
FENWICK SOLAR FARM

Fenwick Solar Farm
EN010152

Schedule of Negotiations and Powers Sought

Document Reference: EN010152/APP/4.4

Regulation 5(2)(h)

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

October 2024
Revision Number: 00

Planning Act 2008

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

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Regulation Reference	Regulation 5(2)(h)
Planning Inspectorate Reference	EN010152
Application Document Reference	EN010152/APP/4.4
Author	Fenwick Solar Farm Team

Version	Date	Status of Version
Rev 00	October 2024	DCO submission

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1.1 Introduction

- 1.1.1 This Schedule of Negotiations and Powers Sought, alongside the Statement of Reasons, demonstrates that the Applicant has complied with the Compulsory Acquisition Guidance (CA Guidance) related to procedures for the compulsory acquisition of land (DCLG, September 2013).
- 1.1.2 The Applicant has been and continues to seek to acquire the relevant freehold interests, new rights and restrictions and temporary use of land by private treaty. However, compulsory acquisition and temporary use powers are being sought in order to ensure the deliverability of the Scheme. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to reach voluntary agreements wherever possible. This approach of seeing powers of compulsory acquisition in the application for a Development Consent Order (DCO), in parallel, conducting negotiations to acquire land rights by agreement, accords with paragraph 26 of the CA Guidance. Table 1 below sets out the latest position in relation to these voluntary agreements.
- 1.1.3 The CA Guidance states that there must be a clear idea how the land to be acquired is to be used, and Table 1 below summarises the reason that acquisition of land/rights and temporary possession is required to accommodate the Scheme.
- 1.1.4 Table 2 below lists plots within the Order land which comprise part of the public highway network and whilst an explanation is provided on why the land is required to accommodate the Scheme, a summary of negotiations is not provided here as there are no voluntary property rights are being sought in relation to the highway other than engaging with the relevant highways authority as part of the DCO process.
- 1.1.5 Table 3 below sets out the position in relation to statutory undertakers who have been identified as having land, rights and/or apparatus within the Order land.
- 1.1.6 Persons with subsoil interest in highway land have not been included in this Schedule of Negotiations and Powers Sought.
- 1.1.7 This Schedule of Negotiations and Powers Sought is one of a number of documents accompanying the application for a DCO. It should be read in conjunction with the following documents:
- a. Land Plan **[EN010152/APP/2.1]**
 - b. Works Plan **[EN010152/APP/2.3]**
 - c. Draft DCO **[EN010152/APP/3.1]**
 - d. Book of Reference **[EN010152/APP/4.3]**
 - e. Statement of Reasons **[EN010152/APP/4.1]**
- 1.1.8 It is envisaged that this Schedule of Negotiations and Powers Sought will be updated at regular intervals throughout Examination.

1.2 Table 1. Summary of Land, Rights and Restrictions and Temporary Use Powers Sought and Status of Negotiations/Objection

Key	
	Negotiations in Progress
	Heads of Terms Agreed and Signed
	Option to Lease Signed

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
Andrew Hall	1/01	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5, 9	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5) Works to create areas of habitat management (Work 9)	The landlord entered an option to lease on 23/8/2023.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
Strawpine Limited	1/02	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5, 6, 7, 9	<p>Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1)</p> <p>Supplementary Works (Work 5)</p> <p>Works to Build a Construction and Decommissioning Compound (Work 6)</p> <p>Works to develop operations and Maintenance buildings (Work 7)</p> <p>Works to create areas of habitat management (Work 9)</p>	The landlord entered an option to lease on 23/8/2023.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
Charles & Rosemarie Clark	1/03	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5, 9	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5) Works to create areas of habitat management (Work 9)	The landlord entered an option to lease on 23/8/2023.
Stephen Clark	2/01	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5, 9	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5)	The landlord entered an option to lease on 23/8/2023.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
						Works to create areas of habitat management (Work 9)	
Stephen Clark	2/02	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5, 9	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5) Works to create areas of habitat management (Work 9)	The landlord entered an option to lease on 23/8/2023.
Rodney Metcalfe	2/03	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5, 9	Works to build a ground mounted solar photovoltaic generating station with a gross	The landlord entered an option to lease on 23/8/2023.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
						electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5) Works to create areas of habitat management (Work 9)	
Charles & Rosemarie Clark	2/05	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5)	The landlord entered an option to lease on 23/8/2023.
David & Susan Atkinson	2/06	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5, 9	Works to build a ground mounted solar photovoltaic generating station	The landlord entered an option to lease on 23/8/2023.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
and Ethel Walton						with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5) Works to create areas of habitat management (Work 9)	
Geoffrey Baxter	3/02	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5)	The landlord entered an option to lease on 23/8/2023.
Strawpine Limited	3/03	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5	Works to build a ground mounted solar photovoltaic	The landlord entered an option to lease on 23/8/2023.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
						generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5)	
Charles & Rosemarie Clark	3/04	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5)	The landlord entered an option to lease on 23/8/2023.
Geoffrey Baxter	3/07	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output	The landlord entered an option to lease on 23/8/2023.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
						capacity over 50MW (Work 1) Supplementary Works (Work 5)	
David & Miles Duckitt	3/08	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5, 8	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5) Works to facilitate access to Works 1 to 9 (Work 8)	The landlord entered an option to lease on 30/7/2024.
John Smith	3/09	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 2, 5, 6	Works to build a ground mounted solar photovoltaic generating station with a gross	The landlord entered an option to lease on 30/4/2024.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
						electrical output capacity over 50MW (Work 1) Works to build a Battery Energy Storage Facility (Work 2) Supplementary Works (Work 5) Works to Build a Construction and Decommissioning Compound (Work 6)	
Charles & Rosemarie Clark	4/01	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1)	The landlord entered an option to lease on 23/8/2023.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
						Supplementary Works (Work 5)	
Charles & Rosemarie Clark	4/02	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5)	The landlord entered an option to lease on 23/8/2023.
Charles & Rosemarie Clark	4/03	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	5	Supplementary Works (Work 5)	The landlord entered an option to lease on 23/8/2023.
Charles & Rosemarie Clark	4/05	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5, 6	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1)	The landlord entered an option to lease on 23/8/2023.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
						Supplementary Works (Work 5) Works to Build a Construction and Decommissioning Compound (Work 6)	
Stephen Clark	4/08	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	5	Supplementary Works (Work 5)	The landlord entered an option to lease on 23/8/2023.
Geoffrey Baxter	4/10	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5)	The landlord entered an option to lease on 23/8/2023.
John Smith	5/02	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 5	Works to build a ground mounted solar photovoltaic	The landlord entered an option to lease on 30/4/2024.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
						generating station with a gross electrical output capacity over 50MW (Work 1) Supplementary Works (Work 5)	
Stephen Ledger	6/01	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	1, 3, 4, 5	Works to build a ground mounted solar photovoltaic generating station with a gross electrical output capacity over 50MW (Work 1) Works to build an onsite substation and associated works (Work 3) Works to lay electrical cables (Work 4)	The landlord entered an option to lease on 04/07/2024.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
						Supplementary Works (Work 5)	
Julia Ledger	6/02	Permanent Freehold Acquisition	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The landlord entered an option to lease on 04/07/2024.
Richard Pashley	6/06	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	8	Works to facilitate access to Works 1 to 9 (Work 8)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Richard Pashley	6/07	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Alan & Jean Pashley	6/08	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
David & Susan Atkinson and Ethel Walton	7/03	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4, 6	Works to lay electrical cables (Work 4) Works to Build a Construction and Decommissioning Compound (Work 6)	The Applicant received signed Heads of Terms on 25/9/2024.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
David & Susan Atkinson and Ethel Walton	7/04	Temporary Acquisition of Rights	Yes	Freeholder/ Occupier	6	Works to Build a Construction and Decommissioning Compound (Work 6)	The Applicant received signed Heads of Terms on 25/9/2024.
Anthony Dunkerley	7/05	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Keith & Paul Mawson	7/10	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4, 8	Works to lay electrical cables (Work 4) Works to facilitate access to Works 1 to 9 (Work 8)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Keith & Paul Mawson	8/02	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Richard Pashley	8/06	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
Sarah Robertson	8/07	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant received signed Heads of Terms on 10/10/2024.
Eric & Geoffrey Langfield	8/09	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Geoffrey Langfield	8/10	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Ruth Lovett, Marcus Sheard & Jennifer Horlock	8/12	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	8	Works to facilitate access to Works 1 to 9 (Work 8)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Shaun & Rebecca Walker	8/14	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	8	Works to facilitate access to Works 1 to 9 (Work 8)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Ruth Lovett, Marcus Sheard &	8/15	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4, 6	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
Jennifer Horlock						Works to Build a Construction and Decommissioning Compound (Work 6)	
Shaun & Rebecca Walker	8/16	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Ruth Lovett, Marcus Sheard & Jennifer Horlock	9/01	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Tracey Willingdon	9/02	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Abhilasha Alias Ashu Chohan	9/03	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant has been unable to contact the landowner. No response has been received to the Applicant's section 42 letters. Handwritten notes have been placed through this landowner's door, and the Applicant's agent called at this property but received no response. The Applicant will continue to seek engagement with a view to

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
							negotiating a voluntary agreement for an option for easement.
Tracey Willington	9/04	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Peter & Monica Woodall	9/07	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Unregistered	9/08	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	During statutory consultation, notices were placed on this plot of land, but the owners remain unidentified. The Applicant will continue in its endeavours to identify any owners.
Louis Parkin Coates	9/10	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Environment Agency	9/11	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in discussions with the Environment Agency and will seek voluntary land agreements, as well as securing protective provisions.
Louis Parkin Coates	9/12	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
Environment Agency	9/13	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4, 8	Works to lay electrical cables (Work 4) Works to facilitate access to Works 1 to 9 (Work 8)	The Applicant is in discussions with the Environment Agency and will seek voluntary land agreements, as well as securing protective provisions.
John Nicholson	9/14	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant received signed Heads of Terms on 19/9/2024.
Elba Securities	9/15	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Network Rail Limited	10/01	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	Business and Technical Clearance has been granted by Network Rail. Heads of Terms are agreed and the Option to Lease is expected to be complete before the end of examination.
Network Rail Limited	10/02	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	Business and Technical Clearance has been granted by Network Rail. Heads of Terms are agreed and the Option to Lease is expected to be complete before the end of examination.
Elba Securities	10/03	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
Network Rail Limited	10/04	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4, 8	Works to lay electrical cables (Work 4) Works to facilitate access to Works 1 to 9 (Work 8)	Business and Technical Clearance has been granted by Network Rail. Heads of Terms are agreed and the Option to Lease is expected to be complete before the end of examination.
Elba Securities	10/05	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4, 8	Works to lay electrical cables (Work 4) Works to facilitate access to Works 1 to 9 (Work 8)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Elba Securities	10/06	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4, 8	Works to lay electrical cables (Work 4) Works to facilitate access to Works 1 to 9 (Work 8)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.

Affected Party	Plot No.	Description of land/rights/ temporary use sought	CA Sought	Land Interest	Work No.	Reason for Acquisition or Possession	Status of Negotiations
Elba Securities	10/07	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
Elba Securities	10/08	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4	Works to lay electrical cables (Work 4)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
HJ Banks & Company Limited	10/09	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	4, 8	Works to lay electrical cables (Work 4) Works to facilitate access to Works 1 to 9 (Work 8)	The Applicant has had initial discussions with the landowner and the parties have agreed to work together to facilitate access following the detailed design and confirmation of the construction programme.
Elba Securities	10/10	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	8	Works to facilitate access to Works 1 to 9 (Work 8)	The Applicant is in negotiations with the landowner with a view to securing a voluntary agreement for an option for easement.
HJ Banks & Company Limited	10/11	Permanent Acquisition of Rights	Yes	Freeholder/ Occupier	8	Works to facilitate access to Works 1 to 9 (Work 8)	The Applicant has had initial discussions with the landowner and the parties have agreed to work together to facilitate access following the detailed design and confirmation of the construction programme.

1.3 Table 2. Plots within the Highway Boundary over which rights and restrictions are sought

Plot Numbers	Description of Rights Sought	CA	Works Numbers	Reason of Acquisition or Possession
3/01, 4/06	Permanent Acquisition of Rights	Yes	5, 8	Supplementary Works (Work 5) Works to facilitate access to Works 1 to 9 (Work 8)
4/07, 5/01, 5/03, 6/05, 7/01, 7/06, 7/07, 7/09, 8/03, 8/05, 8/11, 10/12, 10/13, 10/14, 11/01, 11/02, 11/03, 11/04, 11/05, 11/06, 11/07	Permanent Acquisition of Rights	Yes	8	Works to facilitate access to Works 1 to 9 (Work 8)
4/09	Permanent Acquisition of Rights	Yes	5	Supplementary Works (Work 5)
6/03, 6/04, 7/02, 7/08, 8/04, 8/13, 9/05, 9/06, 9/09	Permanent Acquisition of Rights	Yes	4, 8	Works to lay electrical cables (Work 4) Works to facilitate access to Works 1 to 9 (Work 8)

1.4 Table 3. Status of Negotiations with Statutory Undertakers and Other Utility Owners

- 1.4.1 Section 127(2) of the Planning Act 2008 (PA 2008) states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that matters set out in section 127(3) are satisfied. Those matters are:
- a. the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
 - b. if purchased, the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.
- 1.4.2 Section 127(5) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of a right over statutory undertaker's land by the creation of a new right over land to the extent that matters set out in section 127(6) are satisfied. Those matters are:
- a. the right can be purchased without serious detriment to the carrying on of the undertaking; or
 - b. any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of the other land belonging to or available for acquisition by them.
- 1.4.3 Article 31 of the draft DCO gives the Applicant the authority to acquire land and rights from statutory undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 14 which contains protective provisions for their benefit. The protective provisions provide adequate protection for statutory undertakers' assets. The Applicant therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition powers sought over the Order land being granted. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.
- 1.4.4 Section 138 of the PA 2008 applies if a development consent order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land. The draft DCO includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Scheme. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 14 to the DCO. The protective provisions set out constraints on the exercise of the powers in the draft DCO, with a view to safeguarding the statutory undertakers' interests, whilst enabling the Scheme (i.e. the development authorised by the draft DCO) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.

- 1.4.5 Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order limits. Statutory undertakers and other apparatus owners that are known to have interest in or equipment on, in or over the Order limits are included in the Book of Reference **[EN010152/APP/4.3]** and set out in Table 3 below.
- 1.4.6 The Applicant is in discussions with the relevant statutory undertakers and owners of apparatus to agree the form of protective provisions and, where required, side agreements and asset protection agreement with the other parties contacted.
- 1.4.7 In any event, Part 1, Part 2 and Part 3 of Schedule 14 to the draft DCO include standard protective provisions for: (1) the protection of electricity, gas, water and sewerage undertakers; (2) the protection of operators of electronic communications code networks; and (3) the protection of drainage authorities respectively, in order to ensure the assets of those parties receive adequate protection.

Affected Person – Contact Name/ Organisation	Plot Number(s)	Description of rights sought	Status of negotiations/objection (where relevant)
BT Limited	7/01, 7/02, 7/06, 11/07	Permanent Acquisition of Rights	The Applicant contacted BT on 25 October 2024, but is yet to receive a response. Standard protective provisions for the benefit of telecommunications code network operators have been included in Part 2 of Schedule 14 to the draft DCO.
DANVM Drainage Commissioners	1/02, 2/03, 3/07, 3/08, 4/05, 6/01	Permanent Freehold Acquisition	The Applicant has begun negotiations with the Commissioners, in relation to the proposed disapplication provisions in the draft DCO and the standard protective provisions for the protection of drainage authorities in Part 3 of Schedule 14 to the draft DCO, and is currently awaiting the Commissioners' latest response.
	2/04, 3/01, 3/05, 3/06, 3/07, 4/03, 4/04, 4/06, 4/07, 5/01, 5/03, 6/03, 6/04, 6/05, 7/01, 7/02, 7/06, 7/07, 7/08, 7/09, 7/10, 8/01, 8/04, 8/05, 8/06, 8/08, 8/09, 8/11, 8/13, 8/15, 9/01, 9/02, 9/09, 9/13, 9/14, 10/01, 10/05, 10/06, 10/07, 10/08, 10/10, 10/12, 10/14	Permanent Acquisition of Rights	
Environment Agency	1/02, 2/01, 2/03	Permanent Freehold Acquisition	The Applicant understands that the proposed disapplication provisions in the draft DCO and the protective provisions for the protection of the

Affected Person – Contact Name/ Organisation	Plot Number(s)	Description of rights sought	Status of negotiations/objection (where relevant)
	9/09, 9/11, 9/13, 10/09	Permanent Acquisition of Rights	Environment Agency in Part 5 of Schedule 14 to the draft DCO are acceptable to the Environment Agency, but is awaiting confirmation from its representative.
Exolum Pipeline Systems Limited	1/01, 1/02, 1/03	Permanent Freehold Acquisition	The Applicant has begun negotiations with Exolum regarding a form of protective provisions. The Applicant is confident that these will be agreed and completed at an early stage of the Examination
Lumen Technologies UK Limited	5/03, 11/07	Permanent Acquisition of Rights	The Applicant contacted Lumen on 25 October 2024, but is yet to receive a response. Standard protective provisions for the benefit of telecommunications code network operators have been included in Part 2 of Schedule 14 to the draft DCO.
National Grid PLC	9/15, 10/03, 10/05, 10/06, 10/07, 10/08, 10/10, 10/11	Permanent Acquisition of Rights	The Applicant contacted NG on 25 October 2024, but is yet to receive a response. Standard protective provisions for the benefit of electricity, gas, water and sewerage undertakers have been included in Part 1 of Schedule 14 to the draft DCO.
National Grid Electricity Transmission Plc	2/03, 2/05, 2/06, 4/01, 4/05	Permanent Freehold Acquisition	The Applicant contacted NGET on 25 October 2024, but is yet to receive a response. Standard protective provisions for the benefit of electricity, gas, water and sewerage undertakers have been included in Part 1 of Schedule 14 to the draft DCO.
	2/04, 8/07, 8/09, 8/10, 8/11, 8/12, 8/13, 8/15, 8/16, 9/01, 9/11, 9/12, 10/06, 10/09, 10/11, 10/12	Permanent Acquisition of Rights	
Network Rail Infrastructure Limited	5/03, 8/14, 9/02, 9/04, 9/07, 9/09, 9/10, 10/01, 10/02, 10/03, 10/04, 10/09, 11/07	Permanent Acquisition of Rights	The Applicant has begun negotiations with Network Rail's lawyers regarding a form of protective provisions and an asset protection agreement. The Applicant is confident that these will be agreed and completed at an early stage of the Examination.

Affected Person – Contact Name/ Organisation	Plot Number(s)	Description of rights sought	Status of negotiations/objection (where relevant)
Northern Gas Networks Limited	11/01, 11/02, 11/03, 11/04, 11/05, 11/06, 11/07	Permanent Acquisition of Rights	The Applicant has begun negotiations with NGN regarding a form of protective provisions and an asset protection agreement. The Applicant is confident that these will be agreed and completed at an early stage of the Examination.
Northern Powergrid (Yorkshire) Plc	1/02, 2/03, 2/06, 3/02, 4/02, 4/05, 6/02	Permanent Freehold Acquisition	The Applicant contacted NPG on 28 October 2024, but is yet to receive a response. Standard protective provisions for the benefit of electricity, gas, water and sewerage undertakers have been included in Part 1 of Schedule 14 to the draft DCO.
	2/04, 3/01, 5/01, 5/03, 6/03, 6/04, 6/05, 7/10, 8/01, 8/02, 8/03, 8/04, 8/05, 8/07, 8/11, 8/13, 9/01, 9/02, 9/03, 9/04, 9/06, 9/07, 9/09, 9/14, 10/03, 10/05, 10/06, 10/07, 10/09, 10/11, 10/12, 10/13, 10/14, 11/07	Permanent Acquisition of Rights	
Npower Limited	9/15, 10/03, 10/05, 10/06, 10/07, 10/08, 10/10	Permanent Acquisition of Rights	The Applicant contacted Npower on 28 October 2024, but is yet to receive a response. Standard protective provisions for the benefit of electricity, gas, water and sewerage undertakers have been included in Part 1 of Schedule 14 to the draft DCO.
RWE Generation UK Plc	10/09, 10/11	Permanent Acquisition of Rights	The Applicant has made multiple attempts to contact RWE, but is yet to receive a response. Standard protective provisions for the benefit of electricity, gas, water and sewerage undertakers have been included in Part 1 of Schedule 14 to the draft DCO.
Vodafone Limited	10/05, 10/06, 10/07, 10/08	Permanent Acquisition of Rights	The Applicant contacted Vodafone on 22 August 2024, but is yet to receive a response. Standard protective provisions for the benefit of telecommunications code network operators have been included in Part 2 of Schedule 14 to the draft DCO.

