Bellwood Tatam	Mr Tatam remains the registered owner of the land, however this interest has been transferred to Caroline Fox and Heather Jane Eato. This transfer is still being registered. Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
5-15, 6-11, 8-05	6, 9, 10A, 10B	Samantha Jane Edis	The Applicant has been corresponding with the Affected Person since March 2023. Discussions are continuing with the Applicant's agent and the Edis family regarding the property interests they hold within the Order limits.
5-04, 5-07, 5-08, 5-09, 5-10, 5-11, 5-	1, 2, 6, 7, 9, 10a, 10B, 11	Simon Andrew Elwess	Option for lease exchanged.

<b>Plot No.</b>	<b>Work No.</b>	<b>Freehold Owners</b>	<b>Status</b>
12a, 5-12b, 6-04, 6-11			
6-19, 9-05, 10-01, 10-02, 10-07, 11- 01, 12-01	1, 2, 4B, 4C, 6, 9, 11	Simon Lloyd Greening	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Comments on this draft are awaited.
1-06, 1-07, 1-08, 1- 09, 1-10, 2-02, 2- 03, 5-01, 5-03	1, 2, 3, 4A, 6, 7, 9, 10A, 11	The Wardens And Assistants Of Rochester Bridge In The County Of Kent	Heads of terms are at an advanced stage between the Applicant and the Landowner.
3-16, 3-18, 3-20, 3- 21, 6-07, 6-08, 6- 09, 6-16, 6-18, 7- 01, 7-04, 7-05, 7- 06, 7-10	1, 2, 4A 6, 6C, 7, 9, 10B, 11	Timothy Robert Elwess	Option for lease exchanged.
1-02, 1-03, 1-05, 5- 13, 5-14, 6-11, 8- 01, 8-04	1, 2, 6, 9, 10A, 10B, 11	Timothy Winter	Heads of terms are agreed and draft option and lease have been issued to the Landowner's solicitors. Negotiations are advanced and the option for lease expected to finalise for exchange imminently.
5-04, 5-08, 5-09, 5- 10, 5-12a, 5-12b, 6-11	1, 2, 6, 9, 10A, 10B, 11	Victoria Jane Elwess	Option for lease exchanged.
1-02	1, 2, 6, 9	West Burton B Limited	The Applicant has been corresponding with West Burton B Limited regarding its property and assets within the Site since March 2023. The Applicant issued Requests for Information (RFIs) on 3 March and 3 April 2023 and 12 March 2024 which were sent so that the Statutory Undertaker's interests within the land could be confirmed. The Applicant is presently awaiting a final response in respect of West Burton B Limited's property interests within the Site.

- 5.2.4 Notwithstanding the position reached in respect of those plots of land within the Principal Site over which option agreements are already in place, or are anticipated to be finalised imminently, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the Draft DCO to protect against a scenario whereby the freeholder owners of the land within the Principal Site do not grant a lease of the land in accordance with the terms of the completed option agreements. The Applicant also needs powers over that land for which option agreements have not been secured and also to extinguish private rights in the Order limits to the extent that they would conflict with the Scheme.
- 5.2.5 To ensure that the Scheme can be built, maintained and operated, and so that the Government's policies are met in relation to the timely provision of new generating capacity and meeting net zero carbon emissions targets for 2050, the Applicant also requires the acquisition of property interests in third party ownership in respect of the Cable Route Corridor, and has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over land. The Applicant is in the process of negotiating property agreements in respect of the land within the Cable Route Corridor and has agreed heads of terms with six parties, however, option agreements have not yet been finalised for any of the Cable Route Corridor land. Details of the current status of negotiations for the Cable Route Corridor are set out at Section 1.2 of the **Schedule of Negotiations and Powers Sought [EN010142/APP/4.4]**.
- 5.2.6 There are four categories of land powers included in the Draft DCO – three of these are powers of compulsory acquisition of interests and the fourth is a power to occupy land temporarily. Each is introduced briefly below, followed by further information on the necessity of the powers sought and the purpose for which the Applicant requires the land. The section also provides information on the status of negotiations to acquire these interests by agreement.
- a. **All interests and rights in land (including freehold)** - the land over which compulsory powers are sought generally (and therefore including the freehold interest) is shown pink on the **Land and Crown Land Plans [EN010142/APP/2.2]**. In summary, the areas in which freehold acquisition is sought are for **Work Nos. 1, 2, 3, 6, 8, 9, 10 and 11** and relate to where solar PV panels, BESS, onsite substations and associated works, works to develop a solar farm control centre and equipment storage, areas of habitat management and protection, works to facilitate access, sensitive archaeological site protection and management, and associated works would be located. The Applicant has only included powers to compulsorily acquire the freehold interest in land where other powers (such as to acquire new rights or take temporary possession) would not be sufficient or appropriate to enable the construction, operation or maintenance of the Scheme. Article 21 of the Draft DCO is relied upon in respect of this land.
  - b. **Acquisition and creation of new rights** - the land over which compulsory powers are sought in respect of the creation of new rights, imposing restrictive covenants and acquiring rights is shown blue and blue hatched purple (in respect of Crown Land) on the **Land and Crown**

**Land Plans [EN010142/APP/2.2]**. In summary, these are the areas required for **Work Nos. 4A, 4B, 4C, 4D and 4E** which is the Cable Route Corridor and **Work Nos. 4A, 4B, 4C, 4D and 4E** which is the Cable Route Corridor and Work No. 5 which is works to the National Grid Cottam Substation to facilitate the grid connection. Article 23 of the Draft DCO is relied upon in respect of new rights. The new rights are set out in Schedule 9 to the Draft DCO and comprise access rights, cable rights, substation connection rights and AIL (abnormal indivisible loads) rights (see further below as to the interaction between the taking of temporary possession and acquiring new rights).

- c. **Private rights** - in addition, the Applicant has included powers to ensure that easements and other private rights identified as affecting the land are extinguished or suspended, so as to facilitate the construction and operation of the Scheme without hindrance. In addition, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished in order to facilitate the construction and operation of the Scheme. Articles 24 and 27 of the Draft DCO are relied upon in respect of this land.
- d. **Temporary possession** - the land for which powers of temporary use are sought is shown green on the **Land and Crown Land Plans [EN010142/APP/2.2]**. Articles 30 and 31 of the Draft DCO are relied upon in respect of this land, and as such no compulsory acquisition is sought. Articles 30 and 31 permit the Applicant to take temporary possession of any other part of the Order land where it has not yet exercised powers of compulsory acquisition - this will allow the Applicant (for instance) to initially take temporary possession of the whole width of the corridor for the construction of the cable route (**Work No. 4**) (over which the power to acquire new rights is included in the Draft DCO), and once it has carried out detailed surveys and installed the cables, to acquire new rights (pursuant to the powers set out above) only in respect of the relevant strip within that overall corridor. The Cable Route Corridor is generally 100m in width unless a wider width is required to accommodate known constraints and the need for optionality. **Appendix A** sets out the considerations and justification that have informed the anticipated widths and depths of the areas required to establish and operate cabling through the corridor. A 40m working width is considered to be required for open trenching to construct the cabling, however the intention is for the Cable Route Corridor to be constructed by HDD where practicable, so as to reduce above ground disturbance during construction (noting that areas of above ground works will still be required, for example to enable excavation of launch and retrieval pits, or for spacing of drill boring holes). Such an approach (in terms of using temporary possession and acquiring new rights following installation of cables) has precedent amongst other DCOs including the Eggborough Gas Fired Generating Station Order 2018, the Drax Power (Generating Stations) Order 2019 and the Longfield Solar Farm Order 2023.

5.2.7 In all cases the plots of land shown on the **Land and Crown Land Plans [EN010142/APP/2.2]** are described in the **Book of Reference [EN010142/APP/4.3]**.

- 5.2.8 The Applicant has been seeking to acquire the relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Scheme. It has successfully achieved this in respect of several plots within the Principal Site as outlined in paragraphs 5.2.1 to 5.2.3 above. However, it has not yet been possible to acquire all rights required in the Order land by agreement. In addition, the Applicant requires certain matters to be suspended, overridden or extinguished within the Order land so as to ensure there are no impediments to the construction, operation and maintenance of the Scheme.
- 5.2.9 In the absence of powers of compulsory acquisition, the Order land may not be assembled, uncertainty will continue to prevail, and the Applicant considers that its objectives and Government policy objectives would not be achieved.
- 5.2.10 Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, as well as secure the removal of matters affecting the Order land that may impede the Scheme, wherever possible. This approach of making the application for powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the CA Guidance.
- 5.2.11 The Applicant's justification for seeking compulsory acquisition powers, in accordance with the provisions of the PA 2008, is to secure land, the temporary use of land, the rights and other interests required to enable them to construct, operate and maintain the Scheme within a reasonable commercial timeframe.
- 5.2.12 The inclusion of powers of compulsory acquisition in the Tillbridge DCO is to ensure that this can be achieved. The relevant powers, and the land and interests sought together with the land required for temporary use, are no more than is required to facilitate the Scheme, its construction and future maintenance.

### 5.3 Use of the Order land and Status of Negotiations

- 5.3.1 The intended purpose for which land is subject to the proposed powers of compulsory acquisition (Articles 21 and 24) and to possess land temporarily (as per Articles 30 and 31 of the Draft DCO) is summarised in the **Schedule of Negotiations and Powers Sought [EN010142/APP/4.4]**.
- 5.3.2 The **Schedule of Negotiations and Powers Sought [EN010142/APP/4.4]** includes all plots in the **Book of Reference [EN010142/APP/4.3]** and land interests where the Applicant has been involved in negotiations to reach voluntary agreement with landowners. For each third party the Applicant is negotiating with, the **Schedule of Negotiations and Powers Sought [EN010142/APP/4.4]** describes the party's interest by reference to the Work Nos. set out in Schedule 1 to the Draft DCO and shown on the **Works Plans [EN010142/APP/2.3]**, and by plot number as referenced in the Book of Reference and **Land and Crown Land Plans [EN010142/APP/2.2]**, with

plots grouped together for each interested party. The Schedule of Negotiations and Powers Sought should be read together with those documents. Some plot numbers appear in more than one row in the **Schedule of Negotiations and Powers Sought [EN010142/APP/4.4]**, indicating that there is more than one interest in the relevant plot (generally a freehold owner and a tenant).

- 5.3.3 The **Schedule of Negotiations and Powers Sought [EN010142/APP/4.4]** also sets out the position in terms of the Applicant's negotiations to acquire interests in land or to take possession of land required for the Scheme by agreement. The position in relation to interests in land held by statutory undertakers and in relation to their apparatus within the Order limits is included within the **Schedule of Negotiations and Powers Sought [EN010142/APP/4.4]** (where the Applicant has been in substantive negotiations with the statutory undertaker) and also summarised in Section 8.3.
- 5.3.4 In summary (as described in Section 5.2) the Applicant has reached agreement with six freehold owners of the Principal Site. Heads of Terms have been heavily negotiated and are at an advanced stage with most other parties for the Principal Site, with the expectation being that the parties will reach agreement, in most cases, before the end of the examination. Negotiations with parties within the Cable Route Corridor remain ongoing, and Heads of Terms have been agreed with six parties. The Applicant will provide updates in respect of the progress of these throughout examination.
- 5.3.5 The Applicant has sought to engage with NGET regarding the rights which will be required to connect into the National Grid Substation at Cottam Power Station and discussions have been ongoing since August 2022. NGET advised the Applicant on 8 November 2023 that an Interface Agreement would be suitable for the substation connection. NGET also advised that it would be prudent to discuss the Interface Agreement closer to the Scheme's connection date and as such, the Applicant is currently waiting for their confirmation before finalising this agreement.
- 5.3.6 The Applicant has also contacted owners of lesser interests in the Order land to progress discussions.

## 5.4 Alternatives to Compulsory Acquisition

- 5.4.1 The Applicant has reached agreement with six of the freehold owners of the Principal Site for a lease, and negotiations are well advanced with the majority of other landowners within the Principal Site, such that similar agreement is anticipated to be finalised by the end of the examination for those landowners. The identification of the Order limits for the location of the Scheme was informed in part by the willingness of landowners to reach voluntary agreement with the Applicant to lease the land for the Scheme amongst other factors, such as environmental considerations. With this land secured, or soon to be secured, by voluntary agreement it means that the amount of land subject to compulsory acquisition will be minimised. It is acknowledged that powers of compulsory acquisition are sought in respect of this land but the reasons for that are further described in paragraph 5.2.4 above.

- 5.4.2 The Scheme does require the acquisition of some land and the acquisition of / creation of rights to secure the land and rights needed to build and operate it. This is primarily centred on the Cable Route Corridor, but also discrete plots within the Principal Site which remain under negotiation. There is no alternative but to seek to acquire or create the rights in respect of this land. It has not been possible to date to negotiate the voluntary acquisition of the necessary rights and without acquiring these rights compulsorily it would mean that Scheme could not be constructed, operated and maintained.
- 5.4.3 It is considered that the 'Do Nothing' scenario is not appropriate given the need for the Scheme, the established national need for both power generation and a legally binding target of net zero carbon emissions by 2050. This is described in section 6.2 below and expanded upon in the **Statement of Need [EN010142/APP/7.1]**. The other key disadvantage of the 'Do Nothing' scenario would be the lack of additional investment in the local economy.
- 5.4.4 The alternatives to the location of the Scheme at the Order limits are considered in **Chapter 4: Alternatives and Design Evolution** of the ES **[EN010142/APP/6.1]**. In summary the Order limits were selected for a number of reasons including:
- a. The land on which the Scheme is located consists of large flat open areas, and has high levels of irradiation, which meets the requirements of the Scheme to efficiently generate significant amounts of electricity;
  - b. The Order limits are within a suitable distance from the identified point of connection at the National Grid Cottam Substation;
  - c. The Order limits are not located within or close to internationally and nationally designated biodiversity sites and is not located within or close to areas of national designated landscape value;
  - d. The Order limits are not located within designated Green Belt;
  - e. The Order limits utilises significant amounts of non Best and Most Versatile (BMV) agricultural land;
  - f. The Order limits avoids direct physical impact on designated heritage assets;
  - g. The Order limits are predominantly within Flood Zone 1 and at low risk of flooding;
  - h. The Order limits has good transport access for construction being in close proximity to the A631 and B1398;
  - i. The Order limits has limited land use conflicts in terms of displacement of existing non- agricultural businesses; and
  - j. The Order limits are available to the Applicant during the period of construction and operation of the Scheme.

## Consideration of Alternative Cable Route Corridor

- 5.4.5 A project inception meeting for the Scheme was held with the Planning Inspectorate on 11 July 2022. At this meeting, the Planning Inspectorate requested a discussion on collaboration with other developers who were also

- bringing forward other NSIPs in the locality. The Applicant confirmed that it was considering the potential for the sharing of the Cable Route Corridor.
- 5.4.6 The Planning Inspectorate then hosted a multi-party meeting between the host local authorities and the Applicants of the other solar NSIP projects including the **Gate Burton Energy Park [EN010131]**, the **Cottam Solar Project [EN010133]**, the **West Burton Solar Project [EN01032]** and the **Tillbridge Solar Project [EN010142]** on the 30 September 2022. This meeting was held to discuss potential procedural arrangements in the running of each respective examination but to also consider environmental effects. At this point, Gate Burton, Cottam and West Burton confirmed that preferred cable routes had been agreed between the three projects to deliver a joint corridor for the three transmission cables. The Tillbridge Solar Project confirmed that at that time it had a wider Cable Route Corridor than the other projects and some alternative routes for crossing the River Trent than the other developers were exploring. It was agreed that given that the Scheme was behind the programme of the other projects and that the other projects had already derived a preferred and shared cable route corridor that the Tillbridge Solar Project would need to iterate its Cable Route Corridor to align with the other projects to minimise impacts. The Applicant agreed to collaborate with the other developers to consider how the Tillbridge Solar Project could interact with the projects within the already agreed shared corridor. **The Design and Access Statement [EN010142/APP/7.3]** submitted in support of the DCO Application sets out the full design evolution of the Order limits associated with the Cable Route Corridor from scoping to submission, including an explanation of any alternative routes considered and the reasons why these were discounted to derive the refined Cable Route Corridor forming the basis of this Application.
- 5.4.7 The main design consideration that has evolved as the Scheme has developed from inception to the DCO Application stage, has been the refinement of the Cable Route Corridor so that it is a shared corridor with other solar NSIP projects. **Figure 4-6** of the ES **[EN010142/APP/6.3]** shows the Order limits of the Tillbridge Solar Project and how these overlap with the grid connection corridors of the other NSIP projects (Gate Burton Energy Park, Cottam Solar Project and West Burton Solar Project). Whilst each project will be considered on its own merits, collaborative working between each of the developers has been undertaken with the overriding objective to deliver, as far as practicable, a shared Cable Route Corridor that minimises environmental impacts should all of the DCOs be made.
- 5.4.8 This has included the refinement of access points so that these are shared where possible; co-ordination at strategic crossing points (including the disused railway line at Cottam power station, the River Trent and the live railway crossing to the east of Marton); and the inter-relationship of the Cable Route Corridor in relation to the solar PV sites associated with the other projects, in particular, the Cottam Solar Project.
- 5.4.9 The Cable Route Corridor has been designed to avoid, where practicable, sensitive receptors such as Local Wildlife Sites, woodland, heritage assets and their setting, residential and commercial properties, and to minimise the number of affected land interests.



5.4.10 The **Design and Access Statement [EN010142/APP/7.3]** sets out how and where the Order limits have been refined from scoping through to the ES stage. The Cable Route Corridor design has been refined and reduced in width as far as possible having regard to the space requirements along the route for the four large-scale solar projects mentioned above should all development consent orders be made.

5.4.11 Due to the Cable Route Corridor being shared with other solar projects, there is a need to retain some flexibility to ensure that one project does not prevent another project coming forward should all DCOs be made. The shared Cable Route Corridor also requires the extent of the corridor to retain some optionality at certain pinch points with other projects. There are three proposed areas of optionality within the Cable Route Corridor that are accommodated by the Scheme, including:

- a. Two alternative routes at land to the south of Marton due to concerns associated with space for all four Schemes and concern associated with land acquisition rights that has emerged through the Gate Burton Energy Park examination;
- b. Two alternative routes to land to the east of Marton due to the need to cross a live railway line using a trenchless crossing, to protect an existing woodland, to protect a gas pipeline owned by Uniper and where the Cottam Solar Project also crosses the railway line at this point; and
- c. Two alternative routes to land to the east of Willingham-by-Stow where the eastern option is required to extend through the proposed Solar PV area of the Cottam Solar Project thereby retaining an alternative option to the west given this constraint.

5.4.12 Part of the Cable Route Corridor is located in Flood Zone 3a. As discussed in section 3.5 of the **Planning Statement [EN010142/APP/7.2]** in relation to site selection, a key consideration with respect to the siting requirements of solar schemes is their proximity to a grid connection point with sufficient capacity for the electricity generated. In terms of the Scheme, this grid connection is available at the National Grid Cottam Substation. This is located in Flood Zone 2 and is surrounded by areas of Flood Zone 3 (see fluvial flood risk map alongside the Order limits in **Figure 10-5** of the ES **[EN010142/APP/6.3]**). Whilst alternative Cable Route Corridors were considered, these alternatives also included areas of the corridor within Flood Zone 3. Therefore, there are no available alternative routes that avoid Flood Zones 2 and 3. In addition, from the early inception of the Scheme, a shared Cable Route Corridor with the other NSIP projects located within this area was sought to minimise environmental effects. This demonstrates that there were no alternative routes at a lower risk of flooding other than the Cable Route Corridor. In policy terms, the Sequential Test has been applied. Section 6 of the **Planning Statement [EN010142/APP/7.2]** sets out in full how the Sequential Test is applied, and the resultant Exception Test passed. In addition, the **Statement of Need [EN010142/APP/7.1]** and **Planning Statement [EN010142/APP/7.2]** also explain how the Scheme would provide wider sustainability benefits to the community that outweigh the flood risk.

## Conclusion on Alternatives

- 5.4.13 The Applicant has undertaken a clear process to identify an appropriate Site, and an appropriate form and route for the Cable Route Corridor, and has considered alternatives in doing so. None of the alternatives would provide the compelling benefits that the Scheme will, and/or such alternatives would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations.
- 5.4.14 The Applicant has secured the necessary property rights for some of the plots within the Principal Site by negotiated agreement, and negotiations are advanced for the majority of remaining plots. The location of the Scheme at the Order limits has been informed in part by the willingness of the landowners to lease the land for the Scheme. Compulsory acquisition powers are included in the Application for this land, but the reasons for doing so are limited to those set out at paragraph 5.2.4 above.
- 5.4.15 It has not been possible to acquire the necessary land and rights by agreement in respect of the Cable Route Corridor or all of the Principal Site at this stage despite efforts by the Applicant to do so. Whilst the Applicant will continue to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the land required to construct and operate the Scheme, in order to realise its very significant public benefits.

## 5.5 Availability of Funds for Compensation

- 5.5.1 The **Funding Statement [EN010142/APP/4.2]** confirms that the Applicant has the ability to procure the financial resources required for the Scheme, including the cost of acquiring any land and rights and the payment of compensation, as applicable. The Applicant is not aware of any interests within the Order land in respect of which a person may be able to make a blight claim, but if this did occur the Applicant has sufficient funds to meet any compensation due.
- 5.5.2 The Applicant therefore considers that the Secretary of State can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

## 6. Justification for the use of the powers of compulsory acquisition

### 6.1 The Compelling Case

- 6.1.1 A **Planning Statement [EN010142/APP/7.2]** accompanies the Application. This explains how the Scheme:
- a. Meets an urgent need for new energy infrastructure;
  - b. Is a form of economic development that is suitable in its local context;
  - c. Minimises or mitigates adverse impacts to an acceptable degree; and
  - d. Is compliant with the relevant national policy statements (NPS), being NPS EN-1; EN-3 and EN-5 pursuant to section 104 of the PA 2008 (discussed further in section 7 below).
- 6.1.2 The **Planning Statement [EN010142/APP/7.2]** provides an extensive review of these matters which are summarised in the following section.

### 6.2 The need for the Scheme

- 6.2.1 The **Statement of Need [EN010142/APP/7.1]** and **Planning Statement [EN010142/APP/7.2]** set out the need for the Scheme.
- 6.2.2 NPS EN-1 confirms at paragraph 4.2.4 that *“there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.”* This sets out a policy presumption in favour of CNP infrastructure, such as solar, to achieve energy objectives to decarbonise the energy sector by 2035 and to achieve net zero by 2050.
- 6.2.3 Solar generation is already a leading low-cost generation technology in the UK and is therefore a critical element of the plan to decarbonise the UK electricity sector. The national need for solar generation is urgent and the capacity required is significantly greater than the capacity of projects currently understood to be in development.
- 6.2.4 Solar addresses all important aspects of government energy policy. It will make a critical and timely contribution to decarbonisation and security of supply in the UK, will help shield consumer bills from volatile energy prices and international supply markets, and provides the potential to deliver biodiversity net gains through its development.
- 6.2.5 Large scale solar like that provided by the Scheme is best placed to make the most of available grid connections which are vital to providing renewable energy in the urgent timeframes set by the UK Government.
- 6.2.6 The Scheme has a vital role to play on the national and world stage in the urgent response to tackle climate change and to make a contribution to generation capacity towards achieving the Government’s target of delivering 70GW of solar in the UK by 2035.

## 7. Policy Support

7.1.1 The legislative and policy context of the Scheme is set out in Section 2 of the **Planning Statement [EN010142/APP/7.2]**.

7.1.2 Since the Scheme constitutes an NSIP, it can only be consented by the granting of a DCO by the Secretary of State under section 37 of the PA 2008.

7.1.3 The PA 2008 establishes that the primary policy considerations for NSIPs are set out in a series of national policy statements. The NPSs are produced by the Government pursuant to specific legislative requirements under the PA 2008 to set out policy for nationally significant development in a particular sector and provide the framework for decisions on applications for NSIPs in that sector.

7.1.4 In this case, the Energy NPSs, came into effect in January 2024 and are the relevant national planning policy statements for the Scheme as they cover energy, and solar specific technology:

- a. Overarching National Policy Statement for Energy (EN-1);
- b. National Policy Statement for Renewable Energy (EN-3); and
- c. National Policy Statement for Electricity Networks Infrastructure (EN-5).

7.1.5 Section 104(2) of the PA 2008 provides that the Secretary of State must have regard to the following in deciding an application for development consent:

*“(a) any national policy statement which has effect in relation to development of the description to which the application relates (“a relevant national policy statement.”),*

...

*(b) any local impact report (within the meaning given by section 60 (3) submitted to the [Secretary of State] before the deadline specified in a notice under section 60 (2),*

*(c) any matters prescribed in relation to development of the description to which the application relates, and*

*(d) any other matters which the [Secretary of State] thinks are both important and relevant to [the Secretary of State’s] decision.”*

7.1.6 In this case, the Energy NPSs have effect and as such, section 104(3) of the PA 2008 requires that the Secretary of State must decide an application for an NSIP in accordance with the relevant NPS, except in a limited number of specified circumstances.

7.1.7 These specified circumstances are set out in section 104(4)-(8) and comprise the following five exceptions to the general rule in section 104(3) where the Secretary of State is satisfied that:

- a. *“deciding the application in accordance with any relevant national policy statement would lead to the United Kingdom being in breach of any of its international obligations”* (section 104(4));

- b. *“deciding the application in accordance with any relevant national policy statement would lead to the [Secretary of State, being in breach of any duty imposed on the Secretary of State by or under any enactment]”* (section 104(5));
- c. *“deciding the application in accordance with any relevant national policy statement would be unlawful by virtue of any enactment”* (section 104(6));
- d. *“the adverse impact of the proposed development would outweigh its benefits”* (section 104(7));
- e. *“any condition prescribed for deciding an application otherwise than in accordance with a national policy statement is met”* (section 104(8)).

7.1.8 Paragraph 4.2.4 of the Overarching National Policy Statement for Energy (EN-1) provides that *“there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure”*, which includes solar development. This sets out a policy presumption in favour of granting consent for solar applications. The presumption applies unless any specific or relevant policies set out in the Energy NPSs clearly indicate that consent should be refused. There are no specific or relevant policies set out in the Energy NPSs that would have this effect.

7.1.9 In summary, the Energy NPSs (EN-1, EN-3 and EN-5) provide the policy framework for the decision on the Application. Pursuant to s104(3) of the PA 2008 the Secretary of State must decide the application in accordance with the Energy NPSs except in those circumstances set out in s104(4) to (8). The Scheme is in accordance with the Energy NPSs and as such it follows that the presumption in favour of granting the consent in accordance with paragraph 4.2.4 of NPS EN-1 applies. The Scheme will provide CNP infrastructure for which there is an urgent need to deliver to decarbonise the energy sector by 2035 and to achieve net zero by 2050. The **Planning Statement [EN010142/APP/7.2]** sets out the need for and benefits of the Scheme demonstrating that this outweighs any adverse impacts and that there are no policy tests which indicate that consent should be refused.

## 8. Special Considerations

### 8.1 Crown Land

- 8.1.1 There is one Crown interest within the Order limits. This interest is identified in the **Land and Crown Land Plans [EN010142/APP/2.2]** under plot 20-11. Plot 20-11 is described in the Book of Reference as riverbed and banks of the River Trent. The plot is owned by The King's Most Excellent Majesty In Right Of His Crown.
- 8.1.2 The Draft DCO includes the standard article providing that the Tillbridge DCO does not prejudicially affect any estate (etc.) of the Crown, and that the undertaker may not enter on or take any Crown land other than with the consent of the appropriate authority (Article 50). Article 23, which permits powers of compulsory acquisition of rights, specifically provides that it is subject to Article 50.
- 8.1.3 The Applicant has been in contact with the Crown Estate since March 2023. Contact was made with the Crown Estate's agents in July 2023, requesting that discussions commence regarding Heads of Terms for an easement and the appropriate consent under section 135(1) of the PA 2008. There has been communication between the parties in relation to technical information about the crossing of the River Trent. Heads of Terms for an easement were issued to the Crown Estate's agents on 23 February 2024 and a response is currently awaited. Both parties' legal advisers are also engaged in respect of the section 135(1) consent which will be required for the inclusion of Crown Land within the proposed Order limits.

### 8.2 Special Category Land

- 8.2.1 There is no Special Category Land within the Order limits.

### 8.3 Statutory Undertakers' Land and Apparatus

- 8.3.1 The Applicant has identified land or apparatus belonging to statutory undertakers within the Order limits.
- 8.3.2 The Draft DCO includes protective provisions in respect of relevant types of statutory undertakers (see article 44 and schedule 15), and the Applicant is seeking to agree the form of protective provisions with relevant statutory undertakers. The statutory undertakers with land or apparatus within the Order limits are listed below in **Table 2**, along with the status of negotiations on protective provisions, as at the time of submission of the DCO Application.

**Table 2. Summary of status with statutory undertakers**

<b>Statutory undertaker</b>	<b>Plots</b>	<b>Interest in the land over which powers are sought</b>	<b>Status of negotiations</b>
Anglian Water Services Limited	1-07, 12-01, 12-03, 13-07, 13-	Freehold (in respect of	The Applicant has been corresponding with Anglian Water to confirm Anglian

Statutory undertaker	Plots	Interest in the land over which powers are sought	Status of negotiations
	10, 13-19, 15-01, 16-03, 17-06e, 17-07, 18-07, 18-08, 18-22, 19-02, 19-07, 19-11, 20-01, 21-08, 21-08a, 21-08b, 21-08c, 21-08d, 21-23, 21-26, 22-03, 23-02, 23-03, 23-05, 5-12a, 9-10, 9-11	subsoil up to half width of highway) Rights	<p>Water's property interests within the Site since August 2022. The Applicant issued Requests for Information (RFIs) to Anglian Water to confirm those interests. A response was received on 18 March 2024 confirming the interests the Applicant had already identified within the Site.</p> <p>The Applicant's legal team has been in correspondence with Anglian Water's legal advisers since receiving the first draft of the proposed protective provisions from Anglian Water in June 2023. A well-advanced version of protective provisions is included within Schedule 15, Part 13 of the Draft DCO. This version of the protective provisions reflects the Applicant's preferred drafting and remains in discussion between the parties.</p>
BT Limited	1-03, 1-06, 1-07, 1-08, 1-09, 1-10, 12-01, 12-03, 12-05, 13-02, 13-07, 13-10, 13-12, 13-19, 15-01, 16-01, 16-01a, 16-03, 17-05, 17-06a, 17-06e, 17-07, 18-05, 18-08, 18-13, 18-14, 18-15, 18-16, 18-17, 18-22, 19-02, 19-04, 19-06, 19-07, 19-11, 20-01, 2-02, 21-08, 21-08a, 21-08b, 21-08c, 21-08d, 21-23, 21-26, 22-03, 22-04, 23-03, 23-04, 23-05, 23-06, 24-02, 9-09	Rights	<p>The Applicant has been corresponding with BT to confirm BT's property interests within the Site since August 2022. The Applicant issued RFIs to BT, which were sent to confirm those interests. The Applicant is awaiting a response in respect of BT's interests.</p> <p>BT has not requested bespoke protective provisions in respect of the Scheme. The Applicant has included general protective provisions at Schedule 15, Part 2 of the Draft DCO in respect of telecommunications providers which it considers are sufficient to address BT's interests. However, to the extent BT considers bespoke protective provisions are required, the Applicant is willing to discuss this further with BT and its legal advisers.</p>

Statutory undertaker	Plots	Interest in the land over which powers are sought	Status of negotiations
Cadent Gas Limited	16-03, 2-05, 2-07, 3-05, 4-05, 4-07, 4-08, 4-10, 4-11, 4-12, 5-04, 5-05, 5-06, 5-07, 5-10, 5-11, 6-01, 6-02, 6-04, 6-06, 6-07, 6-09, 6-16, 6-18, 7-10, 7-11, 7-12	Rights	<p>The Applicant has been corresponding with Cadent to confirm Cadent's property interests within the Site since August 2022. The Applicant issued multiple RFIs to Cadent to confirm those interests. A meeting took place on 28 February 2024 in respect of the interests.</p> <p>The Applicant's legal team has been in correspondence with Cadent's legal advisers since September 2023. A first draft of protective provisions was received from Cadent in October 2023. The parties have been in discussions in respect of these protective provisions, and a version of the bespoke provisions is included at Schedule 15, Part 9 within the Draft DCO. This version reflects the Applicant's preferred drafting and remains in discussion between the parties. This version was issued to Cadent for comment on 2 February 2024 and the Applicant awaits their further input.</p>
Canal & River Trust	20-06, <del>20-07</del> , 20-11, <del>20-12</del>	Freehold Leasehold	<p>The Applicant has been corresponding with the Canal &amp; River Trust to confirm the Trust's property interests within the Site since August 2022. The Applicant issued RFIs between 2022-2024 to confirm those interests. The Trust confirmed the extent of its interests on 28 October 2022.</p> <p>After emails exchanged in January 2024, it was confirmed on 16 January 2024 that the Canal &amp; River Trust do not believe that a cable crossing easement beneath the River Trent would require their formal consent. Negotiations have since continued with the freehold owner of the land in question and Heads of Terms are currently being discussed.</p> <p>A consistent set of protective provisions has been agreed with the Canal &amp; River Trust to apply to the four solar DCOs within the Lincolnshire area (Tillbridge, Gate Burton, West Burton and Cottam). These protective provisions were agreed in August 2023,</p>



Statutory undertaker	Plots	Interest in the land over which powers are sought	Status of negotiations
E.ON UK Plc	23-01, 6-14	Rights	and are included at Schedule 15, Part 4 of the Draft DCO.  The Applicant has been corresponding with E.ON to confirm E.ON's property interests within the Site since August 2022. The Applicant has issued RFIs between 2022-2024 to confirm those interests. The Applicant is awaiting a response in respect of E.ON's interests.  The Applicant's legal team provided its standard electricity and gas protective provisions to E.ON in September 2023. The Applicant remains open to discussing the protective provisions with E.ON if required.
EDF Energy (Thermal Generation) Limited ("EDF")	1-02, 1-03, 21-23, 23-02, 23-03, 23-04, 23-05, 23-06, 23-07, 24-01, 24-02	Freehold Freehold (in respect of subsoil up to half width of highway) Rights	The Applicant has been corresponding with EDF, their agents and legal representative to confirm EDF's property interests within the Site since August 2022. Meetings were held in mid-2023 in respect of impacts on EDF interests by the routing of the cable route corridor. In an email dated 1 November 2023 EDF confirmed they have no operational assets at the Cottam Power Station site.  Discussions on draft heads of terms in respect of easements for EDF have been continuing since mid-2023 and are ongoing.  Further to the discussions advanced on the Heads of Terms, the Applicant requested a set of draft protective provisions from EDF on 12 March 2023. A draft set of protective provisions was received from EDF on 13 March 2023. The Applicant is considering these draft protective provisions and expects to return comments back to EDF post submission for further discussion. A placeholder has been included within Schedule 15, Part 15 of the Draft DCO for these protective provisions to be included once agreed.

<b>Statutory undertaker</b>	<b>Plots</b>	<b>Interest in the land over which powers are sought</b>	<b>Status of negotiations</b>
Environment Agency (EA)	15-07, 15-08, 20-06, 20-11	Occupier Rights	<p>The Applicant has been corresponding with the EA to confirm the EA's property interests within the Site since August 2022. The Applicant issued RFIs between 2022-2024 to confirm those interests. A response was received on 3 October 2022 confirming that the EA do not generally have plant equipment or pipelines situated in the public highway.</p> <p>The Applicant received a first draft of the proposed protective provisions from the EA in June 2023. The Applicant provided its comments and amendments to this draft in November 2023 and that version of the protective provisions is included within Schedule 15, Part 10 of the Draft DCO. This version of the protective provisions reflects the Applicant's preferred drafting and remains in discussion between the parties.</p>
Exolum Pipeline System Limited	18-20, 18-21, 19-01	Rights	<p>The Applicant has been corresponding with Exolum to confirm Exolum's property interests within the Site since August 2022. The Applicant has issued RFIs between 2022-2024, to confirm those interests. Exolum confirmed the extent of its interests on 15 December 2022.</p> <p>The Applicant's legal team provided its standard electricity and gas protective provisions to Exolum in September 2023. Initial communications requested the Applicant undertake a line search on 5 October 2023, which the Applicant provided the results of on 26 October 2023. Since further information was provided, no further input or feedback has been received from Exolum. The Applicant remains open to discussing protective provisions with Exolum if required.</p>
iGas Energy Production Limited	7-14, 10-03	Rights	<p>The Applicant has been corresponding with iGas regarding its property and assets within the Site since March 2023. The Applicant issued RFIs in early 2023 to confirm these interests.</p>

Statutory undertaker	Plots	Interest in the land over which powers are sought	Status of negotiations
National Gas Transmission plc (NGT)	2-07, 2-09, 3-04, 3-05, 3-06, 3-16, 3-18, 3-21, 4-07, 5-04, 5-10, 6-02, 6-05, 6-07, 6-09, 6-14, 6-18, 7-10, 7-11, 7-12	Rights	<p>The Applicant exchanged emails with iGas on 25 September and 24 October 2023 and a meeting took place on 2 November 2023 where the Scheme design was reviewed, and iGas' interests discussed. The Applicant has continued its dialogue with iGas and has factored iGas' property interests and assets into the DCO Application.</p> <p>The Applicant has been corresponding with NGT to confirm NGT's property interests within the Site since August 2022. The Applicant issued RFIs between 2022-2024, to confirm those interests. Initial communications requested the Applicant undertake a line search on 22 September 2022. The Applicant is awaiting a final confirmation of NGT's interests.</p> <p>The Applicant's legal team requested a copy of NGT's bespoke protective provisions in September 2023. No response has been received from NGT in respect of the protective provisions. The Applicant remains open to discussing protective provisions with NGT if required.</p>
National Grid Electricity Transmission Plc (NGET)	19-07, 19-11, 20-04, 20-06, 20-08, 21-20, 21-23, 21-25, 21-26, 22-01, 23-02, 23-03, 23-04, 23-05, 23-06, 23-07, 23-08, 23-10	Leasehold Rights	<p>The Applicant has been corresponding with NGET to confirm NGET's property interests within the Site since August 2022. The Applicant issued RFIs between 2022-2024 to confirm those interests. NGET responded requesting that the Applicant undertakes a linesearch to identify their assets.</p> <p>NGET confirmed in November 2023 that the land rights required to connect to the Cottam National Grid Substation would be secured by way of an Interface Agreement. The Applicant is awaiting confirmation from NGET as to whether NGET wish to proceed with the Interface Agreement now.</p>

Statutory undertaker	Plots	Interest in the land over which powers are sought	Status of negotiations
			<p>The Applicant's legal team requested a copy of NGET's bespoke protective provisions in September 2023, and were put in touch with the correct contact in January 2024 to progress this. No response has yet been received but the Applicant remains open to discussing protective provisions with NGET if required.</p>
National Grid Electricity Distribution Plc (NGED)	19-05, 19-07, 19-08, 19-09, 20-01, 21-08, 21-08b, 21-08c, 21-08d, 21-12, 21-23, 23-01	Rights	<p>The Applicant has been corresponding with NGED to confirm NGED's property interests within the Site since August 2022. The Applicant issued RFIs between 2022-2024, to confirm those interests. Responses were received on 31 August and 16 November 2022 confirming that NGED have apparatus interests within the Site.</p> <p>Correspondence in respect of protective provisions have been confined to NGET at this stage, however the Applicant remains open to discussing protective provisions with NGED if required.</p>
National Grid Plc	19-06, 19-12, 20-04, 21-17a, 21-18, 21-25, <del>3-22</del> , 4-08, <del>7-07</del>	Rights	<p>The Applicant has been corresponding with National Grid Plc to confirm its property interests since August 2022. The Applicant issued RFIs between 2022-2024 to confirm those interests. The Applicant received acknowledgements on 3 November 2022 and 7 August 2023 and a final response is awaited.</p> <p>Correspondence in respect of protective provisions has been confined to NGET at this stage, however the Applicant remains open to discussing protective provisions with National Grid Plc if required.</p>
Network Rail Infrastructure Limited	18-05, 18-14, 18-15, 18-17, 18-19, 18-21	Freehold	<p>The Applicant has been corresponding with Network Rail regarding its property and assets within the proposed Scheme since August 2022. The Applicant has issued multiple RFIs to confirm those interests.</p> <p>Discussions have occurred since August 2023 in respect of requirements for the</p>

Statutory undertaker	Plots	Interest in the land over which powers are sought	Status of negotiations
			<p>under-track crossings. The Applicant is presently awaiting confirmation that Network Rail have received Technical and Business Clearance so that heads of terms can be agreed for the two options for easement required to cross Network Rail's operational and non-operational land.</p> <p>The Applicant's legal team has been in correspondence with Network Rail's legal advisers since September 2023. A first draft of protective provisions was received from Network Rail in October 2023. The parties have been in discussions in respect of these protective provisions, and a version is included at Schedule 15, Part 12 within the Draft DCO. This version of the protective provisions reflects the Applicant's preferred drafting and remains in discussion between the parties. This version was issued to Network Rail for comment on 19 March 2024 and the Applicant awaits their further input.</p>
Network Rail Limited	18-05, 18-14, 18-15, 18-17, 18-19, 18-21	Freehold Rights	<p>As outlined in the row above, the Applicant has been in contact with Network Rail Limited and Network Rail Infrastructure Limited since August 2022. These discussions have been on a combined basis.</p>
Northern Powergrid Limited	5-10	Rights	<p>The Applicant has been corresponding with Northern Powergrid to confirm its property and assets within the Site since March 2023. The Applicant issued RFIs between 2022-2024, to confirm those interests. A response was received on 11 August 2023 acknowledging the requests the Applicant had made and a final response is awaited.</p> <p>The Applicant's legal team has been in correspondence with Northern Powergrid's legal advisers since September 2023. A first draft of protective provisions was received from Northern Powergrid in January 2024. The parties have been in discussions in respect of these protective provisions, and</p>

Statutory undertaker	Plots	Interest in the land over which powers are sought	Status of negotiations
Northern Powergrid (Yorkshire) Plc	10-01, 10-02, 10-04, 1-03, 1-06, 1-08, 1-09, 1-10, 13-07, 13-12, 13-13, 13-14, 13-16, 13-17, 13-18, 16-01, 16-01a, 16-03, 16-06, 17-02, 17-03, 17-05, 17-06e, 17-07, 18-01, 18-07, 18-08, 18-22, 19-02, 19-04, 19-05, 19-06, 19-07, 19-09, 19-10, 19-11, 20-01, 2-02, 2-03, 2-05, 2-06, 2-07, 3-03, 3-05, 3-15, 3-17, 4-08, 4-12, 5-04, 5-06, 5-07, 5-09, 5-11, 5-12b, 6-01, 6-02, 6-04, 6-05, 6-11, 6-14, 6-15, 6-17, 6-18, 6-19, 6-20, 7-01, 7-03, 7-04, 7-08, 7-10, 7-11, 7-14, 9-03, 9-04, 9-05, 9-08, 9-09	Freehold (in respect of subsoil up to half width of highway) Rights	<p>a version of these bespoke provisions is included at Schedule 15, Part 11 within the Draft DCO. This version of the protective provisions reflects the Applicant's preferred drafting and remains in discussion between the parties. This version was issued to Northern Powergrid for comment on 12 March 2024 and the Applicant awaits their further input.</p> <p>As outlined in the row above, the Applicant has been in contact with Northern Powergrid and Northern Powergrid (Yorkshire) Plc since March 2023. These discussions have been on a combined basis.</p>

<b>Statutory undertaker</b>	<b>Plots</b>	<b>Interest in the land over which powers are sought</b>	<b>Status of negotiations</b>
Openreach Limited	1-03, 1-06, 1-07, 1-08, 1-09, 1-10, 12-01, 12-03, 12-05, 13-02, 13-07, 13-10, 13-12, 13-19, 15-01, 16-01, 16-01a, 16-03, 17-05, 17-06a, 17-06e, 17-07, 18-05, 18-08, 18-13, 18-14, 18-15, 18-16, 18-17, 18-22, 19-02, 19-04, 19-06, 19-07, 19-11, 20-01, 2-02, 21-08, 21-08a, 21-08b, 21-08c, 21-08d, 21-23, 21-26, 22-03, 22-04, 23-03, 23-04, 23-05, 23-06, 24-02, 5-12a, 5-12b, 6-11, 9-09	Rights	<p>The Applicant has been corresponding with Openreach regarding its property and assets within the Site since August 2022. The Applicant issued RFIs in 2022 and 2024, to confirm those interests. The Applicant is awaiting a response in respect of Openreach's interests.</p> <p>The Applicant's legal team provided a copy of the standard protective provisions included for telecommunications providers in September 2023. These are included at Schedule 15, Part 2 of the Draft DCO. No response has been received from Openreach in respect of these protective provisions. The Applicant remains open to discussing protective provisions with Openreach if required.</p>
Scunthorpe & Gainsborough WMB (SGWMB)	2-05, 2-06, 2-07, 3-05, 3-11, 5-06, 6-01, 6-02	Occupier	<p>The Applicant has been corresponding with SGWMB regarding its property and assets within the Site since March 2023. The Applicant issued RFIs in 2023 and 2024, to confirm those interests. The Applicant is awaiting a response in respect of SGWMB's interests.</p> <p>A meeting with the Scheme's Water Environment Stakeholders took place between the technical consultants for the project on 4 September 2023 and SGWMB's interests discussed along with the mitigation measures which will be put in place for the DCO. General protection provisions for the protection of drainage authorities have been included at Schedule 15, Part 3 of the Draft DCO. The Applicant</p>

<b>Statutory undertaker</b>	<b>Plots</b>	<b>Interest in the land over which powers are sought</b>	<b>Status of negotiations</b>
			remains open to discussing protective provisions with SGWMB if required.
Severn Trent Water Limited	19-04, 19-05, 19-07, 19-09, 21-08, 21-08a, 21-08b, 21-08c, 21-08d	Freehold (in respect of subsoil up to half width of highway) Rights	<p>The Applicant has been corresponding with Severn Trent regarding its property and assets within the Site since August 2022. The Applicant issued RFIs between 2022-2024, to confirm those interests. The Applicant is awaiting a response in respect of Severn Trent's interests.</p> <p>The Applicant's legal team provided a copy of the standard protective provisions included for water undertakers in September 2023. No response has been received from Severn Trent in respect of these protective provisions. The Applicant remains open to discussing protective provisions with Severn Trent if required.</p>
Trent Valley Internal Drainage Board (TVIDB)	18-19, 18-20, 18-21, 20-02, 20-03, 20-08, 20-10, 20-13, 20-14, 20-15, 21-02, 21-03, 21-04, 21-07, 21-08, 21-12, 21-13, 21-20, 22-01, 22-04, 22-05, 23-01, 23-02, 23-03, 23-05, 23-09	Occupier	<p>The Applicant has been corresponding with TVIDB regarding its property and assets within the Site since March 2023. The Applicant issued RFIs in 2023 and 2024, to confirm those interests. A response was received on 9 August 2023 providing information regarding the interests TVIDB have within the Site and the obligations they have under the Land Drainage Act 1991.</p> <p>A meeting with the Scheme's Water Environment Stakeholders took place on 4 September 2023 and TVIDB's interests discussed along with the mitigation measures which will be put in place for the DCO. General protection provisions for the protection of drainage authorities have been included at Schedule 15, Part 3 of the Draft DCO. The Applicant remains open to discussing protective provisions with TVIDB if required.</p>
Uniper UK Cottam Limited	12-01, 18-03, 18-09, 18-17, 18-18, 18-19, 19-07, 20-01, 9-09	Rights	The Applicant has been in contact with Uniper UK Limited and Uniper UK Cottam Limited (Uniper) regarding its property and assets within the Site since August 2022.



Statutory undertaker	Plots	Interest in the land over which powers are sought	Status of negotiations
Uniper UK Limited	14-01c, 18-04, 18-11, 18-14, 18-16, 18-20, 19-07, 21-23, 3-06, 3-09, 3-11, 6-05, 6-06, 6-07, 6-12, 6-13, 6-14, 6-17, 9-03, 9-08	Freehold (in respect of subsoil up to half width of highway) Leasehold Rights	<p>The Applicant issued RFIs between 2022-2024 to confirm those interests.</p> <p>Several meetings have been held since August 2023 to discuss the grid connection route and the necessary agreements required to protect Uniper's assets.</p> <p>Uniper has sought that a consistent set of bespoke protective provisions be agreed between Uniper and the four solar DCOs within the Lincolnshire area (Tillbridge, Gate Burton, West Burton and Cottam). These protective provisions are still under discussion. A placeholder is included within the Draft DCO at Schedule 15, Part 14 for these protective provisions to be inserted once agreed.</p> <p>As outlined in the row above, the Applicant has been in contact with Uniper UK Limited and Uniper UK Cottam Limited since August 2023. These discussions have been on a combined basis.</p>
Upper Witham Internal Drainage Board (UWIDB)	1-10, 12-01, 12-02, 12-03, <del>12-04a</del> , 13-01, 13-02, 13-03, <del>13-03a</del> , 13-06, 13-10, 13-12, 13-13, 13-14, 13-15, 13-16, 13-17, 13-20, 15-02, 15-03, 16-05, 2-02, 2-03, 3-07, 3-08, 3-09, 3-10, 3-17, 5-01, 5-09, 5-10, 5-13, 7-11, 8-01, 9-11, 9-12	Occupier	<p>The Applicant has been corresponding with UWIDB regarding its property and assets within the Site since August 2022. The Applicant issued RFIs between 2022-2024, to confirm those interests. Responses were received on 8 August, 19 October 2022 and 9 August 2023 providing information regarding the water body interests UWIDB has an interest in and confirming that it has no apparatus, live equipment or own land within the Site.</p> <p>A meeting with the Scheme's Water Environment Stakeholders took place on 4 September 2023 and UWIDB's interests discussed along with the mitigation measures which will be put in place for the DCO. General protection provisions for the</p>

<b>Statutory undertaker</b>	<b>Plots</b>	<b>Interest in the land over which powers are sought</b>	<b>Status of negotiations</b>
			protection of drainage authorities have been included at Schedule 15, Part 3 of the Draft DCO. The Applicant remains open to discussing protective provisions with UWIMB if required.
Vodafone Limited	16-03	Rights	<p>The Applicant has been corresponding with Vodafone regarding its property and assets within the Site since August 2022. The Applicant issued RFIs in 2022 and 2024, to confirm those interests. A response was received on 23 August 2023 confirming Vodafone's interests within the vicinity of the National Grid Cottam Substation.</p> <p>The Applicant's legal team provided a copy of the standard protective provisions included for telecommunications providers in September 2023. These are included at Schedule 15, Part 2 of the Draft DCO. No response has been received from Vodafone in respect of these protective provisions. The Applicant remains open to discussing protective provisions with Vodafone if required.</p>
Virgin Media Limited	23-05, 23-06	Rights	<p>The Applicant has been corresponding with Virgin Media regarding its property and assets within the Site since August 2022. The Applicant issued RFIs in 2022 and 2024, to confirm those interests. The Applicant is awaiting a response in respect of Virgin Media's interests.</p> <p>The Applicant's legal team provided a copy of the standard protective provisions included for telecommunications providers in September 2023. These are included at Schedule 15, Part 2 of the Draft DCO. No response has been received from Virgin Media in respect of these protective provisions. The Applicant remains open to discussing protective provisions with Virgin Media if required.</p>
West Burton B Limited	1-02	Freehold	The Applicant has been corresponding with West Burton B Limited regarding its property and assets within the Site since

Statutory undertaker	Plots	Interest in the land over which powers are sought	Status of negotiations
			March 2023. The Applicant issued RFIs between 2022-2024 to confirm those interests. The Applicant is presently awaiting a final response in respect of West Burton B Limited's property interests within the Site.
8.3.3	Section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that matters set out in section 127(3) are satisfied. Those matters are:		
	<ul style="list-style-type: none"><li>a. The land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or</li><li>b. If purchased, the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.</li></ul>		
8.3.4	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:		
	<ul style="list-style-type: none"><li>a. The right can be purchased without serious detriment to the carrying on of the undertaking; or</li><li>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.</li></ul>		
8.3.5	Article 32 of the DCO gives the Applicant the authority to acquire land and rights from Statutory Undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 15 which contains protective provisions for their benefit. The protective provisions provide adequate protection for Statutory Undertakers' assets. The Applicant therefore considers that the Statutory Undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition powers sought over the Order land being granted. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.		
8.3.6	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 <b>Book of Reference [EN010142/APP/4.3]</b> . 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 <b>Draft DCO</b>		

**[EN010142/APP/3.1]** includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Scheme. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 15 to the DCO. The protective provisions are in the process of being agreed with the relevant statutory undertakers and electronic communications apparatus owners and will accordingly set out constraints on the exercise of the powers in the DCO, with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Scheme (i.e. the development authorised by the DCO) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.

8.3.7 With respect to the current status of negotiations with each Statutory Undertaker, the position is as set out in **Table 2**. The Applicant will continue to seek agreement as to protective provisions with the other parties contacted, and in any event has included standard protective provisions in the DCO for the protection of electricity, gas, water and sewerage undertakers; operators of electronic communications code networks; and drainage authorities, in order to ensure the assets of those parties receive adequate protection under the Tillbridge DCO.

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

## 9. Other consents and orders

### 9.1 Other planning permissions, consents and orders

9.1.1 The Applicant requires various other consents, as well as a DCO, in order to build, operate and maintain the Scheme. The **Consents and Agreements Position Statement [EN010142/APP/3.3]** sets out the additional consents required and when they will be applied for. The consents are identified below and reference should be made to the Consents and Agreement Position Statement for the full list and the need for, and current position regarding, each consent:

- a. Electricity Generation Licence;
- b. Bilateral Connection Agreement with National Grid to connect to the National Grid Cottam Substation;
- c. Water abstraction or impoundment licence;
- d. Water discharge;
- e. Permit for Transport of Abnormal Loads;
- f. Construction Noise Consent prior to carrying out noise generating activities during construction;
- g. Health and Safety related consents;
- h. Building Regulations Approval;
- i. Protected Species Licence; and
- j. New water mains connection.

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

## 10. Human Rights

### 10.1 Overview of relevant Articles of the Convention

- 10.1.1 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.
- 10.1.2 The following Articles of the Convention are relevant to the Secretary of State's decision as to whether the Tillbridge DCO should be made to include powers of compulsory acquisition.

#### **Article 1 of the First Protocol to the Convention**

- 10.1.3 This provides the right of everyone to the peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles.

#### **Article 6**

- 10.1.4 This entitles those affected by the 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.

#### **Article 8**

- 10.1.5 This protects private and family life, home and correspondence. No public authority can interfere with these rights except in accordance with the law, and so far as is necessary in the interest of national security, public safety or the economic well-being of the country.

### 10.2 Assessment

- 10.2.1 The Secretary of State, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.
- 10.2.2 The Tillbridge DCO has the potential to infringe the human rights of persons who own property or hold interests in the land within the Order limits under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:
- a. The statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
  - b. The interference with the convention right is proportionate.
- 10.2.3 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 Tillbridge DCO and has sought to minimise the amount of land over which it

requires powers of compulsory acquisition. The Applicant considers that there would be very significant public benefits arising from the making of the Tillbridge DCO for the Scheme (as set out in previous sections of this Statement and in the **Planning Statement [EN010142/APP/7.2]**). Those benefits can only be realised if the Tillbridge DCO includes compulsory acquisition powers, and the purpose for which the land is sought (to build and operate the Scheme) is legitimate. The Applicant considers, on balance, that the significant public benefits outweigh the effects on persons who own interests in relevant land or who may be affected by the Scheme. For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code. The **Funding Statement [EN010142/APP/4.2]** confirms the availability of funds to meet these liabilities.

- 10.2.4 In relation to Article 8, the Order limits do not include, and the Scheme does not require, the outright acquisition of any residential dwelling-houses. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. If such rights were to be infringed, such interference would be justifiable on the basis that it would be lawful and in the public interest.
- 10.2.5 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 of land affected and those who may be able to make claims either under Sections 7 and 10 of the Compulsory Purchase Act 1965 in respect of injurious affection or under Part 1 of the Land Compensation Act 1973. The beneficiaries of rights overridden by the exercise of powers in the Tillbridge DCO can make claims under Section 10 of the Compulsory Purchase Act 1965.
- 10.2.6 Following acceptance of the Application, 'relevant representations' can be made in response to the notice which the Applicant is obliged to give pursuant to Section 56 of the PA 2008. These are then considered during the examination of the Application by the examining authority, in any written representations procedure which the examining authority decides to hold or at any compulsory purchase hearing held under Section 92 of the PA 2008. There are further opportunities for affected persons to be involved in the examination process, including submitting detailed written representations, responding to matters raised by the examining authority and at other types of hearings that may be held.
- 10.2.7 Should the Tillbridge DCO be made, any person aggrieved may challenge the Tillbridge DCO in the High Court if they consider that the grounds for doing so are made out, pursuant to Section 118 of the PA 2008.
- 10.2.8 In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber) to determine the compensation payable.
- 10.2.9 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the Tillbridge DCO of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in

Sections 6 and 7 of this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.

10.2.10 The Applicant considers that the Tillbridge DCO strikes a fair balance between the public interest in the Scheme going ahead and the interference with the rights that will be affected. The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Tillbridge DCO, including the compulsory acquisition powers sought.



## 11. Conclusions

- 11.1.1 The Applicant submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the Tillbridge DCO for the purposes of the Scheme meets the conditions of Section 122 of the PA 2008, as well as the considerations in the CA Guidance.
- 11.1.2 The acquisition of land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is no more than is reasonably required to facilitate or is incidental to the Scheme. Furthermore, the land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is proportionate, as is shown in the **Draft DCO [EN010142/APP/3.1]**, the **Works Plans [EN010142/APP/2.3]** and other information both in this Statement and in other documents accompanying the Application.
- 11.1.3 The need for the Scheme, suitability of the Order limits and the support for such projects is clearly set out in Sections 6 and 7 of this Statement. It is demonstrated that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 11.1.4 The Applicant has acquired the necessary land interests in respect of part of the Principal Site only. Where there is agreement, powers of compulsory acquisition in respect of this land are retained as a fall-back position in case the owners do not grant a lease in accordance with the completed option agreements and to ensure that third party private rights across this land can be extinguished to the extent that it is necessary to do so. Compulsory acquisition powers are necessary where agreement has not been reached. It has not been possible to reach agreement for rights to install and maintain the Cable Route Corridor and therefore compulsory acquisition powers are necessary for this purpose.
- 11.1.5 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Scheme and the support for it found in policy, as well as the suitability of the Order land (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.
- 11.1.6 The proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose, namely the Scheme, 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.
- 11.1.7 The Applicant has set out clear and specific proposals for how the land within the Order limits will be used.

11.1.8 The requisite funds are available to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition.

## 12. Further information

### 12.1 Negotiations

- 12.1.1 Owners and occupiers of property affected by the Tillbridge DCO who wish to negotiate a sale or discuss matters of compensation should contact Giles Johnston of DDM (telephone – [REDACTED], email – [REDACTED]@ddmagriculture.co.uk).

### 12.2 Compensation

- 12.2.1 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.
- a. Booklet No. 1 - Compulsory Purchase Procedure;
  - b. Booklet No. 2 - Compensation to Business Owners and Occupiers;
  - c. Booklet No. 3 - Compensation to Agricultural Owners and Occupiers;
  - d. Booklet No. 4 - Compensation for Residential Owners and Occupiers;  
and
  - e. Booklet No. 5 - Reducing the Adverse Effects of Public Development: Mitigation Works.
- 12.2.2 Copies of these booklets are obtainable, free of charge, from:  
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

# **Appendix A : Rules pertaining to the determination of the Cable Route Corridor width**

## Rules pertaining to the determination of the cable route corridor width.

The rules which the Applicant has used to determine the width of the Cable Route Corridor are set out below.

<b>Rule</b>	<b>Justification</b>	<b>Dimensions (metres)</b>
<b>1 400kV Cable Trench</b>	<p>This trench will provide the connection from the Principal Site to the Cottam National Grid Substation. The trench will contain a single circuit of 400kV cables in a trefoil formation. In addition to the 400kV cabling the trench will also contain fibre communication cables and earthing cables.</p> <p>The cable trench will be up to 3.5m wide. The trench will be at its maximum width at the top in order to prevent the soil from sliding and collapsing the trench. The trench depth will be a maximum of 2m.</p>	<p>The trench will have a maximum width of 3.5m and a typical depth of up to 2m.</p> <p>For trenchless crossings, which include utilities, the cable will be buried deeper, up to a depth of 3m. However, some trenchless crossings will require even greater depths. This is the case for watercourses where a minimum depth of 10m beneath the beds of the River Trent and River Till will be required in order to prevent disturbance to fish species. The maximum cable depth in each of these two river crossing locations is expected to be 25m. This figure will be dependent on a final ground investigation and subject to appropriate consents being obtained.</p>
<b>2 Jointing Bays</b>	<p>Jointing bays will be required at intervals of up to 1,000m along the cable route to join the sections of 400kV cable together.</p>	<p>The bays will be up to 19m in length, up to 4m in width and up to 2.5m depth.</p>

<b>Rule</b>	<b>Justification</b>	<b>Dimensions (metres)</b>
<b>3</b> Link and Communications Box	Link and Communication Box pits will be required adjacent to the Jointing Bays (at intervals of up to 1,000m along the cable route) to enable access to the fibre cables. The Scheme will make use of a prefabricated industry standard system that would be accessed via a hatch from the surface. The access hatches will be located either at the edge of a field or in a hard-surfaced area. The precise locations will be determined during the detailed design stage.	Each Link and Communications Box pit will be up to 5m in length by up to 5.5m in width, and have a depth of up to 1.3m.

Rule	Justification	Dimensions (metres)
4 Shared Cable Corridor	<p>The Applicant has worked closely with the developers of the Gate Burton Energy Park, West Burton Solar Project and Cottam Solar Project to identify and agree a shared cable corridor that results in the four projects having almost identical Order limits along stretches of the Cable Route Corridor where the projects interact.</p> <p>The purpose of this shared corridor is to minimise environmental effects.</p> <p>This joint working with the other developers has been central to defining the width of the Cable Route Corridor. As the corridor is shared with other projects along part of its length, there is a need to retain some flexibility to ensure that no one project prevents another project coming forward should all Development Consent Orders (DCOs) be made. Further information on the development of the shared corridor with the Gate Burton Energy Park, West Burton Solar Project and Cottam Solar Project can be found in the <b>Report on the Interrelationship with other National Infrastructure Projects [EN/010142/APP/7.6]</b> and <b>Chapter 4: Alternatives and Design Evolution of the Environmental Statement [EN/010142/APP/6.1]</b>.</p>	<p>The Scheme's Order limits are typically 100m wide along the length of the Cable Route Corridor with variations in the required working width in certain locations as set out below.</p>

<b>Rule</b>	<b>Justification</b>	<b>Dimensions (metres)</b>
<b>5</b> Typical construction working width	<p>A working width of 40m will be required when constructing the Cable Route Corridor. This is due to requiring sufficient space for the 400kV cable trench, to allow for vehicular access and provide working space for materials and storage of aggregate during construction.</p> <p>This width would also allow for the Shared Cable Corridor to be constructed by a single Contractor in the event that such a solution is taken forward.</p>	Up to 40m.



## 6 Additional working width/Order limits

Additional width needs to be retained within the Order limits to enable refinement of the working area in the event that constraints are identified through pre-commencement surveys and through the detailed design of the other projects within the shared cable corridor (should all four DCOs be made).

The Applicant has aimed to refine the Cable Route Corridor width to 100m. There are areas where additional width is required owing to constraints that have been identified.

Such constraints typically include:

1. **Horizontal Directional Drilling (HDD):** a need to undertake HDD has been identified in several locations. HDD will typically require an increased construction width for reasons that include:
  - a. To allow spacing of the drill bores;
  - b. To allow for excavation of the launch and receive pits;
  - c. To allow space for the materials required;
  - d. To allow for the safe movement and turning of vehicles.
2. **Access:** some sections of the Cable Route Corridor are difficult to access from the public highway or from existing tracks or internal roads. In locations where this is the case, it will be necessary for construction vehicles to make use of the corridor itself to access. Using such a method to access will require additional width to provide separation between excavation works

Typically 100m.

In some locations additional width is required in excess of 100m.

Areas which retain optionality or where the Order limits are particularly wide are outlined below in row 9 of this table.

Rule	Justification	Dimensions (metres)
	<p>and any construction traffic movements.</p> <p>3. <b>Obstructions:</b> additional width is required in several locations where the Cable Route Corridor passes close to existing buildings and places of archaeological and ecological interest. This additional width will be used to allow the installation team to make the necessary adjustments to the alignment to avoid these obstructions.</p> <p>4. <b>Cable Alignment Variations:</b> where the Cable Route Corridor turns, additional space is required in order to allow for alignment changes. Best practice calls for sections of cable to be installed in a straight line wherever possible. Some sections of the cable route may require repeated changes of alignment. Where this is the case, a wider construction width allows the team installing the cable to mitigate the effects of the alignment changes, including by flattening the turns required.</p> <p>5. <b>Cable Route Construction compounds:</b> six temporary construction compounds will be required along the Cable Route Corridor. These compounds will enable the storage of materials required to construct the cable corridor.</p>	
7 Option Agreements	Where an option agreement is in place, the cable width will be	Typically up to 100m. Each option area will be bespoke and specified

Rule	Justification	Dimensions (metres)
	reflected to the extent agreed in such agreement.	in the Option Agreement.
8 Permanent Easements	<p>The permanent easement is typically 10m. This is to allow sufficient width for the cable trench and the jointing and fibre bays and to allow for future access, as required.</p> <p>The additional width of the easement beyond the assumed widest infrastructure enables a working area on either side of the infrastructure should maintenance be required.</p> <p>A larger area of 30m width by 70m length will be required around the jointing bays to enable safe access and to allow for any faulty cabling to be removed from either end of the jointing bay. The location of the jointing pits will be determined during the final detailed design pre-construction.</p>	<p>Typically 10m.</p> <p>At each jointing bay location, it will be 30m width by 70m length.</p>
9 Additional Width and Areas of Optionality	<p><b>1) Crossing of Cottam Solar Project site:</b></p> <p>The Cable Route Corridor begins its crossing of the Cottam Solar Project site to the north of Willingham Road. The Cable Route Corridor then runs through the site until it reaches Normanby By Stow. Optionality is proposed within the Order limits at land to the north of Fillingham Lane.</p> <p>Additional width and optionality are required when crossing the solar PV area of the proposed Cottam Solar Project to allow for this constraint.</p>	Up to 350m.
<p>All areas where optionality remains within the Cable Route Corridor are shown in <b>Figure 4-6: Areas of retained optionality within the Cable Route Corridor</b> of the Environmental Statement <b>[EN010142/APP/6.3]</b></p>	<p><b>2) Normanby By Stow:</b></p> <p>Additional width is proposed within the Order limits where the Cable</p>	<p>Up to 300m. This measurement excludes the part of the Order limits that includes a</p>

Rule	Justification	Dimensions (metres)
	<p>Route Corridor crosses the B1241 Normanby Road, this is to allow for a construction compound for the Cable Route Corridor to be located in this location.</p>	<p>stretch of the B1241 road.</p>
	<p><b>3) Network Rail crossing #1 at land to the north of Stow Park Road:</b></p>	<p>Up to 450m.</p>
	<p>Optionality is proposed at this location due to the need to cross the live railway line using a trenchless crossing, to protect an existing woodland, to protect a gas pipeline owned by Uniper and where the Cottam Solar Project also crosses the railway line at this point.</p>	
	<p><b>4) Land south of Marton:</b></p>	<p>Up to 200m. This measurement excludes the stretch of the A156 road included in the Order limits.</p>
	<p>Two alternative routes are included within the Order limits at land to the south of Marton due to concerns associated with the space that would be required for all four projects, particularly in the context of proposals by the landowner to develop land at the location and uncertainty over ground conditions in the locality.</p> <p>The northernmost of the two options is the Applicant's preferred routing as this would accord with the routes proposed by the other three solar projects within the shared cable corridor.</p>	
	<p><b>5) River Trent crossing:</b></p>	<p>Up to 250m.</p>
	<p>Additional width is required in this location to facilitate the trenchless crossing of the River Trent.</p>	

<b>Rule</b>	<b>Justification</b>	<b>Dimensions (metres)</b>
	<p><b>6) Network Rail crossing #2 at land to the east of Cow Pasture Lane, Cottam:</b></p> <p>Additional width is required in this area to facilitate the crossing of the disused railway to the east of Cow Pasture Lane.</p>	Up to 250m.
	<p><b>7) Land north of Cottam Road:</b></p> <p>Additional width is required at land adjacent to Cottam Road (on the north side) to allow for a construction compound for the Cable Route Corridor to be located in this location.</p>	Up to 400m.
	<p><b>8) Torksey Ferry Road HDD:</b></p> <p>Additional width is required within the Cable Route Corridor to facilitate the HDD crossing of Torksey Ferry Road and entry into National Grid Cottam Substation. The width of the Cable Route Corridor is particularly wide in this location because of the need to include National Grid Cottam Substation within the Order limits. This additional width and inclusion of the entire National Grid Cottam Substation allows sufficient flexibility for the construction of the Cable Route Corridor to the south of National Grid Cottam Substation within the context of the other proposed solar projects and existing underground apparatus located in this area.</p>	Up to 550m.

