

# Springwell Solar Farm

## Statement of Reasons

EN010149/APP/4.1  
November 2024  
Springwell Energyfarm Ltd

APFP Regulation 5(2)(h)  
Planning Act 2008  
Infrastructure Planning  
(Applications: Prescribed Forms  
and Procedure) Regulations 2009



## Table of Contents

|   |           |
|---|-----------|
| <b>1. Executive Summary</b> .....                                   | <b>3</b>  |
| 1.1. Purpose and Structure of this Statement of Reasons .....       | 3         |
| 1.2. Description of the Proposed Development .....                  | 3         |
| 1.3. Description of the Order Limits.....                           | 5         |
| 1.4. Source and Scope of Powers Sought in the DCO.....              | 5         |
| 1.5. Purpose of the Powers .....                                    | 6         |
| 1.6. Justification for the Compulsory Acquisition Powers .....      | 6         |
| 1.7. Diligent Inquiry and Land Referencing .....                    | 7         |
| 1.8. Human Rights.....  | 7         |
| 1.9. Special Considerations.....                                    | 8         |
| 1.10. Related Applications and Consents.....                        | 8         |
| 1.11. Further Information .....                                     | 8         |
| 1.12. Conclusion .....  | 9         |
| <b>2. Introduction</b> .....  | <b>10</b> |
| 2.2. The Proposed Development.....                                  | 10        |
| 2.3. The Applicant .....  | 10        |
| 2.4. The Purpose and Structure of this Document.....                | 11        |
| 2.5. Description of the Proposed Development .....                  | 12        |
| 2.6. Works Package.....   | 13        |
| 2.7. Flexibility .....  | 18        |
| <b>3. Description of the Order Limits</b> .....                     | <b>19</b> |
| <b>4. Source and Scope of Powers Sought in the DCO</b> .....        | <b>20</b> |
| 4.1. Introduction .....   | 20        |
| 4.2. Enabling Powers .....  | 21        |
| 4.3. Permanent Acquisition .....                                    | 22        |
| 4.4. Temporary Use .....  | 22        |
| 4.5. Other Rights and Powers .....                                  | 24        |
| <b>5. Purpose of the Powers</b> .....                               | <b>26</b> |
| 5.1. The need for the Proposed Development.....                     | 26        |
| 5.2. National policy support .....                                  | 28        |
| <b>6. Justification for the Compulsory Acquisition Powers</b> ..... | <b>34</b> |

|   |    |
|---|----|
| 6.1. The matters to which the SoS must have regard .....  | 34 |
| 6.2. Use and quantum of the Order Limits.....             | 35 |
| 6.3. Public Benefits .....                                | 36 |
| 6.4. Impacts and Private Loss .....                       | 37 |
| 6.5. Alternatives to Compulsory Acquisition.....          | 39 |
| 6.6. Commercial negotiations with affected parties .....  | 40 |
| 6.7. Solar PV Site.....                                   | 40 |
| 6.8. Grid Connection Route .....                          | 41 |
| 6.9. Availability of funds for compensation.....          | 41 |
| 7. Diligent Inquiry and Land Referencing.....             | 43 |
| 7.1. Diligent inquiry and land referencing .....          | 43 |
| 7.2. Diligent inquiry methodology.....                    | 43 |
| 8. Human Rights .....                                     | 45 |
| 9. Special considerations affecting the Order Limits..... | 48 |
| 9.1. Crown Land .....                                     | 48 |
| 9.2. Special Category Land – Open Space .....             | 49 |
| 9.3. Statutory Undertakers’ Land and Apparatus.....       | 49 |
| 10. Related Applications and Licences .....               | 52 |
| 11. Further Information .....                             | 53 |
| 11.1. Negotiation of Sale.....                            | 53 |
| 11.2. Compensation .....                                  | 53 |
| 12. Conclusion .....                                      | 54 |

# 1. Executive Summary

## 1.1. Purpose and Structure of this Statement of Reasons

- 1.1.1. This Statement of Reasons relates to the Application for a Development Consent Order made by Springwell Energyfarm Limited (the Applicant) to the Secretary of State (SoS) under the Planning Act 2008 for powers to construct, operate (including maintenance) and decommission the Proposed Development.
- 1.1.2. This Statement is required because the Application is seeking powers to:
- acquire land compulsorily;
  - create and compulsorily acquire new rights over land and impose restrictions; and
  - extinguish or override existing rights over land.
- 1.1.3. The Applicant is also seeking powers to take temporary possession of land to construct the Proposed Development.
- 1.1.4. It is necessary for the decision-maker to be satisfied that there is a compelling case in the public interest for the inclusion of compulsory acquisition powers in the **Draft DCO [EN010149/APP/3.1]**. This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for the Applicant to be granted these powers.
- 1.1.5. The matters addressed in this Statement are summarised in this section. References to numbered sections or paragraphs are to sections or paragraphs of this Statement. Terms used in this Executive Summary are defined in the main body of this Statement of Reasons.

## 1.2. Description of the Proposed Development

- 1.2.1. The Proposed Development comprises solar photovoltaic (PV) electricity generating and battery storage facility with associated infrastructure which would allow for the generation and export of electricity exceeding 50 megawatts (MW).
- 1.2.2. The Proposed Development encompasses approximately 1,280 hectares (ha) located within the administrative areas of North Kesteven District Council and Lincolnshire County Council as shown in **ES Volume 2, Figure 1.1: Location Plan [EN010149/APP/6.2]**.

- 1.2.3. A development consent order is required for the Proposed Development as it falls within the definition and thresholds for a NSIP under sections 14(1) and 15 of the Planning Act 2008. This is because it consists of a generating station in England which does not generate electricity from wind and has a gross electrical output capacity exceeding 50MW. The Proposed Development will be located within the ‘Order Limits’ (as described below) and is the subject of the Application.
- 1.2.4. A summary of the description of the Proposed Development can be found in Section 3.1 of the **Environmental Statement (ES) Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1]**. The terminology used in this document is defined in the **Glossary [EN010149/APP/6.1]**. The Proposed Development is also described in Schedule 1 of the **Draft DCO [EN010149/APP/3.1]**, where the “authorised development” is divided into work packages. The Work Numbers (Work No.) for those packages are identified below and are referred to throughout this document, and correspond to the **Works Plans [EN010149/APP/2.3]**. Note that there is overlap of Work Nos. in some locations:
- Work No. 1: Ground-mounted Solar PV Generating Station
  - Work No. 2: Springwell Substation Compound
  - Work No. 3: Satellite Collector Compounds
  - Work No. 4: Battery Energy Storage System Compound
  - Work No. 5: Grid Connection Infrastructure
  - Work No. 6: Cables
  - Work No. 7: Temporary Construction and Decommissioning Compounds
  - Work No. 8: Highways Works (Facilitate access)
  - Work No. 9: Green Infrastructure
- 1.2.5. The powers in the Order enabling the compulsory acquisition of land, new rights over land, the imposition of restrictions over land and temporary use of land are contained within the Order Land. The Order Land is the term used for the land shaded pink, blue or green on the **Land Plans [EN010149/APP/2.2]**, and over which powers of compulsory acquisition or temporary possession are sought. The Order Land is slightly smaller than the Order Limits, as some areas within the Order Limits are shown as white, meaning no powers are sought over them.
- 1.2.6. The Proposed Development currently has phased grid connection dates of 2028 and 2030. It is currently anticipated that construction works would commence at the earliest in Q1 2027 and run to Q4 2030, meaning there

is the potential likelihood of overlapping construction works on the different parts of the Order Limits.

### 1.3. Description of the Order Limits

1.3.1. The land within the Order Limits **[EN010149/APP/2.1]** totals approximately 1280ha which is located in North Kesteven, Lincolnshire. The Order Limits comprise primarily of agricultural fields.

### 1.4. Source and Scope of Powers Sought in the DCO

1.4.1. Section 120 of the Planning Act 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 Planning Act 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.

1.4.2. Section 122 of the Planning Act 2008 provides that an order granting development consent may include provisions authorising the compulsory acquisition of land only if the Secretary of State, in respect of the application, is satisfied that the land is required for the development to which the DCO relates and the land is required to facilitate or is incidental to that development. The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO.

1.4.3. The powers sought with the Application are:

- all interests in land, including freehold (Article 22 in the DCO) – shown edged red and shaded pink on the **Land Plans [EN010149/APP/2.2]**
- new rights (Article 24 in the DCO) - shown edged red and shaded blue on the **Land Plans [EN010149/APP/2.2]**
- temporary use only of land to permit construction or maintenance where the Applicant has not yet exercised powers of compulsory acquisition (Articles 31 and 32 in the DCO) and extinguishment and/or suspension of rights (Article 25 in the DCO) and overriding of easements and other rights (Article 28 in the DCO) – shown edged red and shaded pink or blue on the **Land Plans [EN010149/APP/2.2]**
- temporary use only of land to permit construction and maintenance (Articles 31 and 32 in the DCO) – shown edged red and shaded green on the **Land Plans [EN010149/APP/2.2]**

1.4.4. The Applicant considers that in the absence of these powers, all of the Order Land may not be assembled, uncertainty will continue to prevail,

and its objectives and the Government policy objectives would not be achieved.

1.4.5. 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 Proposed Development. Whilst some voluntary agreements have been entered into with freehold owners, it has not yet been possible to acquire all interests by agreement. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire by agreement the land, the rights and other interests in, on and over the land, the temporary use of land, as well as secure the removal of matters affecting the Order Land that may impede the Proposed Development, wherever possible. This approach of seeking powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 2.8 of Ministry of Housing, Communities and Local Government (MHGLC) Guidance on the Compulsory Purchase Process.

1.4.6. This Statement (alongside the **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]**) sets out the position in relation to the negotiations undertaken to date with affected owners. In summary, at the time of writing, agreements have been entered into for the majority of the land within the Order Land and negotiations are on-going for the remainder of the rights required.

## 1.5. Purpose of the Powers

1.5.1. The meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of electricity supply, while helping lower bills for consumers throughout its operational life, will be critical on the path to Net Zero. Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

## 1.6. Justification for the Compulsory Acquisition Powers

1.6.1. Under section 122 of the Planning Act 2008, compulsory acquisition powers may only be granted if the SoS is satisfied that the land is required for the Proposed Development (or is required to facilitate it or is incidental to it), and if there is a compelling case in the public interest for inclusion of the powers.

1.6.2. The Guidance on the Compulsory Purchase Process (MHCLG, October 2024) also states that: *“A compulsory purchase order should only be made where there is a compelling case in the public interest and*

*reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement.”*

- 1.6.3. This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the Planning Act 2008, and the considerations set out in the Compulsory Acquisition Guidance, are satisfied.

## 1.7. Diligent Inquiry and Land Referencing

- 1.7.1. In accordance with the requirements of the Planning Act 2008, the Applicant undertook “diligent inquiry” through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the Planning Act 2008. These include owners, lessees, tenants and occupiers of the land within the Order Limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order Limits. Category 3 includes parties that may be eligible to make a claim for compensation as a result of the construction or operation of the Proposed Development.

- 1.7.2. The current position in relation to the Applicant’s engagement and negotiations with each landowner with an interest in the Order Land with whom the Applicant is seeking to negotiate the acquisition of land, rights or temporary use in connection with the Proposed Development is explained in the **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]**. Detailed discussions are ongoing with landowners in order to ensure that their concerns are taken into account and accommodated wherever possible. Negotiations are continuing with landowners and persons with interests in land affected by the Proposed Development. The Applicant and its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Proposed Development.

## 1.8. Human Rights

- 1.8.1. Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and Article 8 of the ECHR have been considered in respect of the Proposed Development. The DCO has the potential to infringe the human rights of persons who own property or have rights in the land proposed to be acquired pursuant to the DCO.
- 1.8.2. The Applicant considers that there would be very significant public benefit arising from the making of the DCO, a benefit that can only be realised if compulsory acquisition powers are granted. The purpose for which the land is sought (to build and operate the Proposed Development) is legitimate, necessary and proportionate.



## 1.9. Special Considerations

1.9.1. There are Crown interests within the Order Limits. The **Draft DCO [EN010149/APP/3.1]** includes an Article protecting the position of the Crown. The Applicant has been engaging with the Ministry of Defence in order to secure the necessary agreements to carry out the relevant parts of the authorised development and to obtain the consent of the Crown to the inclusion of provisions applying in relation to Crown land.

1.9.2. Various land or apparatus of statutory undertakers are affected by the Proposed Development. The Applicant has included protective provisions within the **Draft DCO [EN010149/APP/3.1]** and is separately seeking to agree these with each statutory undertaker. The current position in terms of negotiations with statutory undertakers in relation to protective provisions is in the **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]**.

## 1.10. Related Applications and Consents

1.10.1. The Applicant requires or may require various other consents, as well as a DCO, in order to build and operate the Proposed Development. The **Schedule of Other Consents and Licences [EN010149/APP/3.3]** sets out the additional consents required and when they will be applied for. The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Development proceeding.

## 1.11. Further Information

1.11.1. Where powers of compulsory acquisition are exercised, owners of the relevant land or rights in land may be entitled to compensation under the Compensation Code, where a valid claim is made out. Any dispute in respect of the compensation payable would be referred to and determined by the Lands Chamber of the Upper Tribunal.

1.11.2. Owners and occupiers of property affected by the Proposed Development who wish to discuss matters of compensation should contact Reena Shah of Gateley Hamer (Tel – 07759 526 330, email – [reena.shah@gateleyhamer.com](mailto:reena.shah@gateleyhamer.com)).

1.11.3. Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation". Copies of these booklets are obtainable, free of charge, from: <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.

## 1.12. Conclusion

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

## 2. Introduction

2.1.1. This Statement of Reasons has been prepared by Springwell Energyfarm Limited (the Applicant). It forms part of the application (the Application) for a Development Consent Order (DCO) that has been submitted to the Secretary of State for Energy Security and Net Zero (the SoS) under section 37 of the Planning Act 2008.

### 2.2. The Proposed Development

2.2.1. Springwell Solar Farm is a proposed solar farm which will generate renewable energy for exporting to the National Grid (the Proposed Development).

2.2.2. It will comprise of the construction, operation, maintenance and decommissioning of a solar photovoltaic (PV) electricity generating facility and Battery Energy Storage System (the BESS) with a total capacity exceeding 50 MW. The Proposed Development will have an export connection into a new National Grid substation at Navenby (the National Grid Navenby Substation).

2.2.3. The area subject to the DCO Application (the Order Limits) where the Proposed Development will be carried out is shown as the **Order Limits [EN010149/APP/2.1]**.

2.2.4. A summary of the description of the Proposed Development can be found in Section 3.1 of the **ES Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1]**. The terminology used in this document is defined in the **Glossary [EN010149/APP/6.1]**.

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

### 2.3. The Applicant

2.3.1. The Applicant (company number 13484004) is registered in England and Wales. The majority shareholder of the Applicant is EDF Renewables UK (EDFR) with 62.5% ownership. EDFR is a company registered in England and Wales under company number 06456689.

2.3.2. The other shareholder of the Applicant is Luminous Energy Group Limited (Luminous Energy), with 37.5% ownership. Luminous Energy is also a company registered in England and Wales under company number 08416646. Both companies have an extensive background in the development of renewable energy projects in the UK and abroad.

- 2.3.3. EDFR (and the wider EDF Group) has more than 25 years' worth of experience in delivering renewable energy projects in more than 20 countries around the world. EDFR has gross installed capacity of 21.2GW across wind, solar and storage, net installed capacity of 12.8GW and 6.0GW gross currently under construction. Its portfolio amounts a gross capacity of 101 GW at the end of 2023.
- 2.3.4. Luminous Energy is a highly experienced renewable energy company that contributes to the decarbonisation of the electricity supply and addressing climate change challenges. Luminous Energy is a leading player in the market, having delivered 1GW of projects globally and with the company's core values of providing people around the world with affordable, renewable energy remaining firmly at the heart of the business.
- 2.3.5. Further details about the Applicant can be found in the **Funding Statement [EN010149/APP/4.2]**.

## 2.4. [The Purpose and Structure of this Document](#)

- 2.4.1. This Statement has been produced pursuant to Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the APFP Regulations), the Department of Communities and Local Government guidance 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) (the CA Guidance), the Guidance on the Compulsory Purchase Process (updated 3 October 2024).
- 2.4.2. This Statement is required because the DCO sought for the Proposed Development would authorise the compulsory acquisition of land or interests in land.
- 2.4.3. This Statement explains why it is necessary to acquire land, acquire and/or create rights and impose restrictions over land, override, suspend or extinguish rights over land and to temporarily use land for the purposes of the Proposed Development, if necessary by compulsion. It also explains the reasons for the inclusion of compulsory acquisition and related powers in the draft DCO and sets out why there is a clear and compelling case in the public interest, in accordance with section 122 of the Planning Act 2008, for the DCO to include such powers.
- 2.4.4. The structure of this Statement is set out below and also addresses each of the requirements of the Guidance:
- An introduction to the Applicant is contained in Section 2.3;
  - A description of the Proposed Development is set out in Section 2.5;
  - A description of the Order Limits, its location, and present use is contained in Section 3;

- The legislation relied on and scope of powers sought are set out in Section 4;
- The purpose of the powers including the need for the Proposed Development and policy support is set out in Section 5;
- A statement of the justification for compulsory acquisition including reference to funding is included in Section 6;
- How regard has been given to the provisions of Articles 1 and 8 of the First Protocol to the European Convention on Human Rights is included in Section 8; and
- Details of the other consents needed before the Proposed Development can be implemented are included in Section 9.

2.4.5. Any other information which would be of interest to someone affected by the Proposed Development, such as, telephone number and email address where further information on these matters can be obtained, is included in Section 10; Useful documents.

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

- **Land Plans [EN010149/APP/2.2].;**
- **Works Plans [EN010149/APP/2.3];**
- **Crown Land Plans [EN010149/APP/2.7];**
- **Draft DCO [EN010149/APP/3.1];**
- **Exploratory Memorandum [EN010149/APP/3.2];**
- **Schedule of Other Consents and Licences [EN010149/APP/3.3];**
- **Funding Statement [EN010149/APP/4.2];**
- **Book of Reference [EN010149/APP/4.3];**
- **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4];**
- **Statement of Need [EN010149/APP/7.1]; and**
- **Planning Statement [EN010149/APP/7.2].**

## 2.5. [Description of the Proposed Development](#)

2.5.1. The Proposed Development comprises the installation, construction and decommissioning works, with the details to be defined by the appointed contractor(s) and subject to approval by the Local Authority. All works will be required to be undertaken within the parameters assessed for the Proposed Development. The Proposed Development will be located within

the 'Order Limits' (the land shown on the **Works Plans [EN010149/APP/2.3]** within which the Proposed Development can be constructed, operated and decommissioned). The extent of the Order Limits is shown on **ES Volume 2, Figure 1.2: Order Limits [EN010149/APP/6.2]**.

- 2.5.2. The design of the Proposed Development has evolved throughout the environmental assessment process to avoid or minimise environmental effects and in response to consultation and engagement feedback, where appropriate. The location of the Proposed Development is shown in **ES Volume 2, Figure 1.1: Location Plan [EN010149/APP/6.2]** and described in **ES Volume 1, Chapter 2: Location of the Proposed Development [EN010149/APP/6.1]**, with the consideration of alternatives and the evolution of the design of the Proposed Development presented in **ES Volume 1, Chapter 4: Reasonable Alternatives Considered [EN010149/APP/6.1]** and within the **Site Selection Report** which forms **Appendix 1 of the Planning Statement [EN010149/APP/7.2]**. The Order Land is the term used for the land shaded pink, blue or green on the **Land Plans [EN010149/APP/2.2]**, and over which powers of compulsory acquisition or temporary possession are sought. The Order Land is slightly smaller than the Order Limits, as some areas within the Order Limits are shown as white, meaning no land powers are sought over them.

## 2.6. Works Package

- 2.6.1. A detailed description of the Proposed Development can be found in Section 3.1 of the Environmental Statement, **ES Volume 1, Chapter 3: Proposed Development Description [EN010149/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 [EN010149/APP/3.1]**. The Proposed Development also includes Associated Development, which comprises Work Nos. 2 to 9 in Schedule 1 to the Order. The Proposed Development is set out in Schedule 1 of the draft DCO, broken down into numbered works packages (which correspond with the **Works Plans [EN010149/APP/2.3]**). These works packages are as follows:
- **Work No. 1** – a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts, including:
    - a) Solar PV modules fitted to mounting structures;
    - b) balance of solar system (BoSS) plant.
  - **Work No. 2** – works in connection with an onsite substation compound including:
    - **Work No. 2A** – substation works comprising:

- a) substation (excluding the transformers forming part of the substation), switch room buildings and ancillary equipment including harmonic filters and reactive power units;
  - b) main collector compound;
  - c) control building housing offices, storage, welfare facilities, parking areas and access;
  - d) workshop, store and ancillary structures; and
  - e) monitoring and control systems for this Work No. 2 and Work No. 1 housed within the control building in Work No. 2A(iii) or located separately in their own containers or control rooms.
- **Work No. 2B** - up to seven transformers that form part of the substation for Work No. 2A and associated barriers required for fire safety and noise mitigation.
- **Work No. 3** - works in connection with satellite collector compounds, including:
    - a) switch gear
    - b) transformers; and
    - c) control buildings housing monitoring equipment, storage, securing and welfare facilities.
- **Work No. 4** - an energy storage facility comprising a battery energy storage system compound including:
    - a) battery energy storage system (BESS) units each comprising an enclosure for BESS electro-chemical components and associated equipment, joined or close coupled to each other, mounted on a reinforced concrete foundation slab, compacted hardcore or concrete piles;
    - b) transformers and associated bunding;
    - c) inverters, switch gear, power conversion systems (PCS) and ancillary equipment;
    - d) containers or enclosures housing all or any of Work Nos. 4(a), (b) and (c) and ancillary equipment;
    - e) monitoring and control systems housed within the containers or enclosures comprised in Work Nos. 4(a) or (d) or located separately in its own container or enclosure;
    - f) heating, ventilation and air conditioning (HVAC) systems either housed on or within each of the containers or enclosures comprised in Work Nos. 4(a), (d) and (e), attached to the side or top of each of the containers or enclosures, or located separate to but near to each

- of the containers or enclosures, or located separate to but near to each of the containers or enclosures;
- g) fire safety infrastructure including water storage tanks and a shut-off valve for containment of fire water and hard standing to accommodate emergency vehicles;
  - h) containers or similar structures to house spare parts and materials required for the day to day operation of the BESS facility;
  - i) acoustic fencing; and
  - j) ancillary buildings including control room, office, welfare, storage, workshop and metering.
- **Work No. 5** - works to lay high voltage electrical cables and access for the electrical cables, including:
    - a) works to lay electrical cables including 400 kilovolt cables connecting Work No. 2 into the National Grid Navenby Substation; and
    - b) laying down of internal access tracks, ramps, means of access, footways, including the laying and construction of drainage infrastructure, signage and information boards.
  - **Work No. 6** - works to lay electrical cables up to 132 kilovolt connecting Work Nos 1, 2, 3, 4 and 5.
  - **Work No. 7** - temporary construction and decommissioning compounds in connection with Work Nos. 1 to 6 including:
    - **Work No. 7a** - up to three primary temporary construction and decommissioning areas:
      - a) areas of hardstanding;
      - b) car parking;
      - c) site and welfare offices, canteens and workshops;
      - d) area to store materials and equipment;
      - e) storage and waste skips;
      - f) area for download and turning;
      - g) security infrastructure, including cameras, perimeter fencing and lighting;
      - h) site drainage and waste management infrastructure (including sewerage); and
      - i) electricity, water, waste water and telecommunications connections.



- **Work No. 7B** - up to five secondary temporary construction and decommissioning areas:
  - a) areas of hardstanding;
  - b) car parking;
  - c) site and welfare offices, canteens and workshops;
  - d) area to store materials and equipment;
  - e) storage and waste skips;
  - f) area for download and turning;
  - g) security infrastructure, including cameras, perimeter fencing and lighting;
  - h) site drainage and waste management infrastructure (including sewerage); and
  - i) electricity, water, waste water and telecommunications connections.
- **Work No. 8**—works to facilitate access to Work Nos. 1 to 7 and 9 including:
  - a) creation of accesses from the public highway;
  - b) creation of visibility splays;
  - c) works to alter the layout of any street or highway;
  - d) works to widen and surface the streets; and
  - e) making and maintaining passing places.
- **Work No. 9**—works to create, enhance and maintain green infrastructure and mitigation, including:
  - a) landscape and biodiversity mitigation and enhancement areas;
  - b) habitat creation and management, including earthworks, landscaping, means of enclosure, and the laying and construction of drainage infrastructure;
  - c) laying down of permissive paths, signage and information boards;
  - d) improvements to existing and laying down of new public rights of way, signage and information boards;
  - e) earth bund;
  - f) screening; and
  - g) community growing area

2.6.2. The Proposed Development will have an export connection into a new National Grid substation at Navenby (the National Grid Navenby Substation). National Grid Electricity Transmission (NGET) will be

responsible for the construction of the National Grid Navenby Substation and facilitating the connection of Springwell Solar Farm's grid connection cables within National Grid Navenby Substation.

- 2.6.3. NGET may also be responsible for construction of the relevant generator bay within the National Grid Navenby Substation. Responsibility for construction of the generator bay works will depend on the substation design chosen by NGET and the outcome of the current Modification Application process which is expected in November 2024.
- 2.6.4. NGET will be responsible for obtaining planning permission under the TCPA 1990 for the design and construction of National Grid Navenby Substation. NGET is conducting a consultation on their proposal to build a substation in the Navenby area. The proposed National Grid Navenby Substation is located at Heath Lane, Navenby LN5 0AY, approximately 1.4km from the village of Navenby. National Grid's substation planning application will be submitted in Spring 2025 to the North Kesteven District Council and section 37 of The Electricity Act 1989 to DESNZ.
- 2.6.5. The Applicant acknowledges that different levels of information may be available at different times and, as such, the Applicant has taken a proportionate approach to what information is available at the time of submission. Therefore the Work No. 5 Grid Connection Infrastructure secured through **Schedule 1** of the **Draft DCO [EN010149/APP/3.1]** has been shown on the **Works Plans [EN010149/APP/2.3]** to cover the proposed National Grid Navenby Substation site for cabling and associated works required to facilitate this connection to the National Grid Navenby Substation. This is to ensure the Applicant has the necessary authorisation and powers to connect into the National Grid Navenby Substation.
- 2.6.6. In terms of the proposed timing of construction for the Proposed Development:
- The construction phase is anticipated to be split into two phases over a 48-month construction period and commissioning, and subject to being granted consent, the earliest construction is anticipated to start in 2027. The final programme will depend on the detailed layout design and potential environmental constraints on the timing of construction activities.
  - The Proposed Development currently has phased grid connection dates of 2028 and 2030. It is currently anticipated that construction works would commence at the earliest in Q1 2027 and run to Q4 2030. As such, there is a potential likelihood of overlapping construction works on the different parts of the Order Limits.

- 2.6.7. Full details of the Proposed Development, including the proposed construction methods and phasing, can be found in the **ES Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1]**; accompanying the Application.
- 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 that form part of the Proposed Development cannot be confirmed until the detailed design and tendering process for the design and construction of the Proposed Development has been completed. For example, due to the rapid pace of technological development in the solar photovoltaic (PV) and energy storage industry, the Proposed Development 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, this is set out in more detail in ES Volume 1, Chapter 3: Proposed Development Description and Chapter 5: Approach to the EIA [EN010149/APP/6.1]. This involves assessing the maximum (and where relevant, the minimum) parameters for the Proposed Development where flexibility needs to be retained. The principles and justification for this approach are set out in section 3.2 of **Chapter 3: Proposed Development Description** and section 5.7 of **Chapter 5: Approach to the EIA**, of the **ES Volume 1 [EN010149/APP/6.1]**, and the maximum (and minimum) parameters assessed as part of the Rochdale Envelope form the Project Parameters as outlined in **ES Volume 3, Appendix 3.1: Project Parameters [EN010149/APP/6.3]** and secured in the **Draft DCO [EN010149/APP/3.1]**.
- 2.7.3. This flexibility is essential in order to ensure the successful delivery of the Proposed Development.

### 3. Description of the Order Limits

- 3.1.1. The Proposed Development is located within the administrative boundaries of North Kesteven District Council and Lincolnshire County Council.
- 3.1.2. The location of the Proposed Development is shown in **ES Volume 2, Figure 1.1: Location Plan [EN010149/APP/6.2]**. The Order Limits, presented in **ES Volume 2, Figure 1.2: Order Limits [EN010149/APP/6.2]**, comprises approximately 1,280 ha of land. Figure 1.2 outlines the maximum extent of land that will be required to facilitate the construction, operation (including maintenance) and decommissioning of the Proposed Development.
- 3.1.3. The Order Limits contains three parcels of land described as: Springwell West, Springwell Central and Springwell East. These parcels are outlined in **ES Volume 2, Figure 1.2 [EN010149/APP/6.2]** and further detail is included within **ES Volume 1, Chapter 2: Location of the Proposed Development [EN010149/APP/6.1]**.
- 3.1.4. Further detail on the Proposed Development and the construction, operation (including maintenance) and decommissioning phases can be in located in **ES Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1]**.
- 3.1.5. The land within the Order Limits is not covered by any statutory landscape designations (i.e. National Parks, or Areas of Outstanding Natural Beauty (AONB)).

## 4. Source and Scope of Powers Sought in the DCO

### 4.1. Introduction

- 4.1.1. The **Draft DCO [EN010149/APP/3.1]** contains powers to enable the acquisition of land, new rights over land and the imposition of restrictions that are required to construct, operate and maintain the Proposed Development. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction and maintenance of the Proposed Development. Where the necessary land and rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the **Draft DCO [EN010149/APP/3.1]** enables the acquisition of land and rights. These powers in the **Draft DCO [EN010149/APP/3.1]** relate to the Order Land only, which is all the land within the Order Limits with the exception of one small area of land which is shown shaded white on the **Land Plans [EN010149/APP/2.2]**.
- 4.1.2. The Applicant has been seeking to acquire the relevant freehold interests and other rights over land required by agreement, in order to allow for the construction, operation and decommissioning of the Proposed Development. Discussions with the relevant landowners are ongoing, with voluntary agreements secured for the majority of land for solar PV panels (Work No. 1) at the point of submission of the Application, and good progress made in relation to the remainder of the Order Land (see **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]**). The Applicant will continue to endeavour to acquire the land, rights and other interests by agreement wherever possible. This approach of making the application for powers of compulsory acquisition in the Application and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 2.8 of MGCLG's Guidance on the Compulsory Purchase Process.
- 4.1.3. Notwithstanding where an agreement has been reached, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the DCO so as to protect against a scenario whereby contracts are not adhered to or otherwise is set aside, for example: (i) the freeholder owners of the land within the Order Land (where agreement has been reached) do not grant a lease of the land in accordance with the terms of the completed option agreements; or (ii) the contracting party dies, is subject to divorce proceedings, or is declared insolvent. In those circumstances, it would be in the public interest for the Proposed Development to proceed and the interests in question effectively converted into a claim for compensation. The Applicant also needs powers to extinguish and/or suspend rights and override easements and other rights in the Order Land to the extent that they would conflict with the Proposed Development.

- 4.1.4. There are a number of plots within the **Land Plans [EN010149/APP/2.2]** which are not registered at Land Registry. Following diligent inquiry, ownership of a number of these plots has been established, however, there are interests identified in the **Book of Reference [EN010149/APP/4.3]** where it has not been possible to identify ownership. The statement “Unknown” is given in the **Book of Reference [EN010149/APP/4.3]** when diligent inquiry has been carried out and it has still not been possible to obtain information. The Applicant has carried out searches and enquiries with the Land Registry, site visits and notices have been and will be erected on site to seek to identify unknown landowners or persons with an interest in the land.
- 4.1.5. The compulsory purchase powers in the DCO will enable the Applicant to protect the Proposed Development, to mitigate impacts of the Proposed Development where necessary, and to ensure that access could be taken as necessary to facilitate the construction, operation and maintenance of the Proposed Development.
- 4.2. **Enabling Powers**
- 4.2.1. Section 120(3) of the Planning Act 2008 provides that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the Act lists the matters ancillary to the development. These include (amongst others):
- the acquisition of land, compulsorily or by agreement (paragraph 1);
  - the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement (paragraph 2);
  - the abrogation or modification of agreements relating to land (paragraph 3); and
  - the payment of compensation (paragraph 36).
- 4.2.2. Section 122 of the Planning Act 2008 provides that a DCO may only include provision authorising the compulsory acquisition of land if the SoS is satisfied that the land is:
- required for the development to which the DCO relates;
  - required to facilitate or is incidental to that development; or
  - replacement land for commons, open spaces, etc.
- 4.2.3. Further, it is also necessary for the SoS to be satisfied, in relation to the Application, that there is a compelling case in the public interest for the land to be acquired compulsorily. This is required by Section 122(3) of the Planning Act 2008.

4.2.4. This Statement provides the information that will enable the SoS to comply with sections 120 and 122 of the Act.

### 4.3. Permanent Acquisition

4.3.1. The areas of the Order Land over which compulsory acquisition powers are sought in respect of all interests (including freehold) are shown edged red and shaded pink on the **Land Plans [EN010149/APP/2.2]**. This land is described in more detail in the **Book of Reference [EN010149/APP/4.3]**.

4.3.2. In summary, the areas in which freehold acquisition is sought are for part of Works Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 and relate to where the ground-mounted solar PV generating station, Springwell Substation and BESS would be located (some of the works numbers listed, namely Work Nos. 5, 6, 7 or 8, do not necessarily justify the compulsory acquisition of the freehold in their own right, but are part of the justification for the powers sought, as the land is also utilised for other work numbers being Work Nos. 1, 2, 3, 4 and 9). 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 Proposed Development.

4.3.3. Article 22 of the DCO is relied upon for this purpose. The article reflects the terms of the source of the compulsory acquisition powers in section 122 of the Planning Act 2008, would provide the Applicant with the power to acquire so much of the Order Limits as is required for the Proposed Development, or such land as is required because it facilitates or is incidental to that development.

### 4.4. Temporary Use

4.4.1. There will be situations where it will not be necessary for the Applicant to permanently acquire rights and interests, but instead be authorised to temporarily possess and use land. The land over which rights of temporary possession only are sought is shown edged red and shaded green on the **Land Plans [EN010149/APP/2.2]**. The Applicant is also seeking temporary use powers over all other land within the Order Land, in order to allow it to take temporary possession ahead of acquiring land or rights permanently (see further explanation below). The land over which these rights are sought is shown edged red and shaded pink and blue on the **Land Plans [EN010149/APP/2.2]**. This land is described in more detail in the **Book of Reference [EN010149/APP/4.3]**.

4.4.2. The reason for seeking temporary use powers over this land is that it allows the Applicant to enter on to land for particular purposes (including site preparation works) in advance of any vesting of the relevant

land/rights. This enables the Applicant to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Proposed Development.

4.4.3. Articles 31 and 32 of the **Draft DCO [EN010149/APP/3.1]** are relied upon in respect of this land. Article 32 allows temporary possession of land for the purposes of maintaining the Proposed Development. Article 31 permits temporary use in two ways in connection with the construction of the Proposed Development:

- a. Firstly, the land identified in Schedule 11 to the **Draft DCO [EN010149/APP/3.1]** may only be temporarily possessed (i.e. the Applicant cannot acquire the land nor new rights over it), and possession can only be taken for the purposes set out in that Schedule for the particular plot. In summary, these are:
  - i. plots 3/1, 4/6, 4/8, 4/10, 4/11, 7/2, 7/3, 7/4, 7/5, 7/6, 7/7, 7/8, 7/9, 7/10, 7/11, 7/12, 7/14, 8/1, 8/3, 8/5, 11/2, 11/5, 11/6, 11/7, 11/8, 11/9, 11/10, 11/11, 11/12, 12/6, 12/7, 12/10, 12/11, 12/12, 12/15, 13/4, 13/10. These plots are required for temporary use (including access) to carry out Work No. 8 (being works to the street or highway to facilitate access) and management of traffic and vegetation to facilitate the construction of Work Nos. 1 to 9.
  - ii. plots 3/2, 4/13, 4/21. These plots are required for temporary use (including access) to carry out works to existing public right of way and associated management of vegetation.
  - iii. plot 12/1. This plot is required for temporary use (including access) for management of vegetation.

These areas are shown edged red and shaded green on the **Land Plans [EN010149/APP/2.2]**; and

- b. Secondly, Article 31 permits the Applicant to take temporary possession of any other part of the Order Land where it has not yet exercised powers of compulsory acquisition – this will allow the Applicant (for instance) to initially take temporary possession of the whole width of the corridor required for the Grid Connection Corridor. Once the Applicant has carried out detailed surveys and installed the relevant apparatus (such as pipes or cable), the Applicant can then acquire new rights (pursuant to the powers set out above) within only a narrower strip in which permanent rights are required, within the wider construction corridor. This phased approach to occupation and acquisition allows the permanent rights corridor to be defined after construction, and to be only that which is necessary for the operation, maintenance and protection of the apparatus. Such an approach has precedent amongst other DCOs including the Longfield Solar Farm Order 2023, Gate Burton Energy Park Order 2024, and the Cottam Solar Project Order 2024.



- 4.4.4. The **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]** sets out the latest position in relation to negotiation of voluntary agreements with landowners. As part of these negotiations, landowners have been made aware that the DCO will seek temporary possession rights over all of their land included within the Order Land.
- 4.4.5. Under Article 32, the Applicant is entitled to occupy the land for as long as necessary to carry out the relevant maintenance works. The Applicant must give the landowner and any occupier not less than 28 days' notice and on completion of the maintenance works must remove all temporary works and restore the land to the satisfaction of the landowner.
- 4.5. **Other Rights and Powers**
- 4.5.1. The land over which compulsory acquisition powers are sought for rights and the creation of new rights (including imposing restrictive covenants) is shown edged red and shaded blue on the **Land Plans [EN010149/APP/2.2]**. This land is described in more detail in the **Book of Reference [EN010149/APP/4.3]**. In summary, these are required for Work Nos. 5, 6, 8, 9. Article 24 of the DCO is relied upon in respect of new rights. The new rights sought over these plots are set out in Schedule 9 to the **Draft DCO [EN010149/APP/3.1]** and are:
- cable rights, being rights to install, use, protect, inspect, remove, maintain, replace etc. underground cables and associated works; access; and restriction on actions that may obstruct or interfere with the exercise of rights or damage the Proposed Development;
  - vegetation maintenance rights, being rights to install, use, protect, inspect, replace, improve, maintain etc. vegetation, and restrict or prevent removal of vegetation;
  - access rights, being rights to alter, improve, maintain, use etc. means of access including visibility splays, road widening or improvements; and rights to take access in connection with the Proposed Development;
  - public right of way rights, being rights to alter, improve, form, maintain etc. public rights of way; and rights to take access in connection with the Proposed Development; and
  - substation connection rights, being rights to install, use, protect, inspect, remove, maintain, replace etc. electrical cables and other apparatus to connect to the National Grid Navenby Substation; and rights associated with this use in relation to drainage, access and landscaping.
- 4.5.2. 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 Proposed Development without hindrance. Furthermore, there may be

unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished in order to facilitate the construction and operation of the Proposed Development. Articles 25 and 28 of the DCO are relied upon in respect of this land and apply in relation to all of the Order Land (that is, all land edged red on the **Land Plans [EN010149/APP/2.2]** and shaded either pink, blue or green). With respect to land shaded green, in respect of which temporary possession only is sought, Article 25(3) makes clear that any private rights or restrictive covenants are only suspended for the period in which the Applicant is in lawful possession of the land (i.e. they would only be suspended temporarily).

4.5.3. The Order contains the following additional powers which may constitute an interference with land and/or rights over land and as such are captured in the **Book of Reference [EN010149/APP/4.3]**.

- a) **Article 19** – Protective works to buildings: this article provides a power to monitor certain buildings and structures (included within the Order limits) for the effects of ground movement relating to settlement arising from the construction of the authorised works; and to carry out protective works where necessary to mitigate the effects of such settlement. This power applies throughout the Order Land;
- b) **Article 20** - Authority to survey and investigate the land: this article gives the Applicant the power to enter certain land for the purpose of surveying and testing. It provides that the Applicant must give 14 days' notice before exercising the powers of entry, and that compensation is payable for any loss or damage caused; and
- c) **Article 48** – Incorporation of the minerals code: incorporates Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981. It has been included within the Draft DCO as mineral rights have been identified within the Order land and the mineral code provides a statutory process for dealing with the purchase of and compensation for minerals.

4.5.4. All the above-mentioned articles in the **Draft DCO [EN010149/APP/3.1]**, which would provide powers enabling the Applicant to acquire land permanently or to use land temporarily, are required to enable the construction, operation, maintenance and decommissioning of the Proposed Development.

## 5. Purpose of the Powers

### 5.1. The need for the Proposed Development

5.1.1. The **Statement of Need [EN010149/APP/7.1]** sets out the need for the Proposed Development. A summary of the need for the Proposed Development is set out below.

5.1.2. Decarbonisation is a UK legal requirement and is of global significance. It cannot be allowed to fail, and urgent actions are required in the UK and abroad, to keep decarbonisation on track to limit global warming;

- a) Large-scale solar generation is essential to support urgent decarbonisation of the Great British (GB) electricity sector. Large-scale solar is important not only to reduce power-related emissions, but also to provide a timely next step contribution to a future generation portfolio which is capable of supporting the electrification and therefore decarbonisation of transport, heat and industrial demand;
- b) As part of a diverse generation mix, solar generation contributes to improve the stability of capacity utilisations among renewable generators and when developed alongside other renewable technologies, large-scale solar will help to smooth out seasonal variations in total GB renewable generation, more closely matching anticipated seasonal levels of demand;
- c) Other conventional low-carbon generation (e.g. tidal, nuclear or conventional carbon with CCUS) remain important contributors to achieving the 2050 Net Zero obligation, but their contributions in the important 2020s will be very low;
- d) By being connected at the transmission system level, large-scale solar generation can and will play an important role in the resilience of the GB electricity system from an adequacy and system operation perspective;
- e) Large-scale solar generation also supports security of supply by helping reduce the national dependency on imported hydrocarbon source fuels, e.g. coal and gas.

5.1.3. The cost of solar generation is already super-competitive against the cost of other forms of conventional and low-carbon generation, both in GB and more widely;

- a) Internationally, and importantly for GB in this regard, is the ongoing trend of solar generation assets becoming larger and more affordable, each subsequent project providing a real-life demonstration that solar schemes of similar size and scale as the Proposed Development can

be developed in GB. The development of such schemes will provide decarbonisation benefits and commercial benefits to consumers;

- b) Single large-scale solar schemes deliver more quickly and at a lower unit cost than multiple independent schemes which make up the same total capacity, bringing forward carbon reduction and more affordable electricity in line with government policy.

5.1.4. These general benefits of solar generation in GB also apply specifically to the Proposed Development:

- a) The Proposed Development is a substantial infrastructure asset, capable of delivering large amounts of low-carbon electricity to local and national networks. The Proposed Development, along with other solar schemes, is of critical importance on the path to Net Zero, with National Grid Energy System Operator (NGESO) scenarios predicting the need for 25-40GW of operational solar capacity in GB by 2030. The need for solar is further established given the context of the Climate Change Committee's recent identification of the need for urgent action to increase the pace of decarbonisation in the GB electricity sector, and government's adoption of their recommendations for the Sixth Carbon Budget (2033 – 2037);
- b) The Proposed Development's connection to the National Grid Electricity Transmission System (NGETS) at the Navenby National Grid Substation means that it will play its part in helping National Grid manage the national electricity system. This includes participating in mandatory balancing markets (to help balance supply and demand on a minute-by-minute basis and provide essential ancillary services) as well as providing visibility to the GB power market of its expected generation. This means that the low marginal cost solar power it will produce, can be forecast and priced into future contracts for power delivery by all market participants, thus allowing all consumers to benefit from the market price reducing effect of low-marginal cost solar generation;
- c) The Proposed Development provides an efficient opportunity to integrate energy storage with large-scale solar generation. Energy storage is an essential technology for high-RES electricity systems, such as that which the NETS is anticipated to become during the critical 2020s, as the power generation sector seeks to achieve rapid decarbonisation in support of wider decarbonisation on the path to Net Zero. Energy storage play essential roles in the provision of those services necessary to keep power flowing to all consumers, as well as integration measures which help balance supply and demand, thereby reducing the need for carbon-intensive back-up generation; and
- d) Maximising the capacity of generation in the proposed area, is to the benefit of all GB consumers, and the solar industry generally.

- 5.1.5. The Proposed Development will deliver large amounts of low-carbon power ahead of other technologies (which have longer construction timeframes or have potentially not yet been proven at scale) which will support decarbonisation only in future years and only if they are brought forwards.
- 5.1.6. In summary, the meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, will be critical on the path to Net Zero. Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- 5.1.7. This Proposed Development is a leading GB large-scale solar scheme and is an essential stepping-stone towards the future of efficient decarbonisation through the deployment of large-scale, technologically and geographically diverse low-carbon generation schemes. This Proposed Development addresses all important aspects of existing and emerging government policy.
- 5.2. **National policy support**
- 5.2.1. The national policy statements (NPS) which have effect in relation to the Proposed Development are:
- EN-1 Overarching National Policy Statement for Energy;
  - EN-3 National Policy Statement for Renewable Energy Infrastructure; and
  - EN-5 National Policy Statement for Electricity Network Infrastructure.
- 5.2.2. The **Planning Statement [EN010149/APP/7.2]** and the **Policy Compliance Assessment Tables at Appendix 3** to the Planning Statement have considered the Proposed Development and its potential impacts against the detailed policy criteria set out in EN-1, EN-3 and EN-5.
- 5.2.3. The **Environmental Statement [EN010149/APP/6.1-6.4]** provides a robust assessment of the potential impacts of the Proposed Development and finds that there are limited significant adverse residual effects remaining after mitigation.
- 5.2.4. Significant beneficial effects are likely on receptors in relation to:
- Climate in relation to greenhouse gas emissions.

- Landscape in relation to effect on vegetation infrastructure (once planting is established).
- Biodiversity in relation to habitat for notable arable flora (for targeted managed areas), and ground nesting birds (once habitats are established).
- Cultural Heritage in relation to the scheduled remains of the former medieval village of Brauncewell.
- Traffic and Transport in relation to new public right of way (PRoW).
- Construction jobs as a cumulative effect during overlapping construction period with Navenby Substation.

5.2.5. It is clear that there is a compelling case for the need for the Proposed Development which will deliver national economic and social benefits in line with the Government's objective of delivering sustainable development.

5.2.6. Section 3 of the **Planning Statement [EN010149/APP/7.2]** sets out the demonstrable benefits that will be delivered by the Proposed Development should consent be granted. In addition to the generation of a significant quantity of low carbon energy which makes a meaningful contribution to the UK's legally binding net zero commitment and is a source of domestic energy security that limits UK consumers exposure to volatile energy prices, the Proposed Development will also deliver:

- The provision of battery storage which maximises efficiency of the land and grid capacity, as encouraged by EN-3
- Ecological enhancement measures that will result in a secured commitment to deliver a minimum of 10% in Biodiversity Net Gain
- Provision of new PRoWs:
  - Linking RAF Digby to Scopwick.
  - Providing a connection between the existing PRoW west of the A15 to New England Lane.
  - Providing a connection across the A15 by linking Temple Road to Bloxham Woods Car Park.
- Provision of new permissive paths:
  - Along the western edge of the Proposed Development linking New England Lane to Temple Road, north of Brauncewell (approx. length 4,130m).
  - Connecting the B1191 (Heath Road) with the existing PRoW between RAF Digby and Rowston (Rows/5/1) (approx. length 1,610m).

- Linking Bloxholm Wood to Brauncewell Village (approx. length 1,120m).
- Providing a series of circular walking loops from Bloxholm Woods (approx. length 1,720m).
- Significant new tree and hedgerow planting (approximately 15,563m).
- New community growing area of up to approximately 2ha
- At peak construction time, creation of approximately 650 construction jobs with average of 400 FTEs for four years
- Creation of 24 operational jobs.
- Provision of **outline Employment, Skills and Supply Chain Plan [EN010149/APP/7.20]** which will:
  - Increase direct and indirect employment and opportunities
  - Lever potential of the Proposed Development and other similar schemes in the local area, to encourage the next generation to take up careers in the renewable energy sector and invest their futures in Lincolnshire
  - Engage effectively with local businesses and wider supply chain, and
  - Assist in development and dissemination of local knowledge and skills relating to renewable energy infrastructure.

5.2.7. The combined nature of these additional benefits is considered to carry substantial weight in favour of the Proposed Development.

5.2.8. In terms of the planning balance, the Applicant set out with the objective to deliver a significant quantity of renewable energy, of NSIP scale, to the National Grid and contribute to the UK's wider decarbonisation of energy supply. Through the careful selection of an appropriate site which benefited from suitable topography and irradiance and connection to the National Grid through to the detailed design measures the Applicant has developed a proposal which is sensitive to local context. EN-1, at paragraph 4.1.3, notes that given the urgency for the type of infrastructure covered in the energy NPSs, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs.

5.2.9. The need for such development is such that the UK Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure (para. 4.2.4 of EN-1). Para. 4.2.5 confirms that solar development falls within the category of CNP by stating that low carbon infrastructure for the purposes of that policy means

all onshore and offshore electricity generation that does not involve fossil fuel combustion.

- 5.2.10. The designation of such infrastructure as CNP subsequently engages paragraph 3.3.63 of EN-1 which states that *"subject to any legal requirements, the urgent need for CNP infrastructure to achieving our energy objectives, together with the national security, economic, commercial and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by the application of the mitigation hierarchy"*.
- 5.2.11. The policy landscape set by the Energy NPSs illustrates the Government's position in a very clear way and confirms that the principle of the development is not just accepted, it is of critical importance and priority at a national level. This landscape paves the way for well-considered projects to receive favourable recommendations from the Planning Inspectorate and an eventual grant of consent by the Secretary of State. However, despite the strength of the policy it does not immediately imply that all proposals for such infrastructure will receive approval. There are a number of tests and justification required to be demonstrated by the Applicant as to why a chosen site is an appropriate location for the proposed infrastructure and that any adverse environmental impacts have been mitigated as far as practicable with the application of the mitigation hierarchy. EN-1 also places significant emphasis on the importance of good design throughout the NSIP process. This means more than sensitive siting of infrastructure and includes consistent decision making based on sound environmentally led principles.
- 5.2.12. Good design has been embedded into the Proposed Development from the outset of the site selection process with the search process seeking to avoid areas of higher landscape sensitivity. In this context the first tier of the mitigation hierarchy, has been applied as there are no local or national landscape designations which would be impacted by the Proposed Development. At a site specific level a comprehensive mitigation package has been embedded into the design of the Proposed Development to date with further commitments made to minimise any likely significant impacts. However, the nature of the Proposed Development, the sensitivity of receptors and the existing rural context mean that there are some impacts which cannot be mitigated. The Applicant considers given the acute need for the Proposed Development it has taken all reasonable measures to minimise these likely significant effects.
- 5.2.13. In a policy context, paragraph 5.10.5 of EN-1 accepts that there will likely be some impact in terms of landscape and visual effects as a result of DCO scale energy projects, stating: *Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape,*



*but there may be beneficial landscape character impacts arising from mitigation.*

- 5.2.14. On land use, the Applicant acknowledges that there will be approximately 231.7 hectares of BMV land that will be temporarily used for the purposes of accommodating Solar PV Development and associated infrastructure. 77 hectares is permanently impacted as a result of the delivery of green infrastructure across the Proposed Development. It is important to recognise the context of this significant impact as the green infrastructure is designed to deliver beneficial impacts and mitigation from other related topic areas and is not hard infrastructure used for electricity generation.
- 5.2.15. As with landscape impact, the general nature of the type of land that lends itself to large scale solar development is rural and often in agricultural use. Nevertheless, the Applicant has sought to limit the amount of higher grade agricultural land within the Order Limits and once the Order Limits were defined and the detailed characteristics of the soil quality were understood, the Applicant sought to avoid the use of BMV, where possible.
- 5.2.16. EN-3, while setting a preference for the type of land to be used for solar development, is clear the land type should not be a predominating factor in determining the suitability of a site. It goes further to accept that it is likely that agricultural land will form part of an applicant's proposals, and that ground mounted solar PV development is not prohibited on BMV. It is also important to note that there is no planning policy which requires agricultural land to be farmed. Indeed, farmers are actively encouraged to take land out of arable use to help regenerate soil and combat the biodiversity crisis.
- 5.2.17. With the exception of the agricultural land required for green infrastructure, the land to be used will be used temporarily with the land being returned to agricultural use at the end of the Proposed Development's lifetime. Nevertheless, the ES has confirmed that significant effects are encountered, despite the context of that loss relating to green infrastructure, and limited weight may be applied against the Proposed Development in the planning balance.
- 5.2.18. The Proposed Development makes a significant contribution towards the UK's solar targets for reaching Net Zero. The Applicant is well resourced and in a strong position to deliver the Project and within a timeframe that means the generation of low carbon energy will also occur in a timely manner and contribute to 2030 and 2035 pathway targets.
- 5.2.19. As a CNP project, the Proposed Development benefits from the strongest policy position set out in national planning policy. EN-1 sets out a presumption in favour of energy related development. The Planning Statement confirms that the Proposed Development complies with EN-

1, EN-3, EN-5, the NPPF and Local Plans. Where significant adverse effects have been identified the Applicant has demonstrated its application of the mitigation hierarchy and careful consideration of design. However, impacts on landscape and visual receptors and soils and agricultural land which cannot be avoided, reduced or mitigated, as per paragraph 4.2.11 of EN-1, remain. Cumulative impacts are also considered, as per the requirements of paragraph 4.2.12 of EN-1, and identify a significant impact which cannot be avoided, reduced or mitigated in relation to landscape and visual receptors.

- 5.2.20. Paragraph 4.2.15 of EN-1 is therefore engaged. This states "*where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts*".
- 5.2.21. The residual effects in this case are limited to temporary landscape and visual effects, before planting has matured, which are, in all but one instance, then reduced to not significant by year 10 and permanent loss of BMV agricultural land as a result of mitigation and enhancement. It is considered that these residual impacts do not meet the "*exceptional circumstances*" test and therefore do not warrant refusal. Furthermore, there is no unacceptable interference with human health and public safety, defence (particularly in relation to MOD assets), irreplaceable habitats or unacceptable risk to the achievement of net zero. Accordingly, the balance is firmly in favour of approval.
- 5.2.22. In addition, there are a significant number of additional benefits that would be achieved by the Proposed Development, as outlined above.
- 5.2.23. The Proposed Development is a well-considered and effectively designed proposal that responds to the locality and is sensitive to the local environment. It is therefore concluded that Development Consent should be granted.
- 5.2.24. In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the land within the Order Land, uncertainty will continue to prevail, and the Applicant considers that its objectives and those of Government policy would not be achieved.

## 6. Justification for the Compulsory Acquisition Powers

### 6.1. The matters to which the SoS must have regard

6.1.1. As noted above, under section 122 of the Planning Act 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 6.2 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 SoS 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 6.3 below).

6.1.2. In respect of the section 122(2) condition, the Guidance on the Compulsory Purchase Process at paragraph 13.3 states *'the acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire and show that all the necessary resources are likely to be available to achieve that end within a reasonable timescale'*. The Guidance on the Compulsory Purchase Process goes on to say *'the confirming authority will need to be satisfied that the interests of those affected by the exercise of the compulsory purchase powers have been considered. The confirming authority will also have regard to any mitigation offered by the acquiring authority when considering the impact of the exercise of the compulsory purchase powers included in the compulsory purchase order on affected parties.'*

6.1.3. In respect of the section 122(3) condition, the Guidance on the Compulsory Purchase Process (at paragraph 12.3) states *'A compulsory purchase order should only be made where there is a compelling case in the public interest and reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement'*. At paragraph 13.3, the Guidance on the Compulsory Purchase Process states *'the confirming authority when considering a compulsory purchase order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest'*.

6.1.4. Further, detail in the Guidance on the Compulsory Purchase Process sets out a number of general considerations that the applicant must

demonstrate to the satisfaction of the SoS when justifying an order authorising compulsory acquisition. These are as follows:

- a) the acquiring authority demonstrates reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement (paragraph 12.3) - see section 6.5 a alongside the **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]**;
- b) the acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire - see the remainder of this section, and Section 2.6 above;
- c) the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. Funding should generally be available now or early in the process. – see section 2.3 and 6.9 in addition to the **Funding Statement [EN010149/APP/4.2]**; and
- d) that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see Section 8 below.

6.1.5. This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the Planning Act 2008, and the considerations set out in the Guidance on the Compulsory Purchase Process, are satisfied.

## 6.2. Use and quantum of the Order Limits

6.2.1. At paragraph 11, the Guidance states that there must be no doubt in the decision maker's mind as to the purposes to which the land to be acquired is to be put. It should be demonstrated that the land is needed for the authorised Proposed Development and that it is no more than is reasonably required for that Proposed Development. Any land that is incidental to or is required to facilitate the development should also be limited to that which is no more than reasonably necessary and it should be made clear to the decision maker that this is the case.

6.2.2. In designing the Proposed Development and determining the land to be subject to compulsory acquisition and temporary possession powers, as demonstrated in section 4.3-4.5 above, the Applicant has considered alternatives and modifications to the Proposed Development to minimise the potential land take.

6.2.3. Section 2.6 sets out the Proposed Development and a summary of the Proposed Development for which rights in the Order Land are required.

**Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]** summarises the purpose for which rights in the Order Land are sought.

- 6.2.4. The proposed interference with the rights of those with an interest in the land is for a legitimate purpose because the Applicant requires the land for the development of the Proposed Development and can satisfy the conditions set out in section 122(2) of the Planning Act 2008. The land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development.
- 6.2.5. The scope of the powers of compulsory acquisition proposed in respect of the land within the Order Land goes no further than is needed. All the land included within the Order Limits is needed to achieve the identified purpose of delivering the Proposed Development. **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]** shows the powers being applied for over each plot and the requirement for each plot of land demonstrating the assessment that has been carried out on each plot. Steps have been taken to ensure that the interference with the rights of those with an interest in the affected land is no more than is necessary to deliver the benefits associated with the Proposed Development.

6.3. **Public Benefits**

- 6.3.1. Section 5.1 sets out the need for the Proposed Development which would ensure meaningful and timely contributions to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, which is critical on the path to Net Zero. Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation Proposed Development will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- 6.3.2. In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Proposed Development will deliver other benefits, many of which have been maximised will be delivered as a result of through its the Proposed Development's careful design. These include:
- The provision of battery storage which maximises efficiency of the land and grid capacity, as encouraged by EN-3
  - Ecological enhancement measures that will result in a secured commitment to deliver a minimum of 10% in Biodiversity Net Gain
  - Provision of new PRoWs:
    - Linking RAF Digby to Scopwick.

- Providing a connection between the existing PRow west of the A15 to New England Lane.
- Providing a connection across the A15 by linking Temple Road to Bloxham Woods Car Park.
- Provision of new permissive paths:
  - Along the western edge of the Proposed Development linking New England Lane to Temple Road, north of Brauncewell (approx. length 4,130m).
  - Connecting the B1191 (Heath Road) with the existing PRow between RAF Digby and Rowston (Rows/5/1) (approx. length 1,610m).
  - Linking Bloxholm Wood to Brauncewell Village (approx. length 1,120m).
  - Providing a series of circular walking loops from Bloxholm Woods (approx. length 1,720m).
- Significant new tree and hedgerow planting (approximately 15,563m).
- New community growing area of up to approximately 2ha
- At peak construction time, creation of approximately 650 construction jobs with average of 400 FTEs for four years
- Creation of 24 operational jobs
- Provision of **outline Employment, Skills and Supply Chain Plan [EN010149/APP/7.20]** which will:
  - Increase direct and indirect employment and opportunities
  - Lever potential of the Proposed Development and other similar schemes in the local area, to encourage the next generation to take up careers in the renewable energy sector and invest their futures in Lincolnshire
  - Engage effectively with local businesses and wider supply chain, and
  - Assist in development and dissemination of local knowledge and skills relating to renewable energy infrastructure.

6.3.3. Further information in relation to these project benefits can be found in the **Planning Statement [EN010149/APP/7.2]**.

## 6.4. [Impacts and Private Loss](#)

6.4.1. In order to deliver the benefits of the Proposed Development set out above, the Applicant requires the use of compulsory acquisition powers. This will result in a private loss by those persons whose land or interests in

land is compulsorily acquired. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code thereby minimising the private loss.

- 6.4.2. Compensation is payable for the compulsory acquisition of land or rights and for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.
- 6.4.3. As shown in the **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]**, the Applicant has taken pro-active steps to engage with these persons through formal consultation and informal engagement to understand the direct and indirect impacts on them. This has helped to shape the proposals and, where possible enabled changes to designs to minimise the private loss.
- 6.4.4. All relevant environmental, social and economic benefits and adverse impacts have been assessed and are reported on in the Application documents, most notably the **Environmental Statement [EN010149/APP/6.1]**.
- 6.4.5. Whilst the Proposed Development as a whole would, in common with any national infrastructure project, result in some adverse effects to the environment and local community, it is considered that these (considered individually or collectively) would not outweigh the important nationally significant benefits of contributing towards the urgent national need for secure and affordable low carbon energy infrastructure and the critical national priority for the Proposed Development.
- 6.4.6. The Proposed Development is a NSIP and the public benefits associated with the Proposed Development are set out in Section 6.3 of this Statement. The Applicant considers that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictions) to be included in the Order. Compensation is payable to all affected landowners and occupiers.
- 6.4.7. There is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the Proposed Development. The extent of the Order Land is no more than is reasonably necessary for the construction, operation and maintenance of the Proposed Development and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.

## 6.5. Alternatives to Compulsory Acquisition

- 6.5.1. The Applicant has considered all reasonable alternatives to compulsory acquisition including negotiated agreements, alternative sites and modifications to the Proposed Development. An overview of the consideration of alternatives is set out below.
- 6.5.2. The Applicant has considered reasonable alternatives that could realistically achieve the objectives for the Proposed Development. This assessment is set out in **ES Volume 1, Chapter 4: Reasonable Alternatives Considered [EN010149/APP/6.1]**. A Site Selection Report has also been prepared and is included in Appendix 1 to the **Planning Statement [EN010149/APP/7.2]**. These reports should also be read in conjunction with the **Statement of Need [EN010149/APP/7.1]**.
- 6.5.3. The reports conclude there were no alternative technologies or sites studied by the Applicant that could deliver the project objectives. From an alternative technology perspective, the following conclusions were drawn:
- The Site is not considered suitable for onshore wind generation due to the likely visual impact given the relatively flat topography in the area.
  - The use of hydrogen technology would not deliver the project objectives which are to generate electricity (specifically from solar power) to export to the National Grid, rather than create electricity to deliver something different, for example, hydrogen
  - Offshore/marine based technologies were not considered due to the location of the capacity and point of connection within the transmission network
  - From an alternative solar technology perspective, east/west facing and tracker panels (at 4m height) have both been explored by the Applicant, and excluded on the basis of:
    - Technology financial uncertainty (tracker);
    - Potential for greater landscape & visual impact;
    - Potential for greater glint and glare impact;
    - Potential for greater noise impact (tracker);
    - Potential for greater cultural heritage impact (tracker);
    - Operational and maintenance considerations.
- 6.5.4. In terms of site selection and the consideration of alternative sites, the Applicant undertook a systematic process to determine suitable sites. During the site selection process a range of technical, environmental, and economic factors were considered. Alternative sites were considered during the site selection process and the Applicant engaged in discussions



with four other landholdings on sites which met the original site selection criteria (see Section 3 of **Appendix 1** to the **Planning Statement [EN010149/APP/7.2]**) across Lincolnshire, Rutland and Cambridgeshire. The land at Blankney Estate, which is the subject of this Application and which makes up the majority of the land required for the Proposed Development, performed favourably across the site selection criteria in comparison to the other sites considered. Further, given the progression of discussions and the ability of the Applicant to voluntarily acquire the land, the other landholdings were no longer considered as reasonable alternatives. The **Site Selection Report at Appendix 1** to the **Planning Statement [EN010149/APP/7.2]** sets out the Applicant's approach and findings in greater detail.

- 6.5.5. The Site selected for the Proposed Development minimised the extent of compulsory acquisition powers needed given the voluntary agreement referenced above, and no other sites or areas considered would have avoided the use of such powers to a greater degree.
- 6.5.6. None of the alternatives or modifications considered for the Proposed Development would obviate the need for powers of compulsory acquisition powers and temporary possession over the Order Land.
- 6.5.7. The Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility, economic factors and the minimisation of environmental and visual impacts and land take.
- 6.6. **Commercial negotiations with affected parties**
- 6.6.1. As shown in the **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]**, discussions have been ongoing with the relevant land interests, detailed below.
- 6.7. **Solar PV Site**
- 6.7.1. The Applicant has been successful in securing the majority of the property rights it needs for the Solar PV Site. In terms of the main landowner for the site, being Blankney Estates Limited, the Applicant secured an option agreement over the majority of the Site in June 2022, to secure the land and rights required to construct and operate the Proposed Development. The parties are currently negotiating a variation to the signed option agreement, based on changes required to align with the submitted Application and Order Land, which has evolved following discussions with Blankney Estate and information from statutory consultation and surveys since signing the original option agreement. The Applicant expects to enter into the varied option agreement by close of the Examination.

- 6.7.2. Other land within the Solar PV Site is the subject of agreed heads of terms, and the option agreements are currently being negotiated.
- 6.7.3. The Applicant will continue to negotiate and finalise agreements for the land within the Solar PV Site to ensure that no third-party rights encumber the ability to undertake the Proposed Development.
- 6.8. **Grid Connection Route**
- 6.8.1. The Grid Connection route involves cabling from the Springwell Substation, within and through the fields owned by the same landowner as the majority of the Solar PV Site to the field proposed to be used for the new National Grid Navenby Substation. Please see above in relation to status of negotiations with the Blankney Estates Limited in this respect.
- 6.8.2. The Applicant has also been engaging with National Grid and another landowner with respect to the remaining land within the Grid Connection Route connecting to the proposed National Grid Navenby Substation to secure the necessary agreements via negotiation.
- 6.8.3. Currently the freehold of this land is held by a landowner with whom the Applicant has been engaging to secure the land and rights required to construct and operate the Proposed Development. The Applicant is also likely to need to reach a voluntary agreement with National Grid if National Grid subsequently acquires an interest in this land (it currently only holds Category 2 rights with respect of apparatus) for rights over this land.
- 6.8.4. With respect to both the Solar PV Site and the Grid Connection Route, whilst some agreements have been reached to date, the Applicant's intention is to continue to negotiate to reach voluntary agreements. Despite this, it is necessary for the Applicant to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the **Draft DCO [EN010149/APP/3.1]**, thereby ensuring that the Proposed Development can be constructed, operated and maintained. The Applicant nevertheless remains committed to obtaining necessary land and rights by negotiation where possible.
- 6.9. **Availability of funds for compensation**
- 6.9.1. The **Funding Statement [EN010149/APP/4.2]** confirms that the Applicant has the ability to procure the financial resources required for the Proposed Development, including the cost of acquiring any land and rights and the payment of compensation, as applicable.

- 6.9.2. The Applicant is not aware of any interests within the Order Limits in respect of which a person may be able to make a blight claim, but in the event this did occur the Applicant has sufficient funds to meet any compensation due.
- 6.9.3. The Applicant therefore considers that the SoS can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.
- 6.9.4. The **Draft DCO [EN010149/APP/3.1]** includes Article 47 (Guarantees in respect of payment of compensation) which restricts the undertaker from exercising the powers conferred under Articles 22, 24, 25, 30, 31, 32 and 33 (powers in relation to compulsory acquisition of land, rights and rights to temporary possession) until it has either put in place a guarantee or other form of security approved by the SoS in respect of the liabilities of the undertaker to pay compensation under the Order. This provision is included in order to protect the recipients of any compensation under the Order by providing certainty that the undertaker can make good any compensation owed.

## 7. Diligent Inquiry and Land Referencing

### 7.1. Diligent inquiry and land referencing

7.1.1. In accordance with the requirements of the Planning Act 2008, the Applicant undertook “diligent inquiry” through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the Planning Act 2008. These include owners, lessees, tenants and occupiers of the land within the Order Limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order Limits.

### 7.2. Diligent inquiry methodology

7.2.1. The Applicant was required to identify individuals in one or more of the categories set out in sections 44 and 57 of the Planning Act 2008. This included undertaking “diligent inquiry” to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the Planning Act 2008. Category 1 includes owners, lessees, tenants and occupiers of the land within the Order Limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits. Category 3 includes parties who the Applicant thinks would or might, if the Order sought by the application were made and fully implemented, be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965 and/or Part 1 of the Land Compensation Act 1973 and/or section 152(3) of the Planning Act 2008.

7.2.2. The Land Referencing limits were set to include all land and rights necessary to construct and operate the Proposed Development. A professional land referencing firm was employed to undertake diligent inquiry to identify these land interests. The following processes were undertaken as part of the methodology to identify and consult with those with an interest in affected land.

7.2.3. Land Registry data was received in the form of a digital shape file (a GIS layer) and digital copies of the Official Copy Registers and Title Plans. All relevant freehold, leasehold, mortgagee, beneficiary, other charges and restrictive covenant information was extracted and stored in a land referencing database.

7.2.4. An update to the land registry information was carried out prior to the preparation of the **Book of Reference [EN010149/APP/4.3]** as part of the Application documentation.

7.2.5. Adopted highways plans were acquired from Lincolnshire County Council. Information was also obtained regarding special category land (including open space, common land, fuel and field garden allotments); and any

information relating to extant planning permissions. Information was received in a variety of formats and entered into the GIS system as appropriate. Where necessary, further enquiries were made to address any changes, anomalies, or gaps.

- 7.2.6. Statutory undertakers that were believed to have a possible interest in the area were contacted to identify their interests. Information received was entered into the GIS as appropriate and where necessary further enquiries were made to address changes, anomalies or gaps.
- 7.2.7. Any existing information or stakeholder data gained by the Applicant as a result of property negotiation or Section 42 consultation was incorporated accordingly.
- 7.2.8. Consultation with landowners has been ongoing throughout the development of the proposals. The identification of potentially affected parties has been an ongoing process. This included checking all company addresses at Companies House to ensure the correct address was being used. The registered address was used unless advised differently by the affected party.
- 7.2.9. Land Interest Questionnaires (LIQs) were issued to all affected parties within the Order Limits. Telephone numbers and email addresses were provided on the letter which accompanied the LIQs, allowing parties to make contact if they sought further information on the proposals. Parties identified after this date, or whose initial LIQ unsuccessfully delivered, were issued at the earliest possible opportunity.
- 7.2.10. Where there was unregistered land within the Order Limits, site notices were affixed on or adjacent to the land in order to notify any unregistered interested parties of the proposals.

## 8. Human Rights

- 8.1.1. 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.
- 8.1.2. The following Articles of the Convention are relevant to the SoS's decision as to whether the Order should be made so as to include powers of compulsory acquisition:
- 8.1.3. Article 1 of the First Protocol to the Convention - protects the rights to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest.
- 8.1.4. Article 6 - entitles those affected by the compulsory acquisition powers sought in the Order to a fair and public hearing.
- 8.1.5. Article 8 - protects private and family life, home and correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.
- 8.1.6. The SoS, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.
- 8.1.7. The Order has the potential to infringe the rights of persons who hold interests in 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 Order are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order; and
  - b) the interference with the convention right is proportionate.
- 8.1.8. In relation to Article 1, in preparing the Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the Order and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. The Applicant considers that there would be a very significant public benefit arising from the grant of the Order. The benefit is only realised if the Order is accompanied by the grant of powers of compulsory acquisition. The Applicant has concluded on balance that the significant public benefits outweigh the effects upon persons who own property within the Order Land. For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code.

- 8.1.9. 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 Planning Act 2008, the Applicant has consulted with persons set out in the categories contained in Section 44 of the Planning Act 2008, which includes owners, lessees, tenants and occupiers within the Order Limits and those with an interest in the Order Limits. The Applicant has also consulted with those persons who may be able to make a relevant claim under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or s152(3) of the Planning Act 2008.
- 8.1.10. In relation to Article 8, the Order Land does not include, and the Proposed Development does not require, the outright acquisition of any residential dwelling-houses. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. In the event that such rights were to be infringed, such interference would be justifiable on the basis that it would be lawful and in the public interest.
- 8.1.11. Furthermore, representations can also be made in response to any notice given under Section 56 of the Planning Act 2008 for consideration at examination of the Application by the Examining Authority and in any written representations procedure which the Examining Authority decides to uphold or at any compulsory acquisition hearing held under Section 92 of the Planning Act 2008.
- 8.1.12. Should the Order be made, any person aggrieved may challenge the Order in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the Planning Act 2008.
- 8.1.13. Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. In relation to matters of compensation, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body, to determine the compensation payable.
- 8.1.14. For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Section 6 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.
- 8.1.15. The Applicant considers that the Order strikes a fair balance between the public interest in the Proposed Development going ahead and the interference with the rights that will be affected. The Applicant considers

that it would, therefore, be appropriate and proportionate for the SoS to make the Order, including the grant of compulsory acquisition powers.



## 9. Special considerations affecting the Order Limits

### 9.1. Crown Land

- 9.1.1. The Order Lands includes Ministry of Defence land but this land is excluded from the scope of compulsory acquisition powers – see **Crown Land Plans [EN010149/APP/2.7]** and Part 6 of the **Book of Reference [EN010149/APP/4.3]**. Title checks at HM Land Registry and discussions with the Ministry of Defence confirm that such land belongs to the Ministry of Defence.
- 9.1.2. The Applicant is engaged with the Ministry of Defence in order to obtain section 135 of the Planning Act 2008 consent over their land. This process will run in parallel with the application for development consent.
- 9.1.3. There are Crown interests within the Order Land as follows:
- Plot 6/3 being public road, verges and access way (Heath Road, B1191, Scopwick) (subsoil interest).
  - Plot 7/14 being public road, footway and bus stops No. lingpmwd and No. lindawmj (Heath Road, B1191, Lincoln) (subsoil interest).
  - Plot 7/17 being agricultural land, private access track, public footpath No. Rows/5/1 and hedgerows (east of Heath Road, B1191, Ashby de la Launde) (rights over land).
- 9.1.4. All are owned by The King's Most Excellent Majesty and are therefore 'Crown Land'. The areas are shown on the **Crown Land Plan [EN010149/APP/2.7]**. Within the Order Limits there is also an area shown white and hatched on the **Crown Land Plans [EN010149/APP/2.7]** and **Land Plans [EN010149/APP/2.2]**, located between plots 7/14 and 7/16, being Heath Road, Scopwick at RAF Digby. The subsoil in this land is also a Crown interest, that is held by the Ministry of Defence. This land is not part of the Order Land as no land rights are sought over it.
- 9.1.5. The **Draft DCO [EN010149/APP/3.1]** includes the standard article providing that the Order 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 49). The **Book of Reference [EN010149/APP/4.3]** also excludes interests belonging to the Crown in the description of the relevant plots and the Land and Crown Land Plans also make this clear.
- 9.1.6. The Applicant has been engaging with the Ministry of Defence in order to secure the necessary agreements to carry out the relevant parts of Work Nos. 8 and 9 with respect to Plot 6/3, Work No. 8 with respect to Plot 7/14, and Work Nos. 1, 6 and 9 with respect to Plot 7/17, and to obtain the

consent of the Crown to the inclusion of provisions applying in relation to Crown land (as required by section 135 of the Planning Act 2008). The Applicant will continue these discussions following submission of the Application. Note, the section 135 consent sought relates both to the Crown interests within the Order Land and the Order Limits.

## 9.2. Special Category Land – Open Space

9.2.1. There is no open space, common land or fuel or field garden allotments included or affected by the Order Limits.

## 9.3. Statutory Undertakers' Land and Apparatus

9.3.1. The interests held by each statutory undertaker identified by the Applicant as having a right to keep or access apparatus within the Order Land are identified in Part 6 of the **Book of Reference [EN010149/APP/4.3]**.

9.3.2. Section 127(2) of the Planning Act 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that:

- the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- 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.

9.3.3. Section 127(5) of the Planning Act 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:

- the right can be purchased without serious detriment to the carrying on of the undertaking; or
- any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of the other land belonging to or available for acquisition by them.

9.3.4. Article 33 of the **Draft DCO [EN010149/APP/3.1]** 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 Planning Act 2008 are therefore satisfied.

- 9.3.5. Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order Land. Statutory undertakers and other apparatus owners that are known to have equipment on, in or over the Order Land are included in the **Book of Reference [EN010149/APP/4.3]**. Section 138 of the Planning Act 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.
- 9.3.6. The **Draft DCO [EN010149/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 Proposed Development. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 15 to the Order, which is given effect by Article 44 of the **Draft DCO [EN010149/APP/3.1]**. 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 Order, with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Proposed Development (i.e. the development authorised by the Order) to proceed. The Applicant therefore considers that the test set out in section 138 of the Planning Act 2008 is satisfied.
- 9.3.7. The Applicant has identified the following statutory undertakers that may have an interest or apparatus within the Order Land:
- Anglian Water;
  - Cadent Gas;
  - Exolum Pipeline Systems;
  - National Grid Electricity Distribution (Midlands);
  - National Grid Electricity Transmission; and
  - Openreach Limited.
- 9.3.8. All of the above statutory undertakers or asset owners were first contacted in July or August 2024 to progress the protective provisions. The current status of negotiations with these statutory undertakers with an identified interest in the Order Land is included in Table 3 of the **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4]**.

- 9.3.9. The Applicant will continue to seek agreement with all parties contacted as to protective provisions and in any event has included standard protective provisions in the Order for the protection of electricity, gas, water and sewerage undertakers, for the protection of operators of electronic communications code networks and for the protection of drainage authorities in order to ensure the assets of those parties receive adequate protection under the Order.
- 9.3.10. There are no other relevant special considerations in respect of the Order Limits.

## 10. Related Applications and Licences

10.1.1. Other consents and licences may be required in order for the Proposed Development to be built, operated and maintained. The **Schedule of Other Consents and Licences [EN010194/APP/3.3]** sets out the full list of additional consents and licences which the Applicant anticipates may be required, together with information about the consenting authority, why the consent may be needed and the status of the consent. Key consents likely needed are identified as follows:

- a) Excavation licence;
- b) Electricity generation licence;
- c) Water abstraction or impoundment licence;
- d) Water discharge;
- e) Bilateral Connection Agreement with National Grid to connect the Proposed Development to the National Electricity Transmission System;
- f) Permit for transport of abnormal loads;
- g) Section 61 consent (control of noise on construction sites);
- h) Health and safety related consents;
- i) Protected species licence;
- j) Hazardous substance consent; and
- k) Permits for street works under Lincolnshire County Council's permit scheme and highways agreement with the County.

10.1.2. The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider them to be impediment to the Proposed Development proceeding.

## 11. Further Information

### 11.1. Negotiation of Sale

- 11.1.1. Owners and occupiers of property affected by the Proposed Development who wish to discuss matters of compensation should contact Reena Shah of Gateley Hamer (Tel – 07759526330, email – reena.shah@gateleyhamer.com).

### 11.2. Compensation

- 11.2.1. Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation value of properties. Helpful information is given in the series of booklets published by DCLG entitled "Compulsory Purchase and Compensation" listed below:-
- Booklet No. 1 - Compulsory Purchase Procedure;
  - Booklet No. 2 - Compensation to Business Owners and Occupiers;
  - Booklet No. 3 - Compensation to Agricultural Owners and Occupiers;
  - Booklet No.4 - Compensation for Residential Owners and Occupiers; and
  - Booklet No.5 – Reducing the Adverse Effects of Public Development: Mitigation Works.
- 11.2.2. Copies of these booklets are obtainable, free of charge, from:  
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

## 12. Conclusion

- 12.1.1. This Statement demonstrates that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Proposed Development meets the requirements of Section 122 of the Planning Act 2008 as well as the considerations in the Guidance.
- 12.1.2. A description of the intended use of the land and rights to be acquired compulsorily has been provided.
- 12.1.3. In summary, the compulsory acquisition of the Order Land or rights over the Order Land (including restrictions), together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is required for the purposes of, to facilitate, or are incidental to, the Proposed Development and are proportionate and no more than is reasonably necessary.
- 12.1.4. Furthermore, there is a compelling case in the public interest for the land or rights over the land to be compulsorily acquired given the meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life.
- 12.1.5. The need and critical national priority for the Proposed Development is clearly set out in **NPS EN-1, NPS EN-3 and NPS EN-5**. These demonstrate that there is a compelling case in the public interest for the land, and rights over land and imposition of restrictions, to be acquired compulsorily
- 12.1.6. All reasonable alternatives to compulsory acquisition have been explored. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, as well as secure the removal of matters affecting the Order Land that may impede the Proposed Development, wherever possible.
- 12.1.7. Given the national and local need for the Proposed Development and the support for it found in policy, as well as the suitability of the Order Limits (for the reasons outlined above), compulsory acquisition of the 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.
- 12.1.8. The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose, namely the construction and operation of the Proposed Development which is an NSIP for which there is a critical national priority, 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.

- 12.1.9. The Applicant has set out clear and specific proposals for how the Order Land will be used.
- 12.1.10. An explanation has been provided as to how it is expected that the construction of the Proposed Development and the acquisition of the land or rights over the land will be funded, as well as compensation in respect of the exercise of powers of compulsory acquisition, which demonstrates that there is a reasonable prospect of the requisite funds being available. Further detail is provided in the **Funding Statement [EN010149/APP/4.2]**.
- 12.1.11. Articles 1, 6 and 8 of the First Protocol to the Convention have been considered. The Applicant considers that the very substantial public benefits to be derived from Proposed Development would outweigh the private loss that would be suffered by those whose land is to be acquired or whose rights would be interfered with.
- 12.1.12. It is therefore submitted that the Order be made and any compulsory acquisition powers and powers of temporary possession sought within the Order be granted.





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