



Fosse Green Energy

EN010154

4.1 Statement of Reasons (Clean)

VOLUME

4

Planning Act 2008 (as amended)

Regulation 5(2)(h)

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009 (as
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Fosse Green Energy Development Consent Order 202[]

4.1 Statement of Reasons

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1. Executive Summary

1.1 Purpose and Structure of this Statement of Reasons

- 1.1.1 This Statement of Reasons relates to the Application for a development consent order made by the Applicant to the Secretary of State (SoS) under the Planning Act 2008 (PA 2008) for powers to construct, operate (including maintenance) and decommission the Proposed Development.
- 1.1.2 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.
- 1.1.3 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 (Section 3)

- 1.2.1 The Proposed Development will comprise the construction, operation, (including maintenance), and decommissioning of a ground-mounted solar photovoltaic (PV) electricity generating station with access provision, battery storage, Onsite Substation, underground cabling and associated infrastructure to generate, export, and import electricity; and areas of landscaping and biodiversity enhancement. The Proposed Development will export and import electricity via the national electricity transmission network. The Proposed Development also includes a 400kV underground Cable Route Corridor of approximately 10km in length connecting the Onsite Substation to the proposed National Grid substation near Navenby (that substation does not form part of this Application). The Proposed Development would allow for the generation and export of electricity exceeding 50 megawatts (MW). The Proposed Development will be located within the 'Order Limits' (as described below) and is the subject of the Application.
- 1.2.2 The Order Limits comprises approximately 1,354 hectares (ha) (3,345 acres) and includes the key components described below. The Proposed Development is also described in Schedule 1 of the draft **Development Consent Order (Order)** [EN010154/APP/3.1], where it is divided into

numbered works. The works numbers are identified below and referred to throughout this Statement:

- a. **Work No. 1**— a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts including—
 - (a) PV modules fitted to mounting structures;
 - (b) solar stations and ancillary equipment;
 - (c) monitoring and control systems housed within the containers or enclosures comprised in Work No. 1 or located separately in its own container or enclosure;
 - (d) acoustic fencing;
 - (e) electrical cables;

and associated development within the meaning of s115(2) of the PA 2008 including—

- b. **Work No. 2**— Centralised Battery and Energy Storage System Compound to store energy generated by the solar panels including—
 - (a) battery energy storage system;
 - (b) a structure protecting the battery energy storage system comprised in Work No. 2(a) and ancillary equipment, being either one container or multiple containers joined to each other, mounted on a reinforced concrete foundation slab or concrete piling;
 - (c) heating, ventilation and air conditioning (HVAC) or liquid cooling systems either housed within the containers comprised in Work No. 2(b) attached to the side or top of each of the containers, or located separate from but near to each of the containers;
 - (d) conversion units including inverters, transformers, switchgear and energy management system;
 - (e) battery stations;
 - (f) monitoring and control systems housed within a container with the HVAC or liquid cooling systems in Work No. 2(c) or located separately in its own container or control room;
 - (g) electrical cables including electrical cables connecting to Work No. 1 and Work No. 4;
 - (h) fire safety infrastructure comprising fire suppression system;
 - (i) a water storage structure for the purposes of firefighting comprising fire water tanks and fire water containment; and
 - (j) fencing.

- c. **Work No. 3**—Distributed Battery and Energy Storage System including—
- (a) battery energy storage system;
 - (b) a structure protecting the battery energy storage system comprised in Work No. 3(a) and ancillary equipment, being either one container or cabinet or multiple containers or cabinets laid on a concrete slab or raft foundation located alongside Work No. 1;
 - (c) heating, ventilation and air conditioning (HVAC) or liquid cooling systems either housed within the containers or cabinets comprised in Work No. 3(b), attached to the side or top of each of the containers, or located separate from but near to each of the containers;
 - (d) monitoring and control systems housed within the containers with the HVAC or liquid cooling systems in Work No. 3(c) or located separately in its own container or control room;
 - (e) battery management system to monitor and control the stage of charge, temperature, and the overall health of the batteries;
 - (f) DC/DC converter;
 - (g) fire safety infrastructure, mitigation and control measures including:
 - (i) fire service access,
 - (ii) fire compartmentation measures,
 - (iii) water storage tanks and hydrants,
 - (iv) impermeable membrane surrounding Work No. 3(b) which directs fire water to a swale for containment and a sump and drain valve to allow the extraction of contaminated fire water,
 - (v) hard standing to accommodate emergency vehicles,
 - (vi) parking spaces;
 - (h) electrical cables connecting to Work No. 1, and Work No. 4; and
 - (i) fencing.
- d. **Work No. 4**—works in connection with an onsite substation including—
- (a) substation, transformers, 400kV air insulated switchgear, switch room buildings and ancillary equipment including reactive power units;
 - (b) control building housing offices, storage, welfare facilities, parking areas and access;
 - (c) workshop, store and ancillary structures;
 - (d) monitoring and control systems for this Work No.4, Work No.1 and, Work No.2 or Work No. 3, housed within the control building in Work

No. 4(b) or located separately in their own containers or control rooms;

- (e) harmonic filters; and
- (f) fencing.

- e. **Work No. 5A** — works to lay underground high voltage electrical cables, access and temporary construction compound laydown areas for the electrical cables, to connect to the National Grid Navenby substation including—
 - (a) works to lay electrical cables including 400 kV cable connecting Work No. 4 to 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;
 - (c) temporary construction compounds for construction and material storage of equipment for Work No. 5A(a) (b) (d) and (e);
 - (d) joint bays, link boxes, cable ducts, cable protection, joint protection, manholes;
 - (e) marker posts, underground cable marker, tiles and tape, communications chambers, fibre optic cables and lighting and other works associated with cable laying; and
 - (f) tunnelling, boring and drilling works.
- f. **Works No. 5B** – high voltage connection works to the National Grid Navenby substation to facilitate connection of the authorised development to the National Grid Navenby substation including—
 - (a) busbars and connectors to connect to the busbar disconnectors at the National Grid Navenby substation;
 - (b) a 400kV 3 phase circuit breaker for control and protection of the outgoing circuit serving the authorised development;
 - (c) a 3 phase set of current transformers for protection of the outgoing 400kV feeder circuit and the overlap with the National Grid system;
 - (d) a 3 phase high accuracy metering current and voltage transformer assembly for commercial metering of the connection;
 - (e) a 3 phase 400kV line disconnector/earth switch for isolation and earthing of the outgoing 400kV feeder circuit;

- (f) a 3 phase set of 400kV high voltage cable sealing ends and cables connecting the National Grid Navenby substation with Work No. 5A; and
 - (g) protection and control works in the relay room or erection of a new building to house protection and control works apparatus if required.
- g. **Work No. 6**— works to lay underground electrical cables up to 33kV connecting Work No. 1 to Work No. 2 or Work No.3 and Work No. 4 including—
 - (a) Works to lay electrical and data cables including up to 33kV cables between Work No.1 and, Work No. 2 or Work No. 3, to Work No. 4.
 - (b) joint bays, link boxes, cable ducts, cable protection, joint protection, manholes;
 - (c) marker posts, underground cable marker, tiles and tape, communications chambers, fibre optic cables and lighting and other works associated with cable laying; and
 - (d) tunnelling, boring and drilling works including temporary compounds for the tunnelling, boring or drilling works.
- h. **Work No. 7**— temporary construction and decommissioning compound and laydown areas including—
 - (a) areas of hardstanding;
 - (b) HGV, vehicle and cycle 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) safety infrastructure to warn and manage traffic when crossing roads or other obstacles;
 - (i) site drainage and waste management infrastructure (including sewerage); and
 - (j) electricity, water, waste water and telecommunications connections.
- i. **Work No. 8A**— works to facilitate access to Work Nos. 1 to 7 including—

- (a) creation of accesses from the public highway (including three emergency accesses);
- (b) works to alter the layout of any street or highway;
- (c) works to private roads;
- (d) creation of visibility splays;
- (e) removal of vegetation;
- (f) works to widen and surface the streets; and
- (g) making and maintaining passing places.

j. **Work No. 8B**— ancillary works to facilitate access including—

- (a) removal of vegetation;
- (b) relocation, removal or provision of new road traffic signs, signals, street lighting, road restraints and carriageway lane markings;
- (c) works to private roads;
- (d) works to facilitate traffic management and to deliver information relating to the authorised development;
- (e) works to place, alter, remove or maintain street furniture or apparatus (including statutory undertakers' apparatus) in, under or above a street, including mains, sewers, drains, pipes, cables, cofferdams, lights, fencing and other boundary treatments; and

k. **Work No. 9**— works to create, enhance and maintain green infrastructure and environmental 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; and
- (c) laying down of permissive paths, signage and information boards;
- (d) improvements to existing and laying down of new or diverted public rights of way or permissive paths, signage and information boards; and
- (e) screening.

1.2.3 In addition, Schedule 1 to the Order lists ancillary works that may be carried out within the Order limits in connection with and in addition to Work Nos. 1-9, insofar as they do not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

- 1.2.4 It is anticipated that construction will commence in 2031 and be completed by 2033, with operation anticipated to commence in 2033. If construction of the proposed National Grid substation near Navenby is progressed quicker than anticipated, the Proposed Development construction may commence sooner.

1.3 Description of the Order Limits (Section 4)

- 1.3.1 The land within the Order Limits totals approximately 1,354 ha (3,345 acres) and is wholly located within the administrative area of North Kesteven District Council and Lincolnshire County Council.
- 1.3.2 The following definitions are used to describe the key areas of the Proposed Development within the Order Limits:
- a. **The DCO Site** – the maximum extent of land required for the construction, operation (including maintenance), and decommissioning of the Proposed Development. The DCO Site comprises the Principal Site and the Cable Corridor. The boundary of the DCO Site is referred to as the DCO Site Boundary, or the Order Limits. The total area of the DCO Site is 1,354 hectares (ha) (3,345 acres);
 - b. **Principal Site** – the area of the DCO Site covered by the ground-mounted solar photovoltaic (PV) panels, Solar Stations, Battery Energy Storage System (BESS), Onsite Substation, planting and mitigation areas, an Interconnecting Cable Corridor (comprising interconnecting cables between solar PV areas), and associated infrastructure. The total area of the Principal Site is approximately 1,055ha (2,607 acres); and
 - c. **Cable Corridor** – the area of the DCO Site in which the 400 kilovolt (kV) and associated cables (the Grid Connection Cables) will be installed between the Onsite Substation and the proposed National Grid substation near Navenby. The proposed National Grid substation near Navenby is subject to a separate application and does not form part of the Proposed Development. The Cable Corridor partially overlaps the Principal Site and is approximately 351 ha (867 acres).

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

- 1.4.1 Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.

- 1.4.2 The powers sought with the Application of the Order are:
- a. Freehold and leasehold land to be compulsorily acquired and in relation to which it is proposed to extinguish easements, servitudes and other private rights – shown shaded pink on the Land Plans;
 - b. New rights to be compulsorily acquired and restrictive covenants to be imposed and land in relation to which existing easements, servitudes and other private rights the exercise of which is inconsistent with the rights and restrictions acquired pursuant to the Order are to be extinguished – shown shaded blue on the Land Plans; and
- 1.4.3 The Applicant considers that in the absence of these powers, the Order land may not be assembled, uncertainty will continue to prevail, and its objectives and government policy objectives would not be achieved.
- 1.4.4 The Applicant has been seeking to acquire the relevant freehold interests and new rights by private treaty, in order to ensure implementation of the Proposed Development. The Applicant has entered into voluntary option agreements with the freehold owners of the Order land required for the Solar PV and BESS infrastructure within the Principal Site, to allow for the construction, operation and decommissioning of the Proposed Development. The Applicant is in the process of finalising an option agreement with the final remaining freehold owner for the Principal Site in respect of land required for the 33 kV interconnecting cables, which will also be utilised for the delivery of biodiversity net gain. For the remaining freehold owners for the Cable Corridor and the rights required in relation to the proposed National Grid substation near Navenby, the Applicant is in the final stages of negotiating the Heads of Terms, as well as in receipt of a number of signed Heads of Terms, for the land or rights required and is actively negotiating to secure these interests. Further agreements should be in place for the additional land within the Order land imminently. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the rights and other interests in, on and over the land, the temporary use of land, as well as secure the removal of rights and interests 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 Order and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Department for Communities and Local Government (now Ministry of Housing, Communities and Local Government) 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) (**CA Guidance**) (Ref 5).
- 1.4.5 This Statement alongside the **Schedule of Negotiations and Powers Sought [EN010154/EXAM/9.6]** sets out the position in relation to the negotiations undertaken to date with affected owners.

1.5 Purpose of the Powers (Section 6)

- 1.5.1 The **Statement of Need [EN010154/APP/7.1]** describes the meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of energy supply, while helping lower bills for consumers throughout its operational life and its critical contribution 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 lost, materially increasing the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

1.6 Justification for the Compulsory Acquisition Powers (Section 7)

- 1.6.1 Under section 122 of the PA 2008, compulsory acquisition powers may only be granted if the SoS is satisfied that the land is required for the Proposed Development (or is required to facilitate it or is incidental to it), and if there is a compelling case in the public interest for inclusion of the powers.
- 1.6.2 The CA Guidance related to procedures for the compulsory acquisition of land also states that the applicant must have a clear idea how they intend to use the land proposed to be acquired and it must be no more than is reasonably required; there must be compelling evidence that the public benefits would outweigh the private loss from the acquisition; all reasonable alternatives to compulsory acquisition must have been explored; the applicant should be able to demonstrate there is a reasonable prospect of the required funds for the acquisition being available; and that the purposes for which the land is sought are legitimate and sufficient to justify interfering with the human rights of affected people.
- 1.6.3 This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied (with the exception of the availability of funding, which is demonstrated in the **Funding Statement [EN010154/APP/4.2]**).

1.7 Human Rights (Section 8)

- 1.7.1 The Order 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 Order.
- 1.7.2 The Applicant considers that there would be very significant public benefit arising from the making of the Order, a benefit that can only be realised if compulsory acquisition powers are granted. The purpose for which the land is

sought (to construct, maintain and operate the Proposed Development) is legitimate and proportionate.

1.8 Special Considerations (Section 9)

- 1.8.1 There is no special category land within the Order Limits.
- 1.8.2 There is apparatus of statutory undertakers within the Order Limits. The Applicant has included generic protective provisions for the protection of electricity, gas, water and sewerage undertakers and operators of electronic communications code networks within the Order. The Applicant has fully agreed bespoke protective provisions for the protection of all but one statutory undertaker whose apparatus would be affected by the Proposed Development which are included in the **draft Order [EN010154/APP/3.1]** as follows: Anglian Water Services Limited (Schedule 14, Part 6); Cadent Gas Limited (Schedule 14, Part 4); National Grid Electricity Distribution (East Midlands) Plc (Schedule 14, Part 7); and National Highways Limited (Schedule 14, Part 5). Partially agreed bespoke protective provisions for the protection of National Grid Electricity Transmission Plc (NGET) have also been included (Schedule 14, Part 8) and the Applicant is continuing to actively engage with NGET to seek to fully agree the form of bespoke protective provisions. Although not a statutory undertaker, the Applicant has also fully agreed bespoke protective provisions for the protection of Lincolnshire Fire and Rescue (Schedule 14, Part 2). Finally, the Applicant has partially agreed bespoke protective provisions for the protection of Phillips 66 Limited, a private company that owns and operates a fuel pipeline which crosses the Order Limits. These partially agreed protective provisions are included in the **draft Order [EN010154/APP/3.1]** (Schedule 14, Part 9) and the Applicant is continuing to engage with Phillips 66 Limited to reach a fully agreed position. .

1.9 Related Applications and Consents (Section 10)

- 1.9.1 The Applicant requires various other consents, as well as the Order, in order to build and operate the Proposed Development. These are set out in the **Consents and Agreements Position Statement [EN010154/APP/3.3]**. 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.

1.10 Further Information (Section 11)

- 1.10.1 Owners and occupiers of property affected by the Proposed Development who wish to discuss matters of compensation should contact info@fossegreenenergy.co.uk.

- 1.10.2 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>.

2. Introduction

- 2.1.1 This Statement of Reasons has been prepared by Fosse Green Energy Limited (the Applicant). It forms part of the Application for a development consent order 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 (PA 2008). Terms used in this Statement of Reasons (Statement) are defined in **Chapter 0 (Glossary and Contents)** of the **Environmental Statement [EN010154/APP/6.1]**.
- 2.1.2 The DCO Application is required because the solar PV electricity generating station is classified as a Nationally Significant Infrastructure Project (NSIP) under the PA 2008 pursuant to sections 14(1)(a) and 15(1) and (2) of the PA 2008, as it is an onshore generating station in England with a capacity exceeding 50 megawatts (MW).
- 2.1.3 The Proposed Development is described in **Section 3** below. Full details of the Proposed Development, including the proposed construction methods, can be found in **Chapter 3 (The Proposed Development)** of the **Environmental Statement [EN010154/APP/6.1]** accompanying the Application.

2.2 The Applicant

- 2.2.1 The Applicant is a company registered in England and Wales under company number 13438725.
- 2.2.2 The majority shareholder in the Applicant, holding 72.5% of the shares and voting rights, is Rugeley West Solar Limited, company number 14984414, which is a company registered in England and Wales (together with its affiliates referred to herein as Recurrent Energy).
- 2.2.3 The minority shareholder in the Applicant, holding between 27.5% of the shares and voting rights, is Windel Energy Ltd, company number 11650112, which is also a company registered in England and Wales (Windel). Windel is the developer of the Proposed Development, in joint venture with Recurrent Energy, the funder.
- 2.2.4 Recurrent Energy and Windel have significant experience of promoting solar farms in the UK. Further details about the Applicant can be found in the **Funding Statement [EN010154/APP/4.2]**.

2.3 The Purpose and Structure of this Document

- 2.3.1 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) (Ref 6) and the Department of Communities and Local Government guidance 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) (the CA Guidance) (Ref 5).

- 2.3.2 This Statement is required because the Order sought for the Proposed Development would authorise the compulsory acquisition of land or interests in land.
- 2.3.3 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 Order and sets out why there is a clear and compelling case in the public interest, in accordance with section 122 of the PA 2008, for the Order to include such powers.
- 2.3.4 The structure of this Statement is set out below and also addresses each of the requirements of the Guidance:
- a. An introduction to the Applicant is contained in **Section 2.2**;
 - b. A description of the Proposed Development is set out in **Section 3**;
 - c. A description of the Order Limits, its location, and present use is contained in **Section 4**;
 - d. The legislation relied on and scope of powers sought are set out in **Section 5**;
 - e. The purpose of the powers including the need for the Proposed Development and policy support is set out in **Section 6**;
 - f. A statement of the justification for compulsory acquisition including reference to funding is included in **Section 7**;
 - g. 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**;
 - h. Any special considerations affecting the Order limits including Special Category Land is included in **Section 9**;
 - i. Details of the other consents needed before the Proposed Development can be implemented are included in **Section 10**;
 - j. 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 11**.

2.4 Useful documents

2.4.1 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 –

- a. **Land Plans [EN010154/APP/2.1];**
- b. **Works Plans [EN010154/APP/2.2];**
- c. **Draft Development Consent Order [EN010154/APP/3.1];**
- d. **Draft Exploratory Memorandum [EN010154/APP/3.2];**
- e. **Consents and Agreements Position Statement [EN010154/APP/3.3];**
- f. **Schedule of Negotiations and Powers Sought [EN010154/EXAM/9.6];**
- g. **Funding Statement [EN010154/APP/4.2];**
- h. **Book of Reference [EN010154/APP/4.3];**
- i. **Statement of Need [EN010154/APP/7.1]; and**
- j. **Planning Statement [EN010154/APP/7.2].**

3. Description Of The Proposed Development

- 3.1.1 The Proposed Development will comprise the construction, operation (including maintenance), and decommissioning of a ground-mounted solar photovoltaic (PV) electricity generating station with access provision, battery storage, Onsite Substation, underground cabling and associated infrastructure to generate and export and import electricity; and areas of landscaping and biodiversity enhancement. The Proposed Development will export and import electricity via the national electricity transmission network. The Proposed Development also includes a 400kV underground Cable Route Corridor of approximately 10km in length connecting the Onsite Substation to the proposed National Grid substation near Navenby (that substation does not form part of this application). The Proposed Development would allow for the generation and export of electricity exceeding 50 megawatts (MW). The Proposed Development will be located within the 'Order Limits' (as described below) and is the subject of the Application.
- 3.1.2 The Order Limits comprises a total area of approximately 1,354 hectares (ha) (3,345 acres) and includes the key components described below. The Proposed Development is also described in Schedule 1 of the **draft Order [EN010154/APP/3.1]** where it is divided into numbered works.
- 3.1.3 In this Statement the following definitions are used to describe the key areas of the Proposed Development, which are shown in **Figure 1-2 (DCO Site) [EN010154/APP/6.2]**:
- The DCO Site** – the maximum extent of land required for the construction, operation (including maintenance), and decommissioning of the Proposed Development. The DCO Site comprises the Principal Site and the Cable Corridor. The boundary of the DCO Site is referred to as the DCO Site Boundary, or the Order Limits. The total area of the DCO Site is 1,354 hectares (ha) (3,345 acres) and lies with the county of Lincolnshire.
 - Principal Site** – the area of the DCO Site covered by the ground-mounted solar photovoltaic (PV) panels, Solar Stations, Battery Energy Storage System (BESS), Onsite Substation, planting and mitigation areas, an Interconnecting Cable Corridor (comprising interconnecting cables between solar PV areas), and associated infrastructure. The total area of the Principal Site is approximately 1,055ha (2,607 acres).
 - Cable Corridor** – the area of the DCO Site in which the 400 kilovolt (kV) and associated cables (the Grid Connection Cables) will be installed between the Onsite Substation and the Proposed National Grid

substation near Navenby. The proposed National Grid substation near Navenby is subject to a separate application and does not form part of the Proposed Development. The Cable Corridor partially overlaps the Principal Site and is approximately 351 ha (867 acres).

The Solar PV Site (Work No. 1)

- 3.1.4 Individual PV Modules consist of a series of bifacial, mono-crystalline cells. PV Modules convert sunlight into electrical current (as Direct Current (DC)).
- 3.1.5 The Proposed Development would consist of PV panels fixed to a mounting structure in groups known as 'strings'. The number of PV panels that will make up each PV table (group of PV panels within a string) is not yet known. Various factors will help to inform the number and arrangement, and it is likely some flexibility will be required to accommodate future technology developments. The PV Array is a distinct group of PV Tables which are grouped together to form a PV Array Area. A PV Array Area represents a parcel of land within the Principal Site where PV Arrays may be installed.
- 3.1.6 Inverters are required to convert the DC electricity collected by the PV Modules into alternating current (AC) which allows the electricity generated to be exported to the National Grid. Inverters are sized to deal with the level of voltage and intensity, which is output from the PV Strings. There are two options for the inverters: a central inverter as part of the Solar Station, or string inverters.
- 3.1.7 Transformers are required to step up the voltage of the electricity generated by the PV Modules before it reaches the Onsite Substation.
- 3.1.8 Switchgears are the combination of electrical disconnect switches, fuses or circuit breakers used to control, protect, and isolate electrical equipment. Switchgear is used both to de-energise equipment to allow work to be done and to clear faults downstream.

Battery and Energy Storage System (Work Nos. [2]/[3])

- 3.1.9 The Proposed Development will include an associated Battery and Energy Storage System (BESS). The BESS will allow the storage of energy generated by the solar panels at times of low demand and release export to the grid at times when demand is high or when solar irradiance is lower, known as load shifting. The BESS will also have the ability to import power from the grid directly to allow the BESS system to help support the grid through grid balancing mechanisms.
- 3.1.10 The precise number of individual battery storage containers will depend upon the duration of required energy storage; however, it is expected that there would be approximately 480 megawatt hours (MWh) of BESS capacity, which equates to approximately 328 batteries either distributed throughout the Principal Site (referred to as 'distributed BESS' arrangement) and located

alongside the Solar Stations, or located at a single BESS Compound (referred to as 'centralised BESS' arrangement). The 480MWh BESS capacity would be fully charged by 2 hours of peak production of the Proposed Development.

- 3.1.11 Emergency fire water would be stored within onsite water tanks with appropriate allowance for fire water storage provided.

The Onsite Substation and Ancillary Buildings (Work No. 4)

- 3.1.12 There will be a new single Onsite Substation (33/400V). The Onsite Substation will comprise electrical infrastructure such as the transformers, switchgear and metering equipment as required to facilitate the export of electricity from the Proposed Development to the National Grid. The Onsite Substation compound would also include a warehouse and storage building and a control building, which will include office space and welfare facilities as well as operational monitoring and maintenance equipment.

Grid Connection Corridor and Point of Connection to the National Electricity Transmission System (Work No. 5A and 5B)

- 3.1.13 The electricity generated by the Proposed Development is expected to be exported via a 400kV connection between the Onsite Substation and the proposed National Grid substation near Navenby which will be a National Grid Electricity Transmission (NGET) substation (the substation does not form part of the Application). The Grid Connection Cables to the proposed National Grid substation near Navenby will consist of a one single circuit comprising three cables, as well as a communications cable, laid in trefoil formation in a trench of up to 4.5m wide. A typical cross-section of the 400kV cable is provided in **Figure 3-16** of the **Environmental Statement [EN010154/APP/6.2]**. Subject to ground conditions, separate trenches could be required. The Grid Connection Cable will be installed using an open trench method requiring a 30m to 40m working width, including both the permanent installation area and temporary working area, with trench widths approximately 3m wide and up to 3m deep. Where other specific techniques are required, such as micro-tunnelling, boring, or HDD, wider working areas (up to 60m wide) may be required, for example to avoid a sensitive watercourse.

Electrical Cables (Work No. 6)

- 3.1.14 Low voltage cabling between PV panels and the inverters (typically via 1.5/1.8kV cables) will typically be located above ground level (along a row of racks), fixed to the mounting structure, and then underground (between solar PV array tables and in the central inverter's and or transformer input). Medium voltage cables (around 33kV) are required between the transformers, switchgear and the Onsite Substation. These buried interconnecting cables will be located within the Solar PV Array Areas and within the Interconnecting

Cable Corridors between the Solar PV Array Areas. The trench will typically be up to 1m wide with a maximum depth of 1.2m and will be dependent on the method of installation, ground conditions and number of cables laid in parallel. A minimum backfill of 0.8m will be on top of the cable.

- 3.1.15 Data cables will be required throughout the Principal Site to allow for the monitoring during operation, such as the collection of data on solar irradiance from pyranometers. The data cables would typically be installed within the same trench and alongside the electrical cables.

Temporary Construction Compound (Work No. 7)

- 3.1.16 During the construction phase, a primary construction compound will be located onsite with temporary secondary construction compound(s) provided at different locations throughout the Solar PV Site.

Highway Works (Work No. 8A and 8B)

- 3.1.17 During construction there will be twenty site access points across the DCO Site which would provide access to an internal network of access tracks enabling access to each field parcel. During operation there will be seven operational access points across the Principal Site. In addition, during operation there will be three dedicated emergency accesses into the Principal Site.

Green Infrastructure (Work No. 9)

- 3.1.18 The Proposed Development will involve new planting, field boundary enhancement and planting of seed mixes within the Solar PV Array Areas and within the wider Principal Site. Planting will also be used to provide screening for visual and glint and glare mitigation, mitigation for wildlife, and habitat enhancement. The planting would increase biodiversity and contribute to the Proposed Development achieving Biodiversity Net Gain (BNG).

Works in connection with Work Nos. 1 to 9

- 3.1.19 The Proposed Development includes such other works or operations as may be necessary or expedient for the purposes of or in connection with the authorised development but only within the Order Limits and insofar as these works or operations do not give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

3.2 Proposed Timing of Construction

- 3.2.1 Subject to being granted consent, the construction of the Proposed Development is anticipated to commence in 2031 and would be completed for operation in 2033. If construction of the proposed National Grid substation near Navenby is progressed quicker than anticipated, the Proposed

Development construction may commence sooner. The final programme will be dependent on the detailed layout design and potential environmental constraints on the timing of construction activities.

3.2.2 The indicative construction activities likely to be required are:

a. Site preparation:

- Delivery of construction materials, plant and equipment;
- The establishment of the temporary construction compound(s);
- The establishment of the perimeter fence;
- The upgrade of existing tracks and construction of new tracks required;
- The upgrade or construction of crossing points (bridges/culverts) over drainage ditches; and
- Marking out the location of the Proposed Development infrastructure.

b. Principal Site construction:

- Delivery of construction materials, PV panels, BESS, cabling, plant and equipment;
- Erection of panel mounting structures;
- Mounting of panels;
- Installation of electrical cabling;
- Installation of transformer containers;
- Installation of battery storage units;
- Construction of substation compound; and
- Construction of onsite electrical infrastructure to facilitate the import and export of generated electricity.

c. Testing and commissioning; and

d. Reinstatement landscaping, planting and habitat creation.

3.2.3 Full details of the Proposed Development, including the proposed construction methods and phasing, can be found in **Chapter 3: The Proposed Development** of the **Environmental Statement [EN010154/APP/6.1]** and in the **Framework Construction Environmental Management Plan [EN010154/APP/7.7]** accompanying the Application.

3.3 Flexibility

- 3.3.1 The Applicant has undertaken extensive studies and assessments in order to obtain as much certainty as possible, however, a number of elements of detailed design for the Proposed Development cannot be confirmed until the tendering process for the design and construction of the Proposed Development has been completed. For example, the technology for solar PV and BESS continues to evolve rapidly; solar PV panels are becoming increasingly powerful year on year and better at minimising shading losses, which affects how developers space the rows of solar PV and the amount of land needed to achieve the proposed export capacity. Therefore, sufficient flexibility needs to be incorporated into the Application.
- 3.3.2 To address this, a 'Rochdale Envelope' approach is used. This involves assessing the maximum (and where relevant, the minimum) parameters for the Proposed Development, including for limits of deviation (e.g., development extents or specific maximum heights) as relevant, where flexibility needs to be retained. The principles and justification for this approach are set out in Section 5.3 of **Chapter 5: EIA Methodology** of the **Environmental Statement [EN010154/APP/6.1]**. This approach sets worst-case parameters for the purpose of the assessment but does not constrain the Proposed Development from being built in a manner that would lead to lesser environmental and social impacts. The use of 'design parameters' is therefore adopted to present a likely worst-case assessment of potential environmental effects of elements of the Proposed Development that require flexibility. The **Proposed Development Parameters [EN010154/APP/7.4]** contain the maximum parameters for the authorised development and are the same as those used for the assessment of effects in the Environmental Statement, based on the application of the Rochdale Envelope, as explained above. The Order includes a requirement that detailed design of the Proposed Development must be in accordance with the Proposed Development Parameters.
- 3.3.3 In particular, the DCO Application allows for the selection of either fixed south facing fixed or single axis tracker arrangement panels, and for the selection of either a distributed or centralised BESS arrangement, all of which is discussed more in Section 3.3 of **Chapter 3: The Proposed Development** of the **Environmental Statement [EN010154/APP/6.1]**.
- 3.3.4 This flexibility is essential to ensure the successful delivery of the Proposed Development.

4. Description of the Order Limits

4.1.1 The Order Limits are described in paragraphs 3.1.2 and 3.1.3 above.

5. Source and Scope of Powers Sought in the Order

- 5.1.1 The **draft Order [EN010154/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. Where the necessary land and rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the draft Order enables the acquisition of land and rights. These powers in the draft Order relate to the Order land only, which is all the land within the Order Limits.
- 5.1.2 As updated above at paragraph 1.4.4, the Applicant has entered into option agreements with the majority of the freehold owners of the Order land for the Principal Site and the Applicant is negotiating the Heads of Terms for the land and rights required for the remaining freehold owners, for the Cable Corridor and the rights required in relation to the proposed National Grid substation near Navenby.
- 5.1.3 Notwithstanding where agreement has been reached, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the Order so as to protect against a scenario whereby the contract is not adhered to or otherwise is set aside, for example: (i) freeholder owners of the land within the DCO Site (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 DCO Site to the extent that they would conflict with the Proposed Development.
- 5.1.4 There are a number of interests identified in the **Book of Reference [EN010154/APP/4.3]** where it has not been possible to identify ownership. The statement “Unknown” is given in the Book of Reference when diligent enquiry has been carried out and it has still not been possible to obtain information. The Applicant has carried out searches and enquiries with HM 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.

5.2 Enabling Powers

- 5.2.1 Section 120(3) of the PA 2008 provides that an Order may make provision relating to, or to matters ancillary to, the development for which consent is

granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development. These include (amongst others):

- a. the acquisition of land, compulsorily or by agreement (paragraph 1);
- b. the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement (paragraph 2);
- c. the abrogation or modification of agreements relating to land (paragraph 3); and
- d. the payment of compensation (paragraph 36).

5.2.2 Section 122 of the PA 2008 provides that an Order may only include provision authorising the compulsory acquisition of land if the SoS is satisfied that the land is:

- a. required for the development to which the Order relates;
- b. required to facilitate or is incidental to that development; or
- c. replacement land for commons, open spaces, etc.

5.2.3 Further, it is also necessary for the SoS to be satisfied, in relation to the Application, that there is a compelling case in the public interest for the land to be acquired compulsorily. This is required by Section 122(3) of the PA 2008.

5.2.4 This Statement provides the information that will enable the SoS to comply with sections 120 and 122 of the PA 2008.

5.3 Permanent Acquisition

5.3.1 The areas of the DCO Site over which compulsory acquisition powers are sought in respect of all interests (including freehold) are shown shaded pink on the **Land Plans [EN010154/APP/2.1]**. This land is described in more detail in the **Book of Reference [EN010154/APP/4.3]**.

5.3.2 In summary, the areas in which freehold acquisition is sought are for part or all of Work Nos. 1, 2, 3, 4, 5A, 6, 7, 8A and 9 as shown shaded pink on the **Land Plans [EN010154/APP/2.1]**. 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. Temporary compounds (Work No. 7) and permanent cable works (Work No.6) will also take place within these parcels. Article 19 of the Order is relied upon in respect of this land. This land is described in more detail in the **Book of Reference [EN010154/APP/4.3]**.

- 5.3.3 The **Schedule of Negotiations and Powers Sought [EN010154/EXAM/9.6]** sets out the latest position in relation to negotiation of voluntary agreements with landowners.

5.4 Temporary Use

- 5.4.1 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 Applicant is seeking temporary use powers over all land within the DCO Site 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 shaded pink and blue on the **Land Plans [EN010154/APP/2.1]**. This land is described in more detail in the **Book of Reference [EN010154/APP/4.3]**.
- 5.4.2 The reason for seeking temporary use powers over land shaded pink or blue 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.
- 5.4.3 Articles 29 and 30 of the Order are relied upon in respect of all land within the Order land. Article 30 allows temporary possession of land for the purposes of maintaining the Proposed Development. Article 29 permits the Applicant to take temporary possession of any 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 corridor required for the Cable Corridor. Once the Applicant has carried out detailed surveys and installed the relevant apparatus, 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 Orders including the **Sunnica Energy Farm Order 2024** and the **Mallard Pass Solar Farm Order 2024**.
- 5.4.4 The **Schedule of Negotiations and Powers Sought [EN010154/EXAM/9.6]** 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 Order will seek temporary possession rights over all of their land included within the DCO Site.
- 5.4.5 Under Article 30, 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.

5.5 Other Rights and Powers

- 5.5.1 The land over which compulsory acquisition powers are sought for rights, and the creation of new rights (including imposing restrictive covenants) is shown shaded blue on the **Land Plans [EN010154/APP/2.1]**. This land is described in more detail in the **Book of Reference [EN010154/APP/4.3]**. In summary, these are the areas required for Work No. 8B, required to facilitate access to Work Nos. 1 to 7 and Work No. 5B to facilitate connection of the authorised development to the proposed National Grid substation near Navenby. Article 22 of the Order is relied upon in respect of new rights. The new rights are set out in Schedule 9 to the Order and include access rights, cable rights and substation connection rights and vegetation maintenance rights.
- 5.5.2 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 23 and 26 of the Order are relied upon in respect of this land and apply in relation to land in which compulsory acquisition is proposed (that is, land shaded pink or blue on the Land Plans). With respect to land in which temporary possession is sought pursuant to Article 29, Article 23(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).
- 5.5.3 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 Part 3 of the **Book of Reference [EN010154/APP/4.3]**:
- Article 17 – Discharge of water;
 - Article 18 – Authority to survey and investigate the land; and
 - Article 39 – Felling or lopping of trees and removal of hedgerows.

6. Purpose of the Powers

6.1 The need for the Proposed Development

- 6.1.1 The **Statement of Need [EN010154/APP/7.1]** and the **Planning Statement [EN010154/APP/7.2]** set out the need for the Proposed Development. A summary of the need for the Proposed Development is set out below.
- 6.1.2 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.
- 6.1.3 Solar generation plays an important part in decarbonising the UK's electricity sector and is a key step towards the UK Government's objective of reducing the carbon intensity of grid electricity to well below 50g CO₂e/kWh by 2030, as described in its Clean Power 2030 Action Plan.
- 6.1.4 The current suite of energy-related National Policy Statements (NPSs) makes a compelling case for the urgent need for additional low-carbon electricity generation technologies, including gas with carbon capture and storage (CCS), new nuclear, but particularly for both onshore and offshore wind, or solar photovoltaics. The NPSs, particularly EN-1 (Overarching National Policy Statement for Energy) and EN-3 (National Policy Statement for Renewable Energy Infrastructure) clearly indicate that utility-scale ground-mounted solar farms have a critical role to play in achieving delivering the government's multiple policy objectives for the energy system:
- "... to ensure that our supply of energy always remains secure, reliable, affordable, and consistent with net zero emissions in 2050 for a wide range of future scenarios, including through delivery of our carbon budgets and Nationally Determined Contributions"* (Ref 11, Paragraph 3.2.1).
- 6.1.5 The NPSs establish a critical national priority for the provision of nationally significant low-carbon infrastructure, which includes utility-scale solar farms, because a combination of many or all types of such infrastructure is urgently required for both energy security and Net Zero. NPS EN-1 states that:
- "For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases"* (Ref 1 Paragraph 4.1.7).
- 6.1.6 The Proposed Development is CNP Infrastructure; therefore, it follows that the urgent need for the Proposed Development in achieving the UK's energy objectives, together with the national security, economic, commercial and net zero benefits, will outweigh any other residual impacts (EN-1, para 3.3.63).

- 6.1.7 The UK Government recently published its 2035 Nationally Determined Contributions (NDC), targeting a reduction in national emissions of 81% by 2035, relative to a 1990 baseline (Ref 12). This reduction can only be achieved with further, substantial emissions reductions across all sectors of the UK economy, including the generation of electricity. While the UK's NDC is consistent with the requirements of the Paris Agreement, analysis shows that collectively emissions reduction pledges must be increased by 80% to be aligned with the Paris 2°C ambition (Ref 13). The UK is currently not on track to meet its 2030 NDC targets, and accelerated action, particularly on clean power, energy efficiency, and transport decarbonisation, is urgently needed.
- 6.1.8 Decarbonisation of the UK economy will increase demand for electricity, as fossil fuels are displaced by low-carbon, electricity, particularly in areas such as heat and transport and the UK's electrification policies will increase electricity demand. This is due to the fact that sectors like buildings and transport (among others) were previously fuelled by fossil fuels and will in the future be electrified, placing significantly increased demand on the grid. Therefore, low-carbon electricity schemes, including the Proposed Development, are required to meet that future demand, support the delivery of net zero and ensure security of supply.
- 6.1.9 Progress has been made in the development of different low-carbon electricity generation technologies. However, many of the technologies with the potential to play a role in the delivery of a net zero energy system have uncertain delivery timescales, while others are yet to achieve full commercial maturity. Developments with the proven ability to achieve carbon savings comfortably within the next decade are essential to keep the UK on its legally binding carbon reduction path. NPS EN-3 notes that solar farms can be built quickly (para 2.10.14), while the UK Government recognises the challenges associated with bringing longer lead time technologies on stream within the timescales necessary to support the urgent need for low-carbon technology (Ref 2, p35). Utility-scale solar, therefore, is one of the most likely technologies to be deliverable against the timeframes required to support net zero.
- 6.1.10 These general benefits of solar generation in the UK 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. The Proposed Development, along with other solar schemes, is of critical importance on the path to Net Zero. The urgent need for new energy generation infrastructure, particularly from renewable sources such as solar, is highlighted in the growing body of UK energy and climate change international commitments, law, policy and guidance. Alongside this drive for new energy generation the UK Government has committed to achieving 'Clean Power by 2030', to decarbonisation of the energy sector by 2035 and achieving net zero greenhouse gas emissions by 2050;

- b. Decarbonisation is a legal requirement in the UK and is of global significance. In June 2019, the Government enacted the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (Ref 7) to end the UK's contribution to global warming by 2050. The Climate Change Act 2008 requires the UK Government to set carbon budgets which set the trajectory for decarbonisation actions required to meet this commitment. The carbon budgets recognise that atmospheric carbon has a cumulative global heating effect and therefore urgent action is necessary. The Sixth Carbon Budget (Ref 8) (written into law in June 2021) runs from 2033 to 2037 and requires a 78% reduction in UK territorial emissions between 1990 and 2035. The Committee on Climate Change advised on the Seventh Carbon Budget in February 2025 but this has yet to be approved by government or ratified by Parliament;
- c. Decarbonisation requires the electrification of energy which is currently sourced from fossil fuels (including gas, petrol and diesel). To meet the Government's decarbonisation objectives, extensive electrification will require support from a major expansion of renewable and other low-carbon power generation to ensure that the UK is capable of securely meeting future electricity demand, and with a significantly lower carbon intensity. The decarbonisation of UK electricity generation is therefore vitally important to meet the UK's legal obligations on carbon emissions and ensure sustainable energy resilience in accordance with the British Energy Security Strategy;
- d. The Mission Zero Independent Review of Net Zero published by the UK Government in 2023 further highlighted the importance of domestically generated renewable and clean sources of power for future energy security. The UK Government published the Clean Power 2030 Action Plan (Ref 2) in December 2024 which set targets for capacity of solar by 2035 and those targets have been embedded into the revised 2025 EN-1 and EN-3 NPSs which were designated in January 2026. Under the transitional provisions, the Application will be determined in accordance with the suite of NPSs designated in January 2024 (the 2023 NPSs). However, under s104(2)(d) of the PA 2008, the 2025 NPSs may be considered matters which are relevant and important to the SoS decision. Accordingly, where appropriate, the 2025 NPSs have been addressed in the Applicant's submissions during Examination;
- e. Energy storage facilities, such as the Battery Energy Storage System (BESS) included in the Proposed Development, contribute to security of supply by storing energy when it is generated in abundance and releasing it to the grid when it is needed. Energy storage facilities also provide grid balancing services which are essential for the safe and secure operation of the National Electricity Transmission System (NETS);

- f. The proposed connection point is suitable, and the Proposed Development will not cause any grid constraints or curtailment in this area of the NETS as a result of connecting at the proposed National Grid substation near Navenby. Maximising the capacity of generation in the proposed area is to the benefit of all UK consumers, and the solar industry generally; and
 - g. The Proposed Development will deliver large amounts of low-carbon power before many other large-scale solar projects (which are behind the Proposed Development in the development process, but which are also needed). The Proposed Development will also deliver power ahead of other potential technologies (which may 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.
- 6.1.11 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 beyond delivery of the government's 'Clean Power by 2030' mission. Without the Proposed Development, a significant and vital opportunity to develop a large-scale, low-carbon generation scheme will have been lost, materially increasing the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- 6.1.12 This Proposed Development is a leading UK 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. The **Statement of Need [EN010154/APP/7.1]** concludes that the decarbonisation, security of supply and affordability benefits delivered by the Proposed Development should be attributed substantial weight when assessing the planning balance.

6.2 National policy support (NPS)

- 6.2.1 A more detailed explanation of the legislative and policy context of the Proposed Development is set out in Section 6 of the **Planning Statement [EN010154/APP/7.2]**. This includes the Applicant's reasoning for the applicable existing Energy NPSs being important and relevant matters in the SoS's decision.
- 6.2.2 Section 104(1) of the PA 2008 provides the basis for deciding the DCO application if a NPS has effect in relation to development of the description to which the application relates. The Applicant considers that the SoS must have regard to, and decide the Application in accordance with, the following NPSs:
 - a. Overarching National Policy Statement for Energy (EN-1) (NPS EN-1);

- b. National Policy Statement for Renewable Energy (EN-3) (NPS EN-3); and
 - c. National Policy Statement for Electricity Networks Infrastructure (EN-5) (NPS EN-5).
- 6.2.3 The Energy NPSs and other national energy policy set out the government's aims to provide secure and affordable energy supplies whilst decarbonising the energy system. This is in order to enable the UK to achieve its legally binding commitment to reduce carbon emissions and achieve net zero carbon emissions by 2050; as well as provide a resilient and low cost energy network for the future. The government recognises that the need to deliver these aims and commitments is immediate and therefore renewable energy NSIPs, including large scale solar projects, need to be delivered urgently.
- 6.2.4 Part 3 of NPS EN-1 explains why the government has determined the need for significant amounts of new large-scale energy infrastructure to meet its energy objectives and why the government considered that the need for such infrastructure is urgent.
- 6.2.5 Paragraph 3.2.1 of NPS EN-1 makes clear that the government's objectives for the energy system are to ensure the supply of energy always remains *"secure, reliable, affordable and consistent with net zero emissions in 2050 for a wide range of future scenarios"*. It is recognised in Paragraph 3.2.2 of NPS EN-1 that a range of different energy types are required to deliver the government's objectives.
- 6.2.6 For decision making, paragraph 3.2.6 of NPS EN-1 states that the Secretary of State should assess *"all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure, which is urgent..."*.
- 6.2.7 Section 3.3 of NPS EN-1 sets out the need for new nationally significant electricity infrastructure. Paragraph 3.3.1 of NPS EN-1 recognises that electricity meets a significant proportion of overall energy needs and the reliance on electricity will increase as the energy system transitions in response to net zero targets. Paragraph 3.3.3 of NPS EN-1 describes the outcome of analysis undertaken by the government which suggests that *"even with major improvements in overall energy efficiency, and increased flexibility in the energy system, demand for electricity is likely to increase significantly over the coming years and could more than double by 2050 as large parts of transport, heating and industry decarbonise by switching from fossil fuels to low carbon electricity."*
- 6.2.8 Paragraph 3.3.4 of NPS EN-1 explains that there are several types of electricity infrastructure that are needed to deliver the government's energy objectives, including generating plants and storage. Paragraph 3.3.5 of NPS

- EN-1 goes on to state that generating plants are needed to deliver a low carbon and reliable system and storage is required to provide flexibility, as energy can be stored or exported when there is excess production.
- 6.2.9 Paragraph 3.3.8 of NPS EN-1 sets out that the government has considered alternatives to new large scale energy infrastructure and *“concluded that these would be limited to reducing total demand for electricity through efficiency measures of through greater use of low carbon hydrogen in decarbonising the economy; reducing maximum demand through demand side response; and increasing the contribution of decentralised and smaller-scale electricity infrastructure. In addition, there are alternative ways of decarbonising heating and transportation, which are being developed alongside electrification of these sectors.”*
- 6.2.10 In delivering affordable decarbonisation, paragraph 3.3.19 of NPS EN-1 concludes that due to the changing nature of the energy landscape, a diverse mix of electricity infrastructure is needed to come forward, so that a secure, reliable, affordable, and net zero consistent system can be delivered during the transition to 2050 for a wide range of demand, decarbonisation, and technology scenarios.
- 6.2.11 In terms of the role of solar, paragraph 3.3.20 of NPS EN-1 recognises that solar (alongside wind) is the lowest cost way of generating electricity, and that analysis shows that *“a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar”*.
- 6.2.12 Paragraph 4.1.3 of NPS EN-1 recognises the urgent need for the delivery of low carbon energy infrastructure, stating that *“Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.”*
- 6.2.13 NPS EN-1 confirms at paragraph 4.2.4 that *“there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.”* This sets out a policy presumption in favour of CNP infrastructure, such as solar, to achieve energy objectives to decarbonise the energy sector by 2035 and to achieve net zero by 2050. Paragraph 4.2.7 of NPS EN-1 makes clear that the CNP policy does not create an additional or cumulative need case or weighting to that which is already outlined for energy infrastructure. Paragraphs 4.2.10 to 4.2.14 of NPS EN-1 explain that the CNP presumptions apply where it can be demonstrated that applications meet the requirements in NPS EN-1, have applied the mitigation hierarchy, and compensated residual impacts as far as possible. The **Planning Statement [EN010154/APP/7.2]** considers the application of the CNP presumptions in the planning balance.

- 6.2.14 The Proposed Development's principal objective is to generate low-carbon electricity for an operational period of 60 years, to meet the UK's urgent need for low carbon electricity. The inclusion of electricity storage assets as 'associated infrastructure' to the principal solar development provides a means of further enhancing and stabilising the utility of the power generated by the Proposed Development by providing energy balancing capabilities and other services to support the decarbonisation and operation of the National Electricity Transmission System.
- 6.2.15 The Proposed Development will deliver these policy aims, providing a significant amount of low carbon electricity over its lifetime. It will therefore be a critical part of the national portfolio of renewable energy generation that is required to decarbonise its energy supply quickly whilst providing security and affordability to the energy supply. It is clear that there is a compelling case for the need for the Proposed Development and that it will deliver national economic and social benefits in line with the government's wider objectives of delivering sustainable development.
- 6.2.16 The Proposed Development will also deliver other more localised economic, social and environmental benefits. These relate to biodiversity net gain, a network of permissive paths to compliment Public Rights of Way (PRoW) during the operational phase of the Proposed Development, and employment during the construction phase. See paragraph 7.3.2 for further information.
- 6.2.17 An Employment, Skills and Supply Chain Plan (which is to be substantially in accordance with the **Framework Employment, Skills and Supply Chain Plan [EN010154/APP/7.16]**) will be agreed with the relevant planning authority prior to the commencement of construction which will set out measures the Applicant will implement in order to promote and enable access to the employment and supply chain opportunities associated with the construction phase locally in order to help capture as many of the benefits for residents as possible.
- 6.2.18 The analysis of planning policy compliance in the **Planning Statement [EN010154/APP/7.2]** demonstrates that the need for the Proposed Development is supported by planning policy and other national energy and environmental policy and that the Proposed Development addresses relevant national and local planning policies through its design, avoiding and minimising adverse impacts where possible.
- 6.2.19 With the mitigation proposed, the Environmental Statement demonstrates that the Proposed Development will not have any significant adverse effects in relation to biodiversity sites or protected species or habitats, flood risk and water quality, noise and vibration, transport and access, air quality or health. It is, however, acknowledged that Proposed Development will result in residual significant adverse effects upon several landscape and visual receptors during construction. In addition, there is the potential for significant moderate adverse

vibration effects on three sensitive receptors due to vibration from noise generating construction works associated with construction of the BESS, Solar Stations, and ground mounted solar PV panel arrays, based on worst-case parameters. However, these significant effects will only occur for the short-term duration during which construction works are happening.

- 6.2.20 With regard to landscape and visual amenity the Applicant has carefully designed the Proposed Development to ensure landscape and visual impacts are minimised. Paragraphs 10.6.6 to 10.6.24 of **Chapter 10: Landscape and Visual Amenity [EN010154/APP/6.1]** of the ES outline the measures that have been embedded into the design of the Proposed Development. These measures are illustrated on **Figure 7.15-1: Landscape Mitigation Plan** appended to the **Framework Landscape and Ecological Management Plan [EN010127/APP/7.15]**. The design evolution, iterations and changes to the site layout and development parameters in response to consultee feedback has been explained within [section 5 of the **Design Approach Document (DAD) [EN010154/APP/7.3]** including any additional visual screening or offsets from key viewpoints. The materials, colour and finish of the key components of the solar infrastructure are predominantly driven by functional requirements to maximise solar gain although steps have been taken to minimise the landscape and visual effects, where possible. With regards to vibration effects, the mitigation measures have been included within the **Framework Construction Environmental Management Plan [EN010143/APP/7.7]** to minimise these impacts as far as practical. In terms of the planning balance, the fact that these effects are localised and temporary will be reversed following decommissioning at the end of the Proposed Development's operational life; and that NPS EN-1 acknowledges that adverse effects are likely, given the scale of energy NSIPs, the national benefits of the Proposed Development outweigh these localised effects.
- 6.2.21 As described in Section 1.5 and paragraphs 4.1.24 to 4.1.28 of the **Planning Statement [EN010154/APP/7.2]**, impacts have been minimised, where possible, through careful and sensitive design and detailed mitigation strategies. When considered against the NPS and NPPF, the Proposed Development accords with relevant policies, and with regard to specific policy tests, the national and local benefits of the Proposed Development are considered on balance to outweigh its adverse impacts. The Proposed Development is also considered to be broadly consistent with relevant local planning policy and accords with the relevant criteria which concern renewable and low carbon energy schemes. Therefore, it is considered that development consent for the Proposed Development should be granted.
- 6.2.22 To ensure that the Proposed Development can be built, operated and maintained, and so that the government's policy in relation to the timely provision of new generating capacity is met within a reasonable timescale, the Applicant requires the acquisition of a number of property interests in third

party ownership, and has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over land.

- 6.2.23 In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the land within the DCO Site, uncertainty will continue to prevail, and the Applicant considers that its objectives and those of government policy would not be achieved.

7. Justification for the Compulsory Acquisition Powers

7.1 The matters to which the SoS must have regard

- 7.1.1 As noted above, under section 122 of the PA 2008, an Order 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 Order relates or is required to facilitate or is incidental to the development (section 122(2)) (see **Section 7.2** below); and
 - b. there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the Order (section 122(3)). The SoS must be persuaded that the public benefits from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired (see **Sections 7.3** and **7.4** below).
- 7.1.2 In respect of the section 122(2) condition, paragraph 11 of the CA Guidance states that applicants should be able to demonstrate to the satisfaction of the SoS that the land in question is needed for the development for which consent is sought. The CA Guidance goes on to say that the SoS will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.
- 7.1.3 In respect of the section 122(3) condition, the CA Guidance (at paragraph 13) states that the SoS will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that in determining where the balance of public interest lies, the SoS will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.
- 7.1.4 Further, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the SoS when justifying an order authorising compulsory acquisition. These are as follows:
- a. that all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Development) have been explored - see **Section 7.5** below in relation to how the Applicant has given regard to alternatives to compulsory acquisition;

- b. that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see the remainder of this section, and **Section 7.4** below;
- c. that the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire - **Section 3** above describes the Proposed Development, and **Section 5** alongside the **Schedule of Negotiations and Powers Sought [EN010154/EXAM/9.6]** and Schedule 9 of the draft Development Consent Order **[EN010154/APP/3.1]** describe the nature of the interest sought and the purposes for which areas are to be acquired or used;
- d. that there is a reasonable prospect of the requisite funds for the acquisition becoming available – see **Section 7.6** below in addition to the **Funding Statement [EN010154/APP/4.2]**; and
- e. that the purposes for which compulsory acquisition of land powers are included in the Order 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.

7.1.5 This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied.

7.2 Use and quantum of the Order limits

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

7.2.2 In designing the Proposed Development and determining the land to be subject to compulsory acquisition, as demonstrated below, the Applicant has considered alternatives and modifications to the Proposed Development to minimise the potential land take. Further detail on the consideration of alternatives and the design evolution of the Proposed Development is contained in **Chapter 4: Alternatives and Design Evolution** of the Environmental Statement **[EN010154/APP/6.1]**.

7.2.3 **Section 3** sets out the Proposed Development and a summary of the Proposed Development for which rights in the Order land are required. The **Schedule of Negotiations and Powers Sought [EN010154/EXAM/9.6]** and

Schedule 9 of the draft Development Consent Order [EN010154/APP/3.1] summarise the purpose for which rights in the Order land are sought.

- 7.2.4 The proposed interference with the rights of those with an interest in the land is for a legitimate purpose because the Applicant requires the land for the development of the Proposed Development and can satisfy the conditions set out in section 122(2) of the PA 2008. The land is required for the development to which the Order relates or is required to facilitate or is incidental to the development.
- 7.2.5 The scope of the powers of compulsory acquisition proposed in respect of the land within the Order land goes no further than is needed. All the land included within the Order land is needed to achieve the identified purpose of delivering the Proposed Development. The **Schedule of Negotiations and Powers Sought [EN010154/EXAM/9.6]** and Schedule 9 of the draft Development Consent Order [EN010154/APP/3.1] show the powers being applied over each plot and the requirement for each plot of land demonstrating the assessment that has been carried out on each plot. Steps have been taken to ensure that the interference with the rights of those with an interest in the affected land is no more than is necessary to deliver the benefits associated with the Proposed Development.

7.3 Public Benefits

- 7.3.1 **Section 6.1** sets out the need for the Proposed Development which would ensure meaningful and timely contributions to UK decarbonisation and security of supply, which is critical on the path to Net Zero. Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been lost, materially increasing the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- 7.3.2 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Proposed Development will deliver other benefits, many of which have been maximised and will be delivered as a result of the Proposed Development's careful design. These include:
- a. The Proposed Development is committed to delivering a net gain in biodiversity in accordance with Requirement 8 (2) of Schedule 2 of the Draft Development Consent Order [EN010154/APP/3.1] and as set out in the Biodiversity Net Gain Assessment Report [EN010154/APP/7.12]. The Proposed Development is predicted to result in a net gain of 30% for area-based habitat units, 50% for hedgerow units, and 10% for watercourse units. The report demonstrates the Proposed Development has the potential to deliver a significant biodiversity net gain on Site, which is significantly higher than the Government's target for 10% biodiversity net gain as set out in the Environment Act 2021 (Ref 3). The

existing PRoWs passing through the Solar PV Site would be retained within hedge-lined corridors at least 15m on either side of the centre point of the route with wildflower meadow margins. The Proposed Development will also create new permissive paths across the Principal Site – in total, during operation, the Proposed Development will deliver 10.2km of permissive paths (a net increase of 8.4km) which people can use through the Order Limits during the operational lifetime of the Proposed Development. This is a beneficial impact for the local community, enhancing connectivity in and between local villages and allowing North Kesteven District Council to promote additional Stepping Out Routes. The Order Limits include a significant portion of retained arable land (the Proposed Development commits to 181ha (447 acres) of retained arable land), which affords benefits associated with ground nesting birds alongside retention of current farming practice. Furthermore, the retained arable comprises approximately 116ha (287 acres) of Grade 3a BMV land;

- b. The Applicant estimates that construction of the Proposed Development will create a peak of 600 full-time equivalent (FTE) jobs and an average of 350 gross direct FTE jobs over the 24 month construction period. It is estimated that 45% of these could be sourced from the local area;
- c. To maximise the economic benefits to the local community a **Framework Employment, Skills and Supply Chain Plan [EN010154/APP/7.16]** identifies potential opportunities for activities relating to skills, supply chain and employment which the Applicant could take forward post-consent. This includes apprenticeships and workforce training; and
- d. In addition to job creation, the total Gross Value Added (GVA) from construction is estimated to contribute £27.4 million to the national economy.

7.4 Impacts and Private Loss

- 7.4.1 In order to deliver the benefits of the Proposed Development set out above, the Applicant requires the use of compulsory acquisition powers. This will result in a private loss by those persons whose land or interests in land is 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.
- 7.4.2 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.
- 7.4.3 As shown in the **Schedule of Negotiations and Powers Sought [EN010154/EXAM/9.6]**, 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 the design of the Proposed Development to minimise the private loss.

- 7.4.4 All relevant environmental, social and economic benefits and adverse impacts have been assessed and are reported on in the Application documents, most notably the **Environmental Statement [EN010154/APP/6.1]**.
- 7.4.5 Whilst the Proposed Development as a whole would, in common with any national infrastructure project, result in some adverse effects to the environment and local community, it is considered that these (considered individually or collectively) would not outweigh the important nationally significant benefits of contributing towards the urgent national need for secure and affordable low carbon energy infrastructure. The **Planning Statement [EN010154/APP/7.2]** concludes that there are no adverse impacts of sufficient weight, either on their own or collectively, that would mean that the DCO should not be made. The harm identified to designated and non-designated heritage assets, landscape character and visual amenity, from the temporary loss of agricultural land is clearly outweighed by the substantial public benefits that would arise from the provision of low carbon energy to meet the need identified in the NPSs.
- 7.4.6 The Proposed Development is a NSIP and the public benefits associated with the Proposed Development are set out in **Section 7.3** above. The Applicant considers that there is a compelling case in the public interest for the power to compulsorily acquire 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.
- 7.4.7 There is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the Proposed Development. The extent of the Order limits is no more than is reasonably necessary for the construction, operation and maintenance of the Proposed Development and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.

7.5 Alternatives to Compulsory Acquisition

- 7.5.1 The Applicant has considered all reasonable alternatives to compulsory acquisition: negotiated agreements, alternative sites and modifications to the Proposed Development have been considered prior to making the Application. The Applicant has clearly demonstrated that it has sought alternatives to compulsory acquisition, by successfully entering into voluntary option agreements with the freehold owners of the majority of the Principal Site and expects to enter into similar agreements with the remaining freehold owners.

- 7.5.2 The Applicant's use of compulsory acquisition powers is intended to be proportionate. Where practicable, lesser powers of temporary possession will be used.

Alternatives to the Proposed Development

- 7.5.3 The 'no development' scenario as an alternative to the Proposed Development has not been considered. This is because 'no development' is not considered to be a reasonable alternative to the Proposed Development as it would not deliver the proposed additional electricity generation capacity which is essential to meet the urgent national need for secure and affordable low carbon energy infrastructure. Paragraph 4.3.27 of NPS EN-1 (Ref 1) states:

"Alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision."

- 7.5.4 The location and extent of land and rights has been carefully considered and designed in order to take the minimum amount of land required whilst ensuring that the Proposed Development continues to meet the identified benefits and can be designed and constructed with reference to the conditions 'on-the-ground'. The rights sought are therefore proportionate and necessary.
- 7.5.5 None of the alternatives or modifications considered for the Proposed Development would obviate the need for powers of compulsory acquisition and temporary possession over the Order land.
- 7.5.6 The Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility, economic factors and the minimisation of environmental and visual impacts and land take.
- 7.5.7 This process is described in detail in **Chapter 4: Alternatives and Design Evolution** of the Environmental Statement [EN010154/APP/6.1] and the **Site Selection Report, Appendix A** to the **Planning Statement** [EN010154/APP/7.2].

Site Selection for the Site

- 7.5.8 National planning policy does not set out a requirement to consider alternative sites for proposed energy development, stating at Paragraph 4.3.9 of the Overarching National Policy Statement for Energy EN-1 (NPS EN-1) (Ref 1) *"This NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option from a policy perspective"*. Furthermore, paragraph 2.3.5 of the National Policy

Statement for Renewable Energy Infrastructure (EN-3) (NPS EN-3) (Ref 4) provides that *“It is for applicants to decide what applications to bring forward. In general, the government does not seek to direct applicants to particular sites for renewable energy infrastructure”*.

- 7.5.9 Paragraph 2.3.9 of NPS EN-3 (Ref 4) also recognises that *“most renewable energy resources can only be developed where the resource exists and where economically feasible, and because there are no limits on the need established in Part 3 of EN-1, the Secretary of State should not use a consecutive approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land for renewable technology developments)”*.
- 7.5.10 The identification of the site for the Proposed Development was driven by the availability of deliverable land and site suitability in accordance with the requirements of policy. Following a formal application to National Grid for a connection into the 400kV Overhead Line at Whisby, National Grid informed the Applicant that this point of connection was not available and instead the Applicant was offered and subsequently secured a point of connection at the proposed National Grid Substation near Navenby, which was a location capable of serving multiple customers, including the Applicant. Having secured land with willing landowners, and in recognition of the need to consider reasonable alternatives, the Applicant sought to assess the site against other potential alternative sites to ensure it was the most suitable taking into account operational requirements, national and local planning policy and planning and environmental constraints.
- 7.5.11 The **Site Selection Report, Appendix A** to the **Planning Statement [EN010154/APP/7.2]** sets out the approach to assessing the suitability of the site for the Proposed Development and potential alternative sites against a range of planning, environmental and operational criteria for a generating station with capacity of more than 50MW.

That report concludes that the location of the Proposed Development comprises a suitable site when compared with other potential alternative sites when taking into account planning and environmental constraints and operational considerations. The location of the Proposed Development is therefore assessed as being appropriate to deliver the Proposed Development and therefore accords with the consideration of site selection as set out in the Overarching National Policy Statement for Energy (EN-1) (Ref 1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref 4).

Grid connection and capacity

- 7.5.12 As explained above, following a formal application to National Grid for a connection into the 400kV Overhead Line at Whisby, the Applicant was offered

and subsequently secured from National Grid Electricity System Operator Limited (NGESO) a connection for the Proposed Development to the National Electricity Transmission System (NETS) at the proposed National Grid substation near Navenby. The grid connection offer was accepted by the Applicant on 24 November 2022, for the export and import of up to 240 MW, with an agreed connection date of 30 May 2033. Engagement with NGESO has continued since 2021 and discussions are ongoing at the time of the submission of this Application. NGET has confirmed that space within the proposed National Grid substation near Navenby will be available and the Applicant has been allocated a connection bay.

- 7.5.13 Further information on the grid connection is provided in the **Grid Connection Statement [EN010154/APP/7.5]**.

Voluntary agreements with landowners

- 7.5.14 The identification of the site for the Proposed Development was driven by the availability of deliverable land and site suitability in accordance with the requirements of policy. The availability of willing landowners is an important consideration for a project of this scale, as is the availability of contiguous sites, with a few landowners as possible. These matters were prioritised by the Applicant, as is reflected in the substantial landholding secured at Morton Manor and Housham Grange, as explained in the **Site Selection Report, Appendix A** to the **Planning Statement [EN010154/APP/7.2]**. The Order Limits has a relatively small number of individual landowners, all of whom were agreeable in principle to leasing their land for solar.

Commercial negotiations with affected parties

- 7.5.15 Negotiations for the purchase of land, rights and interests are ongoing in respect of the land and new rights required for the Proposed Development. Nonetheless, it is necessary for the Applicant to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the draft Order, thereby ensuring that the Proposed Development can be constructed, operated and maintained.
- 7.5.16 The Applicant has entered into option agreements with the freehold owners of the Order land required for the Solar PV and BESS infrastructure within the Principal Site and is in the process of finalising an option agreement with the final freehold owner for the Principal Site in respect of land required for the 33 kV interconnecting cables, which will also be utilised for the delivery of biodiversity net gain.
- 7.5.17 The **Schedule of Negotiations and Powers Sought [EN010154/EXAM/9.6]** sets out the status of negotiations with the affected parties and the purpose for which the land is required.

7.6 Availability of funds for compensation

- 7.6.1 The Funding Statement [EN010154/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.
- 7.6.2 The Applicant is not aware of any interests within the Order land in respect of which a person may be able to make a blight claim, but in the event, this did occur the Applicant has sufficient funds to meet any compensation due.
- 7.6.3 The Applicant therefore considers that the Secretary of State can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

8. Human Rights

- 8.1.1 The Human Rights Act 1998 (Ref 10) 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 Secretary of State's decision as to whether the draft Order [EN010154/APP/3.1] should be made so as to include powers of compulsory acquisition:
- a. 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;
 - b. Article 6 – entitles those affected by the compulsory acquisition powers sought in the Order to a fair and public hearing; and
 - c. 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.
- 8.1.3 The Secretary of State, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.
- 8.1.4 The Order has the potential to infringe the rights of persons who hold interests in land within the Order land under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:
- a. the statutory procedures for making the 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.
- 8.1.5 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. As set out in **Section 7.3** above and in more detail in the **Statement of Need [EN010154/APP/7.1]** and the **Planning Statement [EN010154/APP/7.2]** the Applicant considers that there would be very significant public benefits arising from the grant of the Order. The benefits are only realised if the Order is accompanied by the grant of powers of compulsory acquisition, and the purpose for which the land is sought (to build and operate the Proposed Development) is legitimate. The Applicant has concluded on

balance that the significant public benefits outweigh the effects upon persons who own property within the Order land. For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code.

- 8.1.6 In relation to Article 8, the Order limits do not include, and the Proposed Development does not require, the outright acquisition of any residential dwelling-houses. 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.
- 8.1.7 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the PA 2008, the Applicant has consulted with persons set out in the categories contained in Section 44 of the PA 2008, which includes owners, lessees, tenants and occupiers within the Order limits and those with an interest in the Order limits. See section 8.6 of the **Consultation Report [EN010154/APP/5.1]**. The Applicant has also consulted with those persons who may be able to make a relevant claim under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or s152(3) of the PA 2008. After conducting diligent inquiry and undertaking environmental assessment, as set out in **Chapter 5: EIA Methodology** of the Environmental Statement **[EN010154/APP/6.1]**, the Applicant is of the belief that there are no potential Category 3 persons outside the Order Limits.
- 8.1.8 Furthermore, representations can also be made in response to any notice given under Section 56 of the PA 2008 for consideration at examination of the Application by the Examining Authority and in any written representations procedure which the Examining Authority decides to uphold or at any compulsory acquisition hearing held under Section 92 of the PA 2008.
- 8.1.9 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 PA 2008.
- 8.1.10 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.
- 8.1.11 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 this Statement, the

Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.

- 8.1.12 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 Secretary of State to make the Order, including the grant of compulsory acquisition powers.

9. Special Considerations Affecting the Order Limits

9.1 Special Category Land – Crown Land

9.1.1 There is no Crown Land included or affected by 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 Limits are identified in the **Book of Reference [EN010154/APP/4.3]**.

9.3.2 Section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that matters set out in section 127(3) are satisfied. Those matters are:

- 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.

9.3.3 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.

9.3.4 Article 31 of the Order 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.

- 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 limits. Statutory undertakers and other apparatus owners that are known to have equipment on, in or over the Order limits are included in the **Book of Reference [EN010154/APP/4.3]**. 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 Order 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 14 to the Order. The protective provisions are in the process of being agreed with the relevant statutory undertakers and will accordingly set out constraints on the exercise of the powers in the Order, with a view to safeguarding the statutory undertakers' interests, whilst enabling the Proposed Development to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.
- 9.3.6 With respect to the current status of negotiations with each Statutory Undertaker, in summary, the Applicant has fully agreed bespoke protective provisions for the protection of all but one statutory undertaker whose apparatus would be affected by the Proposed Development which are included in the **draft Order [EN010154/APP/3.1]** as follows: Anglian Water Services Limited (Schedule 14, Part 6); Cadent Gas Limited (Schedule 14, Part 3); National Grid Electricity Distribution (East Midlands) Plc (Schedule 14, Part 7); and National Highways Limited (Schedule 14, Part 5). Partially agreed bespoke protective provisions for the protection of National Grid Electricity Transmission Plc (NGET) have also been included and the Applicant is continuing to actively engage with NGET to seek to fully agree the form of bespoke protective provisions. Although not a statutory undertaker, the Applicant has also fully agreed bespoke protective provisions for the protection of Lincolnshire Fire and Rescue (Schedule 14, Part 2). Finally, the Applicant has partially agreed bespoke protective provisions for the protection of Phillips 66 Limited, a private company that owns and operates a fuel pipeline which crosses the Order Limits. These partially agreed protective provisions are included in the draft Order **[EN010154/APP/3.1]** (Schedule 14, Part 9) and the Applicant is continuing to engage with Phillips 66 Limited to reach a fully agreed position. The Applicant has also included standard

protective provisions in the Order for the protection of electricity, gas, water and sewerage undertakers and for the protection of operators of electronic communications code networks, in order to ensure the assets of those parties receive adequate protection under the Order.

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

10. Related Applications and Consents

10.1.1 Other consents are required in order for the Proposed Development to be constructed and subsequently operated. The key consents are identified below, and reference should be made to the **Consents and Agreements Position Statement [EN010154/APP/3.3]** which sets out the additional consents required and the status and timeframe for each consent. These may include:

- a. Electricity Generation Licence;
- b. Water abstraction or impoundment Licence;
- c. Water discharge;
- d. Bilateral Connection Agreement;
- e. Permit for Transport of Abnormal Loads;
- f. Section 171 Licence;
- g. European Protected Species Mitigation Licence;
- h. Section 61 consent;
- i. Health and Safety related consents;
- j. Environmental Permits;
- k. Land Drainage Consent; and
- l. Internal Drainage Board Consent

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 that they represent an 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 info@fossegreenenergy.co.uk.

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:-

- a. Booklet No. 1 – Compulsory Purchase Procedure;
- b. Booklet No. 2 – Compensation to Business Owners and Occupiers;
- c. Booklet No. 3 – Compensation to Agricultural Owners and Occupiers;
and
- d. Booklet No.4 – Compensation for Residential Owners and Occupiers.

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 PA 2008 as well as the considerations in the CA 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
- 12.1.5 As explained above, the Applicant has entered into option agreements with the freehold owners of the Order land required for the Solar PV and BESS infrastructure within the Principal Site and is in the process of finalising an option agreement with the final remaining freehold owner for the Principal Site in respect of land required for the 33 kV interconnecting cables, which will also be utilised for the delivery of biodiversity net gain. Notwithstanding this, the Applicant considers that compulsory acquisition powers are necessary as a fall-back position.
- 12.1.6 All reasonable alternatives to compulsory acquisition have been explored. 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.
- 12.1.7 The proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose, namely the Proposed Development, 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.

- 12.1.8 The Applicant has set out clear and specific proposals for how the DCO Site will be used.
- 12.1.9 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.
- 12.1.10 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.
- 12.1.11 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.

13. References

- Ref 1 UK Government (2023) Overarching National Policy Statement for Energy (EN-1). Available at [Overarching National Policy Statement for energy \(EN-1\) - GOV.UK](#)
- Ref 2 UK Government (2024) Clean Power 2030 Action Plan: A new era of clean electricity. Available at [Clean Power 2030 Action Plan - GOV.UK](#)
- Ref 3 UK Government (2021) Environment Act 2021. Available at [Environment Act 2021](#)
- Ref 4 UK Government (2023) National Policy Statement for Renewable Energy Infrastructure (EN-3). Available at [National Policy Statement for renewable energy infrastructure \(EN-3\) - GOV.UK](#)
- Ref 5 UK Government (2013) Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land. Available at [Planning Act 2008: procedures for the compulsory acquisition of land - GOV.UK](#)
- Ref 6 UK Government (2009) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations). Available at [The Infrastructure Planning \(Applications: Prescribed Forms and Procedure\) Regulations 2009](#)
- Ref 7 UK Government (2019) The Climate Change Act 2008 (2050 Target Amendment) Order 2019. Available at [The Climate Change Act 2008 \(2050 Target Amendment\) Order 2019](#)
- Ref 8 Climate Change Committee Sixth Carbon Budget. Available at [Sixth Carbon Budget - Climate Change Committee](#)
- Ref 9 UK Government (2022) Mission Zero: Independent Review of Net Zero – Final Report. Available at [Review of Net Zero - GOV.UK](#)
- Ref 10 UK Government (199) Human Rights Act 1998 Available at [Human Rights Act 1998](#)
- Ref 11 UK Government (2024). Clean Power 2030 Action Plan: A new era of clean electricity. UK Government (2024). Clean Power 2030 Action Plan: A new era of clean electricity.
- Ref 12 UK Government (2025). United Kingdom of Great Britain and Northern Ireland's 2035 Nationally Determined Contribution.
- Ref 13 Liu & Raftery (2023). Country-based rate of emissions reductions should increase by 80% beyond nationally determined contributions to meet the 2°C target (published in Communications Earth & Environment).