



# Pearmtree Hill Solar Farm

## Statement of Reasons

### Revision 4

Application Document Ref: EN010157/APP/4.1

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Planning Act 2008

Infrastructure Planning

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and Procedure) Regulations 2009 –

Regulation 5(2)(h)

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# 1. Executive Summary

- 1.1.1 This Statement of Reasons ('Statement') relates to the application for a development consent order ('DCO') made by RWE Renewables UK Solar and Storage Limited (the 'Applicant') to the Secretary of State for Energy Security and Net Zero under the Planning Act 2008 ('PA 2008'), for Peartree Hill Solar Farm, a solar and battery storage project that would provide up to 320MW of clean energy (the 'Proposed Development').
- 1.1.2 This Statement is required because the Applicant is seeking powers to:
- acquire land compulsorily;
  - create and compulsorily acquire new rights over land and impose restrictive covenants; and
  - extinguish or override existing rights over land.
- 1.1.3 The Applicant is also seeking powers to take temporary possession of land to construct and maintain the Proposed Development.
- 1.1.4 This Statement explains why it is necessary, proportionate and justifiable for the Applicant to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for the Applicant to be granted these powers.
- 1.1.5 This version of the Statement of Reasons has been updated to reflect the Change Application submitted by the Applicant in September 2025 which seeks to amend and extend the Order Limits (and Order Land) to:
- the west of the A165 to provide access to the B-B interconnecting cable route (identified as change 3);
  - the west of Hull Road A1174, onto Williams Way, to provide enhanced access to the grid connection cable route (identified as change 4);
  - a section of Long Lane and the unnamed track to the south of Long Lane, to provide enhanced access to the grid connection cable route (identified as change 5);
  - the north of Creyke Beck Substation, beneath the Beverley South Western Bypass (A1079), to provide enhanced access to the grid connection cable route (identified as change 6);

- the north of the A1079, to enable the grid connection cable route to follow a slightly revised alignment (identified as change 8); and
  - a section of the A1035 and land to the south of the A1035 to provide access to Land Areas D and E during construction and operation of the Proposed Development (identified as change 9).
- 1.1.6 A DCO is required for the Proposed Development as it falls within the definition and thresholds of a Nationally Significant Infrastructure Project ('NSIP') under sections 14(1) and 15 of the PA 2008.
- 1.1.7 The Proposed Development will comprise the installation of solar photovoltaic (PV) generating panels together with grid connection infrastructure on approximately 893 ha of land within the administrative boundary of East Riding Yorkshire Council ('the Site').
- 1.1.8 The Proposed Development is described at Schedule 1 of the **draft Development Consent Order [EN010157/APP/3.1]**, and the areas in which each component (the Work Nos.) may be constructed are shown on the **Works Plans [EN010143/APP/2.2]** The urgent need for renewable energy generation is set out in National Policy Statement EN-1. Furthermore, the government's commitment to sustained growth in solar photovoltaic energy generation is outlined in EN-3. The need for and the Proposed Development and the purpose for which powers are sought are set out in Section 5 of this Statement. The **Statement of Need**, which is submitted in support of the Application as an appendix to the **Planning Statement [EN010157/APP/5.5]**, provides further detail on the necessity of the Proposed Development. The Applicant requires powers of compulsory acquisition so that it may carry out the works necessary for the Proposed Development. **Appendix A** of this Statement sets out the purpose for acquisition by reference to the works carried out in each plot. The Applicant considers that in the absence of the powers of compulsory acquisition in the DCO the Proposed Development may not be delivered.
- 1.1.9 The scope of the compulsory acquisition powers is set out in Section 6 of this Statement. The **Land Plans [EN010157/APP/2.4]** and the **Book of Reference [EN010157/APP/4.2]** clearly set out all the land subject to powers of compulsory acquisition or temporary possession.
- 1.1.10 Section 7 of this Statement sets out the Applicant's justification for powers of compulsory acquisition with reference to the relevant tests in the PA 2008 and compulsory acquisition guidance.
- 1.1.11 Section 8 of this Statement sets out the Applicant's approach to acquiring land and rights (and restrictions) by agreement and the current position on these negotiations is set out in the **Schedule of Negotiations and Powers Sought**

**[EN010157/APP/4.4].** The **Funding Statement [EN010157/APP/4.3]** confirms that the Applicant has the ability to fund the Proposed Development, including the cost of acquiring any land and rights and the payment of compensation, as applicable.

- 1.1.12 As part of the Proposed Development, the Applicant is seeking powers over special category land to carry out works to install a 132kV cable to connect the solar development to Creyke Beck Substation. The Applicant has considered the protections offered under the PA2008 and considered that the open space and common land in Figham Common, when burdened with the rights and restrictions sought, would be no less advantageous to the public and interest holders than currently exists. More detail is provided in section 10.
- 1.1.13 Section 10 also considers the land held and/or managed by statutory undertakers affected by the Proposed Development as well as any Crown land affected by the Proposed Development being the bed of the River Hull. The Applicant has complied with its duty of diligent inquiry in identifying Category 1, 2 and 3 parties as defined in the PA2008. The Applicant has utilised a combination of desktop and other land referencing activities to identify those affected by the Proposed Development. Further details are set out in Section 11 of this Statement.
- 1.1.14 The Applicant has explored all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Development). This has included consideration of avoiding use of compulsory acquisition powers wherever possible. The Applicant's proposed interest in the land is for a legitimate purpose and is necessary and proportionate. The Applicant requires powers of compulsory acquisition in order to implement the Proposed Development.
- 1.1.15 Any interference with the human rights of those with an interest in the land affected is legitimate and proportionate. The Applicant has considered Article 1 of the First Protocol to the European Convention on Human Rights and Articles 6 and 8 of the Convention. Interest holders would be entitled to compensation for acquisition of their interests. Further details are set out in Section 12 of this Statement.
- 1.1.16 The Applicant is satisfied that there is a compelling case in the public interest for compulsory acquisition, particularly in the light of the benefits of the Proposed Development as set out in the **Planning Statement [EN010157/APP/5.5]**.

## 2. Introduction

- 2.1.1 This Statement of Reasons (the ‘Statement’) has been prepared to accompany an application by the Applicant for a Development Consent Order (‘DCO’) for Peartree Hill Solar Farm (the ‘DCO Application’), a proposed solar photovoltaic (PV) electricity generating and storage facility with an export capacity of up to 320 megawatts (‘MW’) and associated infrastructure (the ‘Proposed Development’).
- 2.1.2 The Proposed Development comprises an area of approximately 893 ha of land within the administrative boundary of East Riding Yorkshire Council (‘the Site’). The Order Limits presented in **ES Volume 3, Figure 1.1: Order Limits and Administrative Boundaries [EN010157/APP/6.3]** constitute the maximum extent of land that will be required to facilitate the construction, operation (including maintenance) and decommissioning of the Proposed Development (‘the Order Limits’).
- 2.1.3 This Statement has been prepared in accordance with the requirements of 5(2)(h) of the Infrastructure Planning (Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations)<sup>1</sup> and the ‘Planning Act 2008: Guidance related to procedures for compulsory acquisition of land (the ‘CA Guidance’).<sup>2</sup>
- 2.1.4 The planning history of the Site is described in the **Planning Statement [EN010157/APP/5.5]**. A description of the existing physical site is provided in **ES Volume 1, Chapter 2: Location of the Proposed Development [EN010157/APP/6.1]** which accompanies the DCO Application.
- 2.1.5 The Site comprises several areas of land (‘Land Areas’ B to F inclusive), with the areas being connected by a series of underground cables. The Proposed Development would establish a grid connection via underground cabling to the National Grid Creyke Beck Substation (the grid connection cable route), which would transfer the electricity generated to the national electricity network.
- 2.1.6 The Proposed Development qualifies as a nationally significant infrastructure project for the purposes of the Planning Act 2008 (‘PA 2008’).<sup>3</sup> This is because the generating capacity of the Proposed Development would exceed 50 MW. The Proposed Development will require a DCO to be granted by the Secretary of State for Energy Security and Net Zero.
- 2.1.7 Full details of the Proposed Development can be found in **ES Volume 1, Chapter 3: Proposed Development Description [EN010157/APP/6.1]** accompanying the DCO Application.

- 2.1.8 This Statement provides further detail about the compulsory powers being sought under the **draft Development Consent Order [EN010157/APP/3.1]** and the reasoning behind those powers being sought. The following sections contained within this Statement provide the justification for seeking compulsory acquisition powers, demonstrate that the land subject to compulsory acquisition powers is required for the Proposed Development and that there is a compelling case in the public interest for inclusion of the powers in the DCO.
- 2.1.9 The land over which powers of compulsory acquisition and temporary use are being sought for the Proposed Development is referred to as the ‘Order Land’ and is shown edged in red on the **Land Plan [EN010157/APP/2.4]**

## 3. Purpose of this document

### 3.1 Purpose of Statement of Reasons

- 3.1.1 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State, is satisfied that the land is required for the development to which the order relates and the land is required to facilitate or is incidental to that development. The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the order
- 3.1.2 This Statement is required because the DCO sought for the Proposed Development would authorise the compulsory acquisition of land and/or rights in land.
- 3.1.3 This Statement has been prepared in compliance with the requirements of Regulation 5(2)(h) of the APFP Regs<sup>4</sup> and section 37(3)(d) of the PA 2008,<sup>5</sup> and the CA Guidance.<sup>6</sup>
- 3.1.4 Paragraphs 31 of the CA Guidance acknowledges that the APFP Regs require a statement of reasons and Paragraph 32 advises that:<sup>7</sup>

*“The statement of reasons should seek to justify the compulsory acquisition sought, and explain in particular why in the applicant’s opinion there is a compelling case in the public interest for it. This includes reasons for the creation of new rights”.*



- 3.1.5 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. This Statement evidences that there is a compelling case in the public interest for the DCO to include such powers, in accordance with section 122 of the PA 2008.
- 3.1.6 This Statement forms part of a suite of documents accompanying the DCO Application submitted in accordance with section 55 of the PA 2008 and Regulation 5 of the APFP Regs and should be read alongside those documents. In particular, the Applicant has submitted the following documents relating to the compulsory acquisition powers sought as part of the Proposed Development:
- This Statement;
  - The **draft Development Consent Order [EN010157/APP/3.1]**
  - The **Explanatory Memorandum [EN01057/APP/3.2]**
  - The **Schedule of Negotiations and Powers Sought [EN01057/APP/4.4]**
  - The **Land Plans [EN010157/APP/2.4], Crown Land Plans [EN010157/APP/2.6] and Special Category Land Plans [EN010157/APP/2.5]** showing the land over which the various interests or rights over land would be acquired.
  - A **Book of Reference [EN010157/APP/4.2]** containing details of the interests or rights in land which may be acquired and the names and addresses of all those who may be affected by the proposed acquisition of those interests or rights; and
  - A statement to explain how the proposals contained in the DCO will be funded (the **Funding Statement [EN010157/APP/4.3]**).

## 3.2 Structure

- 3.2.1 This Statement is structured as follows:
- Section 4 outlines the description of the Proposed Development;
  - Section 5 outlines the need for the Proposed Development and the purpose for which the powers of compulsory acquisition are sought;
  - Section 6 summarises the scope of the compulsory acquisition powers and certain other powers set out in the DCO;
  - Section 7 provides the justification for seeking powers of compulsory acquisition and certain other powers which are set out in the DCO;
  - Section 8 outlines the Applicant's approach to the acquisition of land and rights by agreement;



- Section 9 identifies other consents which are or may be required in addition to the powers sought in the DCO;
- Section 10 covers special considerations and impediments;
- Section 11 sets out the diligent inquiry process/ methodology;
- Section 12 provides justification of the interference with human rights and addresses equality issues; and
- Section 13 comprises a summary and conclusions.

## 4. Description of the Proposed Development

### 4.1 The Applicant

- 4.1.1 The Applicant is one of the top three largest solar developers in the UK with over 125 years of energy expertise, through design, construction, and operation. It is the Applicant's ambition to have a carbon neutral energy portfolio by 2040, providing clean, secure, and affordable energy to millions of households.
- 4.1.2 Further details about the Applicant can be found in the **Funding Statement [EN010157/APP/4.3]**

### 4.2 Project Description

- 4.2.1 A detailed description of the Proposed Development is provided in **ES Volume 1, Chapter 3: Proposed Development Description [EN010157/APP/6.1]**.
- 4.2.2 The Proposed Development is a proposed solar PV development with an export capacity of 320 MW and associated infrastructure. The principal components of the Proposed Development include:
- Solar photovoltaic (PV) modules and associated mounting structures (groupings of solar PV modules are referred to as 'arrays');
  - On-site supporting equipment including inverters, transformers, direct current (DC)-DC converters and switchgear;
  - A battery energy storage system (BESS) including batteries and associated enclosures, monitoring systems, air conditioning, electrical cables and fire safety infrastructure;

- Two on-site 132 kV substations, including transformers, switchgear, circuit breakers, control equipment buildings, control functions, material storage, parking, as well as wider monitoring and maintenance equipment;
- Low voltage and 33 kV interconnecting cabling within and between the Land Areas to connect the solar PV modules together and to transmit electricity from the solar PV modules and BESS to one of the two on-site 132 kV substations;
- 132 kV underground cables (two 132 kV export cables) connecting the on-site substations to the National Grid Creyke Beck Substation;
- Works at the National Grid Creyke Beck Substation to facilitate the connection of the 132 kV underground cabling into the substation;
- Associated infrastructure including access tracks, parking, security measures, gates and fencing, lighting, drainage infrastructure, storage containers, earth-works, surface water management, maintenance and welfare facilities, security cabins and any other works identified as necessary to enable the development;
- Highways works to facilitate access for construction vehicles, comprising passing places where necessary to ensure that heavy goods vehicles (HGVs) can be safely accommodated amongst existing traffic, new or improved site accesses and visibility splays;
- A series of new permissive paths connecting to the existing public right of way network;
- Environmental mitigation and enhancement measures, including landscaping, habitat management, biodiversity enhancement and amenity improvements; and,
- Temporary development during the construction phase of the Proposed Development including construction compounds, parking and laydown areas.

4.2.3 The works which the Proposed Development will comprise of are described in Schedule 1 to the **draft Development Consent Order [EN010157/APP/3.1]**, where the 'authorised development' is divided into 'work numbers' and are shown on the **Works Plans [EN010157/APP/2.2]**.

## 4.3 Site

4.3.1 The Proposed Development is being constructed within the Order Limits. This area is clearly set out on the **Land Plans [EN010157/APP/2.4]**, and identified with a red line.

- 4.3.2 The Proposed Development is located north of the city of Hull and east of the town of Beverley, between the villages of Tickton, Routh, Leven, Long Riston, Arnold, Wawne, Woodmansey and Weel.
- 4.3.3 The Proposed Development encompasses an area of approximately 893 hectares and is made up of five Land Areas (B – F), interconnecting cables between the Land Areas, and the grid connection cable route which connects the Proposed Development to the existing National Grid Creyke Beck Substation located approximately 5.6 kilometres (km) south-west of the southern extent of the Land Areas, by a 132 kV underground cable.
- 4.3.4 The land within the Order Limits predominantly consists of agricultural fields (mostly arable with some grassland) interspersed with hedgerows, ditches, small woodland blocks and farm access tracks. The fields are bordered by a mix of hedgerows, wet ditches and some of the many major named drains and dykes in the area, including Monk Dike and Holderness Drain.
- 4.3.5 **ES Volume 1, Chapter 2: Location of the Proposed Development [EN010157/APP/6.1]** provides an overview of the current use of the land and a more detailed description of the Land Areas and Cable Corridor. They are briefly described below and are shown on **ES, Volume 2, Figure 3.8: Land Areas and Cable Routes Plan with Field Numbering System [EN010157/APP/6.3]**.
- 4.3.6 Land Area B comprises two sections, one lying west of the A165 that is bisected by Monk Dike. The other section of Land Area B lies east of the A165 and north of Long Riston, the section is bounded by agricultural fields and ditches.
- 4.3.7 Land Area C lies adjacent to the southern boundary of Land Area B.
- 4.3.8 Land Area D is located in the centre of the Order Limits. Land Area D lies adjacent to Land Area E, which lies to the south-west. On the eastern border of Land Area D, outside of the Order Limits is Cote Wood Local Wildlife Site (LWS).
- 4.3.9 Land Area E comprises of three separate sections. The western most section lies either side of Carr Lane and is bounded by ditches and agricultural land. The largest section of Land Area E is bounded to the north east by Land Area D. The third section of Land Area E is divided in two by a strip of woodland.
- 4.3.10 Land Area F is the southernmost portion of the Land Areas, lying approximately 800 m north east of Wawne at the closest point. It is largely bounded by Holderness Drain.
- 4.3.11 The Cable Corridor is made up of five bespoke routes. Cable B-B connects the western and eastern sections of Land Area B, it runs along a field boundary and alongside Stonleygoat Dike.

- 4.3.12 Cable C-D connects Land Area C and Land Area D, it crosses Arnold West Carr Drain and Meaux and Routh East Drain. Cable E-E connects the western and eastern sections of Land Area E, it runs along a field boundary beside an area of woodland and crosses Holderness Drain.
- 4.3.13 Cable E-F connects Land Area E and Land Area F, it crosses and runs alongside Holderness Drain. The grid connection cable route is the 132 kV cable route which runs from the south-western boundary of Land Area and connects the Proposed Development to the National Grid Creyke Beck Substation.
- 4.3.14 Full details of the land to be subject to compulsory acquisition powers are set out in the **Land Plans [EN010157/APP/2.4]** and in the **Book of Reference [EN010157/APP/4.2]** accompanying the DCO Application.

## 5. The need for the Proposed Development and purpose for which powers are sought

### 5.1 Need

- 5.1.1 The **Statement of Need** appended to the **Planning Statement [EN010157/APP/5.5]** sets out the need for the Proposed Development. The **Planning Statement [EN010157/APP/5.5]** also provides the policy context supporting the Proposed Development, a summary of this is set out briefly below.
- 5.1.2 Solar generation addresses all important aspects of existing and emerging government energy policy. It makes a critical and timely contribution to decarbonisation and security of supply in the UK, helps shield consumer bills from volatile energy prices and international supply markets and provides the potential to deliver biodiversity net gains through its development. The national need for solar generation is urgent and the capacity required is significantly greater than the capacity of projects currently understood to be in development.
- 5.1.3 Solar generation is a critical part of the UK's strategy to achieve net zero by 2050, a key step towards which is the government's national mission for clean power by 2030.

## 5.2 The legislative and policy context

- 5.2.1 UK Government Policy has a focus on delivering the change in energy generation and usage that will ensure that the UK meets its legally binding target of net zero by 2050.
- 5.2.2 The British Energy Security Strategy (April 2022)<sup>1</sup> set an ambition of 70GW of solar by 2035. Mission Zero<sup>2</sup> published in January 2023 by Rt Hon Chris Skidmore MP, Chair of the Government's Independent Review of net zero recommends the *"Government should facilitate solar... to harness one of the cheapest forms of energy, increase our energy independence and deliver up to 70GW of British solar generation by 2035"*. The Government's Powering Up Britain strategy (updated April 2023)<sup>3</sup> concludes that an acceleration of the deployment of renewables is critical to the delivery of the Government's plans: *"Our goal is to develop up to 50GW of offshore wind by 2030 and to quintuple our solar power by 2035"*. The current Labour government made major commitments to the delivery of clean energy in its election manifesto, including to achieve *"Clean Power by 2030"*.
- 5.2.3 Section 104 of the PA 2008 applies to an application for an order granting development consent if a national policy statement has effect in relation to the Proposed Development.
- 5.2.4 Section 104(3) of the PA 2008 states that the Secretary of State must decide an application in accordance with any "relevant policy statement".<sup>4</sup> Section 104(2)(a) of the PA 2008 makes clear that a "relevant national policy statement" for is one that "has effect" in relation to the development.<sup>5</sup>
- 5.2.5 The three NPSs which are considered to be the 'relevant NPS' under Section 104 of the PA 2008 are set out below.

## 5.3 National Policy Support

- 5.3.1 The Overarching NPS for Energy (NPS EN-1) sets out the current national policy for delivering NSIP energy infrastructure in England and Wales. For renewable energy projects,<sup>6</sup> NPS EN-1 has effect in combination with the relevant

<sup>1</sup> British Energy Security Strategy (2022). Available online at: <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

<sup>2</sup> Mission Zero. Available online at: [MISSION ZERO - Independent Review of Net Zero](https://www.independent.gov.uk/missions-zero/)

<sup>3</sup> [Powering Up Britain - Joint Overview](https://www.poweringupbritain.co.uk/)

<sup>4</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>5</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>6</sup> Department for Energy Security and Net Zero (2023) Overarching National Policy Statement for energy (EN-1). Available online at: <https://assets.publishing.service.gov.uk/media/65bbfbd0709fe1000f637052/overarching-nps-for-energy-en1.pdf>

technology-specific NPS, which in this case is the National Policy Statement for Renewable Energy Infrastructure (NPS EN-3),<sup>7</sup> the National Policy Statement for Electricity Networks Infrastructure (NPS EN-5)<sup>8</sup> is also considered relevant given its relevance to the Proposed Development's connection to the national electricity grid. Together these three NPS's provide the primary policy against which the DCO Application must be assessed.

- 5.3.2 NPS EN-1 emphasises the importance of solar in the UK's future energy stock and the benefits of the rapidity of its deployment in helping the UK meet net zero and increase energy security of supply.
- 5.3.3 Part 3 of NPS EN-1 identifies the need for nationally significant energy infrastructure to address energy security objectives and carbon reduction requirements, replace closing generating capacity, and support an increase in renewables supply. Paragraphs 3.2.1 and 3.2.2 of NPS EN-1 state that the *"government's objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with net zero emissions in 2050 for a wide range of future scenarios... we need a range of different types of energy infrastructure to deliver these objectives."*<sup>9</sup>
- 5.3.4 Crucially, NPS EN-1 introduces the concept of Critical National Priority (CNP) for low carbon energy infrastructure such as solar and Battery Energy Storage Stations (BESS). Paragraph 4.2.5 of NPS EN-1 confirms that solar photovoltaic generation is a form of CNP infrastructure.
- 5.3.5 Paragraph 4.1.7 of NPS EN-1 emphasises 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"*.<sup>10</sup> Paragraph 4.2.6 states that substantial weight should be given to the overarching need case for CNP infrastructure, as a starting point for determination of energy infrastructure applications.
- 5.3.6 NPS EN-3 notes that electricity generation from renewable sources is an essential element of the transition to net zero and provides a framework for assessment and technology-specific information for specified renewable energy

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<sup>7</sup> Department for Energy Security and Net Zero (2023) National Policy Statement for Renewable Energy Infrastructure (EN-3). Available online at: [https://assets.publishing.service.gov.uk/media/64252f5f2fa848000cec0f52/NPS\\_EN-3.pdf](https://assets.publishing.service.gov.uk/media/64252f5f2fa848000cec0f52/NPS_EN-3.pdf)

<sup>8</sup> Department for Energy Security and Net Zero (2023) National Policy Statement for Electricity Networks Infrastructure (EN-5). Available online at: <https://assets.publishing.service.gov.uk/media/65a78a5496a5ec000d731abb/nps-electricity-networks-infrastructure-en5.pdf>

<sup>9</sup> Department for Energy Security and Net Zero (2023) Overarching National Policy Statement for energy (EN-1). Available online at: <https://assets.publishing.service.gov.uk/media/65bbfbd709fe1000f637052/overarching-nps-for-energy-en1.pdf>

<sup>10</sup> Department for Energy Security and Net Zero (2023) Overarching National Policy Statement for energy (EN-1). Available online at: <https://assets.publishing.service.gov.uk/media/65bbfbd709fe1000f637052/overarching-nps-for-energy-en1.pdf>



technologies. Paragraph 2.10.10 of NPS EN-3 stresses the importance of solar in delivering the UK Government's goals for greater energy independence,<sup>11</sup> referencing the British Energy Security Strategy (2022),<sup>12</sup> which states that the UK Government expects a five-fold increase in solar deployment by 2035 (to 70 GW, although this is not a cap on capacity). In December 2024 the Government published a policy paper entitled The Clean Power 2030 Action Plan<sup>13</sup> which, amongst other things, outlines the government's steps to achieving Clean Power by 2030 and outlines a Government ambition for 45-47 GW of solar power by 2030.

- 5.3.7 NPS EN-5 is the primary basis for decisions on transmission and distribution system NSIPs and associated infrastructure. NPS EN-5's relevance to the Proposed Development is limited to the grid connection.
- 5.3.8 The analysis of planning policy compliance at a national and local level is set out in the **Planning Statement [EN010157/APP/5.5]** and demonstrates that the need for the Proposed Development is supported by planning policy and that the Proposed Development addresses relevant national and local planning policies.

## 5.4 Purpose for which acquisition powers sought

- 5.4.1 The **Land Plans [EN010157/APP/2.4]** and the **Book of Reference [EN010157/APP/4.2]** clearly set out all the land subject to powers of compulsory acquisition or temporary possession with reference to a unique plot number. Appendix A of this Statement sets out the purpose for acquisition by reference to the works to be carried out in each plot.
- 5.4.2 Without the powers to acquire rights and interests in land compulsorily there would be insufficient certainty about the Applicant's ability to deliver the Proposed Development in totality and within the necessary timescale. The Applicant therefore requires such powers to be included in the DCO, notwithstanding its preference to acquire the necessary interests in land and acquisition/extinguishment of rights by voluntary agreement.
- 5.4.3 All the land included in the Order Limits is considered to be necessary to enable the delivery of the Proposed Development. However, due to the nature of the design process and the timing of the consenting process, the Applicant requires a degree of flexibility as to where certain parts of the Proposed Development can

<sup>11</sup> Department for Energy Security and Net Zero (2023) National Policy Statement for Renewable Energy Infrastructure (EN-3). Available online at: [https://assets.publishing.service.gov.uk/media/64252f5f2fa848000cec0f52/NPS\\_EN-3.pdf](https://assets.publishing.service.gov.uk/media/64252f5f2fa848000cec0f52/NPS_EN-3.pdf)

<sup>12</sup> British Energy Security Strategy (2022). Available online at: <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

<sup>13</sup> Clean Power 2030: [assets.publishing.service.gov.uk/media/677bc80399c93b7286a396d6/clean-power-2030-action-plan-main-report.pdf](https://assets.publishing.service.gov.uk/media/677bc80399c93b7286a396d6/clean-power-2030-action-plan-main-report.pdf)



be constructed within the defined limits of deviation which are provided for in the **draft Development Consent Order [EN010157/APP/3.1]** The Applicant is satisfied that all the land included in the Order Limits is necessary to enable the delivery of the Proposed Development.

- 5.4.4 In common with other projects, detailed design may avoid acquisition of some of the land that is within the scope of compulsory acquisition powers in the DCO Application; only land that is required for the Proposed Development will be acquired.

## 6. Scope of compulsory acquisition

### 6.1 Introduction

- 6.1.1 The DCO Application is made under section 37 the PA 2008<sup>14</sup> and in accordance with the APFP Regs.<sup>15</sup>
- 6.1.2 The **draft Development Consent Order [EN010157/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 (including maintain) and decommission the Proposed Development and to mitigate impacts of the Proposed Development where necessary. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction and maintenance of the Proposed Development.
- 6.1.3 In accordance with regulation 5(2)(i)(i)-(iii) of the APFP Regs the **Land Plans [EN010157/APP/2.4]** and regulation 5(2)(d) of the APFP Regs the **Book of Reference [EN010157/APP/4.2]** submitted with the DCO Application sets out the Order Land subject to outright compulsory acquisition (shown shaded pink), the Order Land subject to compulsory acquisition of permanent rights and the imposition of restrictive covenants (shown shaded blue), and the Order Land subject to powers of temporary occupation only (shown shaded green)
- 6.1.4 The Applicant has gathered details of the relevant interest holders in the Order Land. This information was gathered as part of the Applicant's land referencing exercise, and further detail is set out in section 11 (Diligent inquiry/process/methodology).

<sup>14</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>15</sup> The Infrastructure Planning (Prescribed Forms and Procedure) Regulations 2009. Available online: <https://www.legislation.gov.uk/uksi/2009/2264/contents/made>

- 6.1.5 In accordance with Regulation 7(1)(a) of the APFP Regulations, Part 1 of the **Book of Reference [EN010157/APP/4.2]** contains the names and addresses for service of Categories 1 and 2 interests.
- 6.1.6 In accordance with Regulation 7(1)(b) of the APFP Regs, any Category 3 interest (i.e. those with the right to make a relevant claim) must be noted in Part 2 of the **Book of Reference [EN010157/APP/4.2]**.
- 6.1.7 The **Book of Reference [EN010157/APP/4.2]** therefore notes Category 3 parties with an interest in the blue, pink and green land, where such interests are deemed to exist.

## **6.2 Description of compulsory acquisition and other powers sought that interfere with third party rights**

- 6.2.1 Compulsory acquisition powers in the **draft Development Consent Order [EN010157/APP/3.1]** include the following articles that relate to compulsory acquisition or interference with third party rights. These powers apply to the land shaded pink, blue or green (as applicable) on the **Land Plans [EN010157/APP/2.4]**. More detail on the articles in the DCO can be found in the **Explanatory Memorandum [EN010157/APP/3.2]**.

### **Article 23 – Compulsory acquisition of land**

- 6.2.2 The areas of the Order Land over which compulsory acquisition powers are sought in respect of all interests (including freehold) are shown shaded pink on the Land Plan **[EN010157/APP/2.4]**.
- 6.2.3 The Applicant would have the power to acquire compulsorily permanently so much of the Order Land as is required for the Proposed Development or to facilitate, or is incidental, to it. It is qualified and restricted by reference to article 25 (time limit for exercise of authority to acquire land compulsorily).

### **Article 24 – Compulsory acquisition of land – incorporation of the mineral code**

- 6.2.4 This means that where the Applicant acquires land under the powers of the DCO, it will not acquire any mineral deposits present in the land (other than those necessarily extracted or used in constructing the authorised development) unless they are expressly included in the conveyance.

## **Article 25 – Time limit for exercise of authority to acquire land compulsorily**

- 6.2.5 This limits the Applicant's ability to serve a notice to treat or a general vesting declaration to a period within five years from the granting of the DCO. The justification for this period is set out at section 7 and in the **Explanatory Memorandum [EN010157/APP/3.2]**.
- 6.2.6 The Article also sets a five year time limit on the power of the Applicant to take temporary possession of land under Article 34.

## **Article 26 – Compulsory acquisition of rights and imposition of restrictive covenants**

- 6.2.7 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 [EN010157/APP/2.4]** are set out in Schedule 8 of the **draft Development Consent Order [EN010157/APP/3.1]**
- 6.2.8 This article allows the Applicant to compulsorily acquire rights, or impose restrictive covenants, over the Order Land insofar as they are necessary to construct, operate, maintain and decommission the Proposed development or are incidental to it or necessary to facilitate it.

## **Article 27 – Private rights over land**

- 6.2.9 This article allows for the extinguishment of private rights over the Order Land in so far as their continuance would be inconsistent with the exercise of the powers under article 23.

## **Article 28 – Power to override easements and other rights**

- 6.2.10 This article provides a power to override easements and other rights in the Order Land where an authorised activity is being undertaken by the Applicant and for compensation to be paid to affected persons whose interests in or rights over the Order Land may be subject to interference arising therefrom.

## **Article 30 – Acquisition of subsoil only**

- 6.2.11 This article permits the Applicant to acquire land (interests) below the surface, rather than having to acquire all of the land.

## **Article 33 – Rights under or over streets**

- 6.2.12 This article grants the Applicant the right to enter on and appropriate subsoil of or airspace over any street within the Order Land, as may be required for the Proposed Development.

## **Article 36 – Statutory undertakers**

- 6.2.13 This article allows the Applicant to acquire land, or rights over land, belonging to statutory undertakers in so far as it falls within the Order Land. The Applicant can extinguish the rights of, or remove or reposition apparatus belonging to, statutory undertakers. **Schedule 12 of the draft Development Consent Order [EN10157/APP/3.1]** sets out the protective provisions for the protection of statutory undertakers.

## **6.3 Temporary possession powers**

### **Article 34 – Temporary use of land for carrying out the authorised development**

- 6.3.1 The land over which rights of temporary possession only are sought is shown shaded green on the **Land Plans [EN010157/APP/2.4]** are set out in Schedule 10 to the **draft Development Consent Order [EN10157/APP/3.1]**
- 6.3.2 This article provides a power for the Applicant to temporarily occupy Order Land for the carrying out of the authorised development. It prevents the Applicant from having to permanently acquire land which is required to construct the authorised development but which is not needed permanently and therefore assists in minimising the interference with landowners' rights.
- 6.3.3 This article also allows the Applicant take temporary occupation of the Order Land subject to permanent acquisition powers prior to acquisition. This enables the Applicant to temporarily occupy the land initially and only proceed to acquire permanently that part of the land necessary for the Proposed Development once constructed and therefore leading to a lesser impact on landowners.

### **Article 35 – Temporary use of land for maintaining the authorised development**

- 6.3.4 This article would enable the Applicant to take temporary possession of land within the Order Land required for the purpose of maintaining the authorised development and to construct such temporary works as may be reasonably

necessary for that purpose for a period of five years (the maintenance period) from the date of final commissioning.

- 6.3.5 Before giving up possession there is a requirement to remove all temporary works and restore the land to the owner's reasonable satisfaction.
- 6.3.6 An owner or occupier suffering loss or damage would be entitled to claim compensation.

## **6.4 Other powers**

- 6.4.1 Other powers which the **draft Development Consent Order [EN10157/APP/3.1]** confers on the Applicant are:

### **Article 12 – Street works**

- 6.4.2 This article would confer authority on the Applicant to interfere with and execute works in or under any streets for the purposes of the authorised development.

### **Article 14 – Power to alter layout, etc., of streets**

- 6.4.3 This article permits the Applicant the right to alter the streets within Schedule 4 in the manner specified in that Schedule, in connection with the Proposed Development or any other street within the Order Limits, subject to consent of the street authority.

### **Article 16 – Temporary closure or restriction of streets and public rights of way**

- 6.4.4 This article would enable the Applicant for the purposes of carrying out the authorised development to temporarily close, alter, divert, or restrict the use of the streets and public rights of way for the purposes of the authorised development.
- 6.4.5 The power to prevent pedestrian access would be subject to the obligation to provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary closure, alteration, diversion or restriction if there would otherwise be no access.
- 6.4.6 The exercise of this article could potentially interfere with private rights (i.e., rights vested in a person rather than the public at large), such as rights to drive vehicles along a stopped-up street. In that event the right in question would be suspended.

A person suffering loss due to such suspension would be entitled to compensation.

### **Article 17 – Access to works**

- 6.4.7 This article would permit the Applicant to form and layout means of access, or improve existing means of access, within the Order Limits as reasonably required for the purposes of the Proposed Development, subject to street authority consent.

### **Article 20 – Discharge of water**

- 6.4.8 This article permits the Applicant to use any watercourse, public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the Proposed Development. Consent from the owner of the relevant watercourse, public sewer or drain must be obtained before any water is discharged into it.

### **Article 21 – Protective work to buildings**

- 6.4.9 This article enables the Applicant to carry out such protective works to buildings lying within the Order Limits or which may be affected by the Proposed Development as it considers necessary or expedient. Protective works may be carried out prior to commencing construction of the Proposed Development, during construction of the Proposed Development or up to five years after the Proposed Development has been completed.
- 6.4.10 Relevant notices must be served on the owners and occupiers of the building or land. An owner or occupier suffering loss would be entitled to compensation.

### **Article 22 - Authority to survey and investigate the land**

- 6.4.11 This article permits the Applicant to enter any of the land within the Order Limits for the purposes of surveys. Landowners are entitled to notice and compensation for loss or damage as a result of the Applicant's survey works.

### **Article 37 – Apparatus and rights of statutory undertakers in closed streets**

- 6.4.12 This article governs what happens to statutory undertakers' apparatus under streets that are stopped up by the DCO.



## Article 40 - Special Category Land

- 6.4.13 This article confirms that the special category land identified in the **Book of Reference [EN010157/APP/4.2]** and **Land Plans [EN010157/APP/2.4]** is discharged from all right, trusts and incidents to which it was previously subject in so far as they are inconsistent with the rights in the DCO.
- 6.4.14 Further details on special category land are set out in Section 10 (Special considerations affecting the land).

## Article 41 – Crown rights

- 6.4.15 This article confirms that the Applicant is unable to use, enter upon, or interfere with any land or rights belonging to the Crown or any government department without their consent in writing. This does not apply to interests which for the time being are held otherwise than by or on behalf of the Crown. There is Crown land within the Order Limits and this cannot be acquired without consent. Crown land is set out on the **Crown Land Plans [EN10157/APP/2.6]**.

## Article 45 – Felling or lopping of trees and removal of hedgerows

- 6.4.16 This article allows the Applicant to fell or lop any tree or shrub within, or overhanging, the Order Limits. It also enables the Applicant to remove the hedgerows identified in Schedule 13 or any such hedgerow as otherwise needed for the purposes of the authorised development or in connection with the Order Limits.

# 7. Justification for powers of compulsory acquisition

## 7.1 Legislation and CA Guidance

- 7.1.1 As stated above, section 122 of the PA 2008 provides that a DCO that includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) of the PA 2008 are met.<sup>16</sup> The first condition (section 122(2)) requires one of three criteria to be met, as follows:
- the land is required for the development to which the development consent relates; or
  - the land is required to facilitate or is incidental to that development; or

<sup>16</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>



- the land is replacement land to be given in exchange under section 131 or 132 of the PA 2008.
- 7.1.2 The second condition (section 122(3)) is that there is a compelling case in the public interest for compulsory acquisition.<sup>17</sup>
- 7.1.3 Paragraphs 12 and 13 of the CA Guidance also identify that for the second condition to be met the Secretary of State will need to be persuaded 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.<sup>18</sup>
- 7.1.4 The CA Guidance sets out the following general matters which a promoter of a proposed development must be able to demonstrate to the satisfaction of the Secretary of State so as to justify an order granting development consent:
- that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored – this is dealt with in sections 7.2 and 7.3 below;
  - that the proposed interest in the land is for a legitimate purpose and is necessary and proportionate – this is dealt with in section 7.4 below;
  - that it has a clear idea of how it intends to use the land which it is proposing to acquire – this is dealt with in section 7.5;
  - that there is a reasonable prospect of the requisite funds becoming available- this is dealt with in section 7.6 below and in the **Funding Statement [EN010157/APP/4.3]**;
  - there is justification for interfering with the human rights of those with an interest in the land affected – this is dealt with in section 7.7 and in section 12 of this Statement; and
- 7.1.5 Together with this Statement, the **Land Plans [EN010157/APP/2.4]**; **Crown Land Plans [EN010157/APP/2.6]**, **Special Category Land Plans [EN010157/APP/2.5]** and **Works Plans [EN010157/APP/2.2]** demonstrate how and why the land included in the **draft Development Consent Order [EN010157/APP/3.1]** is required and how such land would be used. The location and extent of the rights has been carefully considered and designed in order to take the minimum amount of rights required and are necessary to deliver the

<sup>17</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>18</sup> Ministry of Housing, Communities & Local Government (2013) Planning Act 2008: procedures for the compulsory acquisition of land. Available online: [https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning\\_Act\\_2008\\_-\\_Guidance\\_related\\_to\\_procedures\\_for\\_the\\_compulsory\\_acquisition\\_of\\_land.pdf](https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf)

Proposed Development and are proportionate to the degree of interference with any private rights.

## **7.2 Site and layout selection**

- 7.2.1 Sections 4.3 to 4.6 of **ES Volume 1, Chapter 4: Alternatives and Design Iteration [EN010157/APP/6.1]**, **Site Selection Assessment, Appendix 2 to the Planning Statement [EN010157/APP/5.5]** and the **Consultation Report [EN010157/APP/5.1]** details the process the Applicant has taken to assess and determine the extent and optimal layout of the Order Limits required for the Proposed Development. Those documents provide a narrative of the modifications made to the Proposed Development with regards to the refinement of the Land Areas and Cable Routes.

## **7.3 Alternatives to compulsory acquisition**

- 7.3.1 In order to construct, operate, maintain and decommission the Proposed Development, land and rights in the ownership of parties other than the Applicant would need to be acquired. Given the size and nature of the Site, acquisition and/or use of third-party land cannot be avoided. However, the Applicant has considered alternatives and modifications to the Proposed Development to minimise the potential rights and interests that are required.
- 7.3.2 The **Book of Reference [EN010157/APP/4.2]** and the **Land Plans [EN010157/APP/2.4]** show the land and rights in land that are required for the Proposed Development and identify persons with an interest in the land. In each case the land and/or rights sought are necessary to deliver the Proposed Development and are proportionate to the degree of interference with the interests and rights of landowners.
- 7.3.3 As set out at section 8 of this Statement, the Applicant has entered into agreements with various landowners for much of the land required for the solar panels and associated infrastructure for the Proposed Development and will continue to seek to acquire all land and rights it needs by voluntary agreement, subject to the DCO being made.
- 7.3.4 The Applicant undertook non-statutory consultation in October – November 2023, statutory consultation in May – July 2024 and targeted consultation in October – November 2024 and is pursuing engagement with all persons with an interest in the relevant land in order to try to avoid the need for compulsory acquisition. For further details, please see section 8 below.

- 7.3.5 This approach to making the DCO Application in parallel to conducting negotiations to acquire rights in land by agreement is in accordance with paragraph 25 of the CA Guidance.<sup>19</sup>
- 7.3.6 The Applicant seeks compulsory powers to acquire land and rights in land under the DCO from all relevant landowners, notwithstanding that voluntary agreements for purchase of land and/or the grant of rights may have, or will be, entered into, for the following reasons:
- An option may be obtained by agreement prior to the DCO Application or during the application process, rather than the substantive right itself. The compulsory powers therefore provide a fallback should the voluntary agreements fail and cover instances where the person with an interest in land is unwilling to, or cannot, grant the relevant land interest or right at the time when the option is exercised.
  - Including all interests in the DCO allows all required land or rights to be obtained in the same way and through one process, potentially through General Vesting Declaration (GVD).
  - Compulsory acquisition by GVD is effective against all interests in the land, so avoiding the risk of a failure to disclose a relevant interest; the GVD is effective even against unknown interests.
  - Compulsory powers are also more readily enforceable, so reducing additional risk, cost and delay.
  - Without the powers of compulsory acquisition, the national need for the Proposed Development could not be met because the land and rights required in the land subject to the DCO may not be assembled, uncertainty as to the ability to construct, operate and maintain the Proposed Development will continue and the Applicant considers that its objectives would not be achieved.

## **7.4 The proposed interest in the land is legitimate, necessary and proportionate**

- 7.4.1 The need for the Proposed Development is explained in the **Statement of Need** which is appended to the **Planning Statement [EN010157/APP/5.5]** and compulsory acquisition of land and rights in land is necessary to enable the Applicant to meet that need and deliver the Proposed Development.

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<sup>19</sup> Ministry of Housing, Communities & Local Government (2013) Planning Act 2008: procedures for the compulsory acquisition of land. Available online: [https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning\\_Act\\_2008\\_-\\_Guidance\\_related\\_to\\_procedures\\_for\\_the\\_compulsory\\_acquisition\\_of\\_land.pdf](https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf)

- 7.4.2 Without the compulsory acquisition of the necessary interests in land, the delivery of the Proposed Development cannot be guaranteed. As contemplated by the PA 2008 it is a proportionate use of compulsory acquisition powers to acquire land and rights in land for the Proposed Development.
- 7.4.3 Where appropriate, the Applicant has sought to take powers to temporarily use land, rather than the compulsory acquisition of land or rights. In particular, the Applicant has included within the Order Limits no more land than is reasonably required for the purposes described in **Appendix A** of this Statement such that the proposed use of land, for the purpose of delivering the Proposed Development, is proportionate and justifiable.
- 7.4.4 Where lesser interests or rights are sufficient, this is identified in the **Book of Reference [EN010157/APP/4.2]**.
- 7.4.5 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. This entitlement to compensation is provided for by the existing compensation code. Furthermore, Article 26 of and Schedule 9 to the **draft Development Consent Order [EN010157/APP/3.1]** provide a mechanism by which an entitlement to compensation may arise in the context of the compulsory acquisition of new rights. The Applicant has the resources to pay such compensation as demonstrated in the **Funding Statement [EN010157/APP/4.3]**.
- 7.4.6 Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.

## **7.5 Clear idea of intentions of how land proposed to be acquired will be used**

- 7.5.1 The Applicant has a clear idea of how it intends to use the land and **Appendix A** of this Statement sets out the particular purposes for which each plot of land is proposed to be compulsorily acquired or used temporarily.

## **7.6 Availability of funds for compensation**

- 7.6.1 The CA Guidance indicates that an applicant should be able to demonstrate that there is a “*reasonable prospect*” of the requisite funds becoming available. The **Funding Statement [EN010157/APP/4.3]** which accompanies the DCO Application sets out how the Proposed Development would be funded and demonstrates that there is a reasonable prospect of the requisite funds being available both to pay any compensation arising from the exercise of the

compulsory acquisition and temporary use powers and, indeed, to construct the Proposed Development.

## 7.7 Justification for interfering with the human rights of those with an interest in the land affected

- 7.7.1 In preparing the draft DCO, including the seeking of powers to acquire land compulsorily and to use land temporarily, the Applicant has had regard to the relevant provisions of the European Convention on Human Rights (see section 12 below).
- 7.7.2 The Applicant has given consideration to the purposes for which the land is required, namely the delivery of the Proposed Development, in the context of the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and Article 8 of the Convention.<sup>20</sup>

## 7.8 Compelling case in the public interest

- 7.8.1 The Applicant is satisfied that the condition in section 122(3) of the PA 2008 is met and that there is a compelling case in the public interest for compulsory acquisition.
- 7.8.2 The need for and the benefits of the Proposed Development are set out in section 5 of this Statement and in the other application documents, including section 3 of the **Planning Statement [EN10157/APP/5.5]** and further detailed in the **Statement of Need** appended to the **Planning Statement**. Both documents demonstrate the very strong and compelling case in the public interest for the Proposed Development to be delivered.
- 7.8.3 In particular, the Proposed Development will be a critical part of the development of the UK's portfolio of renewable energy generation and is required to decarbonise its energy supply both quickly and securely.
- 7.8.4 The Proposed Development will deliver up to 320 MW of low-carbon, low-cost and UK-located solar electricity generation capacity connecting to the National Electricity Transmission System from National Grid Creyke Beck Substation. In addition to meeting the urgent national need for secure and affordable low-carbon energy infrastructure the Proposed Development will deliver wider benefits to the environment and the local community. Further details of which are provided in section 3.9 of the **Planning Statement [EN010157/APP/5.5]** including:

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<sup>20</sup> European Convention on Human Rights. Available online: [https://70.coe.int/pdf/convention\\_eng.pdf](https://70.coe.int/pdf/convention_eng.pdf)

- The delivery of biodiversity improvements including landscaping, habitat management and biodiversity enhancement;
- Habitat creation through new bird and bat boxes;
- Delivery of a total of approximately 12.6km of new permissive paths;
- Creation of community accessible land areas including a traditional orchard; and
- Provision of an outdoor classroom for public use

- 7.8.5 As outlined in section 5 of this Statement the policy adopted by Government strongly emphasises that solar is a key part of the Government's strategy for low-cost decarbonisation of the energy sector. Solar schemes such as the Proposed Development are required to ensure that the UK remains on track to meet its legally binding carbon emissions reduction targets, while enhancing national security of supply. As a form of low carbon energy, the Proposed Development constitutes CNP infrastructure under NPS EN-1.
- 7.8.6 Overall, the meaningful and timely contributions offered by the Proposed Development to UK decarbonisation clearly demonstrates that there would be substantial public benefits arising from the implementation and operation of the Proposed Development. Therefore, we consider that there is a compelling case in the public interest for compulsory acquisition.
- 7.8.7 The Applicant recognises that the delivery of the Proposed Development would result in private loss for those persons with an interest in land which is subject to compulsory acquisition powers. Appropriate compensation would be payable to those entitled to claim it, in line with the national Compensation Code. It is considered that this compensation would adequately compensate the private loss.
- 7.8.8 The Applicant considers that the significant public benefits arising from the making, and implementation, of the DCO, a benefit that can only be realised if compulsory acquisition powers are granted, is evidence of a compelling case in the public interest which outweighs the extent of potential private loss.
- 7.8.9 The Applicant is accordingly satisfied that the condition in subsection (3) of section 122 of PA 2008 is met.

## **8. Approach to acquiring land and rights in land by agreement**

### **8.1 Status of Negotiations**



- 8.1.1 Paragraph 25 of the CA Guidance states that an applicant should seek to acquire land by negotiation wherever practicable. Further, that the power to acquire land compulsorily should only be sought if attempts to acquire by agreement fail.<sup>21</sup>
- 8.1.2 The CA Guidance also recognises that where proposals would entail the compulsory acquisition of many separate plots of land, it may not always be practicable to acquire each plot of land by negotiated agreement. As the CA Guidance states, *“Where this is the case, it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset.”*<sup>22</sup>
- 8.1.3 The Applicant has entered into negotiations to acquire interests voluntarily and is progressing those discussions. These negotiations are not yet complete. The current position on these negotiations is set out in the **Schedule of Negotiations and Powers Sought [EN010157/APP/4.4]**. The Applicant and its advisors have also been liaising with statutory undertakers whose apparatus may be affected by the Proposed Development.
- 8.1.4 The Applicant has taken the cautious approach of seeking powers of compulsory acquisition (or rights of use) in respect of all parcels of land required for the Proposed Development, even where it already holds an interest in the land which is subject to works (with the exception of Crown land – see section 10.2 for details). The Applicant has taken this approach to ensure that it has the right to acquire the interests it needs in the whole of the Order limits – even where an unidentified owner later asserts an interest in land which the Applicant believes it owns.

## 9. Related applications, other consents

### 9.1 Other consents

- 9.1.1 The DCO will be the principal consent required to allow the Proposed Development to proceed. In addition, there are other consents, licences and permissions that the Applicant will require from relevant authorities to allow certain elements of the development to proceed.

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<sup>21</sup> Ministry of Housing, Communities & Local Government (2013) Planning Act 2008: procedures for the compulsory acquisition of land. Available online: [https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning\\_Act\\_2008\\_-\\_Guidance\\_related\\_to\\_procedures\\_for\\_the\\_compulsory\\_acquisition\\_of\\_land.pdf](https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf)

<sup>22</sup> Ministry of Housing, Communities & Local Government (2013) Planning Act 2008: procedures for the compulsory acquisition of land. Available online: [https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning\\_Act\\_2008\\_-\\_Guidance\\_related\\_to\\_procedures\\_for\\_the\\_compulsory\\_acquisition\\_of\\_land.pdf](https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf)



- 9.1.2 The Applicant is in discussion with all relevant bodies and is not aware of anything that is likely to prevent the grant of consent. The need for these other consents does not, therefore, present any obstacle to the implementation of the Proposed Development.
- 9.1.3 These additional consents are listed in the **Other Consents and Licences [EN010157/APP/5.9]**.

## 10. Special considerations affecting the land

### 10.1 Special Category Land – Figham Common

- 10.1.1 Section 132 of the PA 2008 applies to the compulsory acquisition of any rights over land forming part of a common, open space or fuel or field garden allotment. Section 132 of the PA 2008 provides that the DCO will be subject to Special Parliamentary Procedure (SPP) unless the Secretary of State is satisfied that one of the following four circumstances apply:<sup>23</sup>
- The Order Land, when burdened with the order right, will be no less advantageous than it was before to the persons in whom it is vested, other persons entitled to rights of common or other rights and the public; or
  - Replacement land has been or will be given in exchange for the order right and the replacement land has been or will be vested in the persons in whom the order land is vested and subject to the same rights, trusts and incidents as attach to the Order Land; or
  - for open space land only, replacement land in exchange is not available or is only available at a prohibitive cost, but it is strongly in the public interest for the Proposed Development to proceed sooner than SPP would allow; or
  - for open space land only, the land is only being compulsory acquired for a temporary (although possibly long-lived) purpose; or
  - the order land does not exceed 200 square metres in extent or the order right is required in connection with the widening or drainage of an existing highway or in connection partly with widening/drainage and the giving of other land is unnecessary.
- 10.1.2 Figham Common is open, flat land, made up of a combination of grazing land and marshy wetland. The Beverley Commons Act 1836 placed the management,

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<sup>23</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

letting and use of Figham Common in the body of 12 elected Pasture Masters elected annually from among the '*Pasture Freeman*'.<sup>24</sup>

- 10.1.3 The Beverley Freeman Act 2010 provides that the Beverley common pastures are vested in the East Riding of Yorkshire Council and maintain the roll of Pasture Freeman,<sup>25</sup> from which Pasture Masters are elected. Pasture Masters assess the grazing possibilities of each pasture and allocate the number of livestock allowed on each. The livestock animals that have rights to graze are cattle, sheep and horses.
- 10.1.4 As Figham Common is open land, anyone can access it to walk, to walk dogs, for bird watching or to have picnics or play games. It therefore comes within the meaning of 'open space' in section 132 of the PA 2008. Public access to the common is by foot only. Access to Figham Common is well maintained. An overhead electricity line also crosses the common on wooden poles – at a distribution voltage of up to 33kV. As part of the Dogger Bank Creyke Beck offshore wind scheme underground cables have been placed under the southern most section of the common.
- 10.1.5 The land plots within Figham Common are plots 13-6, 13-8, 14-1 and 14-3 as shown on the **Special Category Land Plans [EN010157/APP/2.5]** and described in the **Book of Reference [EN010157/APP/4.2]**. The land is required as part of the grid connection cable route.
- 10.1.6 Rights will be sought as part of the DCO Order over the special category land for the installation of electrical underground cables and ancillary apparatus and to construct, protect, operate, alter, access and maintain such works. In addition, in order to protect the cables a number of restrictive covenants are sought to prevent activities on the surface which would endanger the underground cables. The Applicant considers that the imposition of these restrictive covenants would be entirely consistent with and would not restrain the current use of the land.
- 10.1.7 The cable works will be undertaken within a 30m working width via a combination of HDD and open cut trenching. The cable trenches will be up to 1.5m in width and have a minimum depth of 1.2, and a maximum depth of 1.6m as set out in the **Design Parameters Document [EN010157/APP/5.8]**. During construction the 30m working width will be fenced off with crossing points constructed where appropriate.
- 10.1.8 The Applicant considers that section 132(3) of the PA 2008 applies and that the Order Land when burdened with the order rights will be no less advantageous to the persons to whom it is vested, those entitled to rights of common or other rights

<sup>24</sup> The Beverley Commons Act 1836. Available online: <https://www.legislation.gov.uk/ukla/Will4/6-7/70/enacted>

<sup>25</sup> The Beverley Freeman Act 2010. Available online: <https://www.legislation.gov.uk/ukla/2010/1/contents/enacted>

and the public than it currently is. Once the cable works are completed Figham Common will look no different than it did prior to the undertaking of the grid connection cable works. Furthermore, the land will be able to be used in the same manner as the Figham Pasturemen and the public are entitled to use it. There will be no permanent disturbance to the surface soil, or removal of trees or bushes.

- 10.1.9 In order to protect the cables a number of restrictive covenants are sought to be imposed over the surface of the land. The purpose of these restrictive covenants is to prevent activities on the surface which would endanger underground cables. The Applicant considers that the imposition of these restrictive covenants is entirely consistent with and would not restrain the use of the land.
- 10.1.10 Therefore, the Applicant considers that based on the above information, that the common land when burdened with the rights sought by the Applicant will be no less advantageous to the Figham Pasturemen or the public.

## 10.2 Crown Land

- 10.2.1 The Crown land affected (plot 13-4) is shown on the **Crown Land Plans [EN010157/APP/2.6]** and described in Part 4 of the **Book of Reference [EN010157/APP/4.2]**. It is the bed of the River Hull under which the Applicant proposes to HDD a 132 kV cable as part of the cable connection from the solar panels to the National Grid Creyke Beck Substation.
- 10.2.2 Section 227 of the PA 2008 defines ‘Crown land’ as any land in which there is a Crown interest.<sup>26</sup> A Crown interest includes, amongst others, an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department.
- 10.2.3 Section 135 of the PA 2008 provides protection for Crown land against compulsory acquisition. It provides that a DCO may authorise, with the consent of the Crown, the compulsory acquisition of an interest held in Crown land which, for the time being, is held otherwise than by or on behalf of the Crown, and the appropriate Crown authority consents to the acquisition. Any interests held wholly by the Crown are not capable of being compulsorily acquired.
- 10.2.4 The Applicant has made contact with the Crown Estate prior to submission of the DCO Application. Updates on the status of negotiations will be provided during the examination period.
- 10.2.5 For the avoidance of doubt, in accordance with article 41 of the **draft Development Consent Order [EN010157/APP/3.1]**, nothing in the draft

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<sup>26</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

Development Consent Order authorises the Applicant to take, use, enter upon or interfere with any Crown land without consent of the relevant Crown body.

## 10.3 Statutory undertakers' land

- 10.3.1 The **draft Development Consent Order [EN010157/APP/3.1]**, if made, will authorise the compulsory acquisition of land and rights in statutory undertakers' land. This land is held by various statutory undertakers for the purposes of carrying out their statutory undertakings.
- 10.3.2 Statutory undertakers' and other apparatus owners that are known to have equipment on, in or over Order Land are included in the **Book of Reference [EN010157/APP/4.2]**. The Applicant has identified the following statutory undertakers that may have an interest or apparatus within the Order Land:
- National Grid Electricity Transmission plc (NGET)
  - East Riding of Yorkshire Council
  - National Gas
  - The Environment Agency
  - Northern Powergrid (Yorkshire) plc
  - National Highways
  - Yorkshire Water
  - British Telecommunications Public Limited Company
  - KCOM
  - Northern Gas Networks
- 10.3.3 Section 127 (2) of the PA 2008 provides that a DCO may only authorise the compulsory acquisition of statutory undertaker land where a representation has been made by the statutory undertaker if) the SoS is satisfied of the matters in subsection (3):
- the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
  - if purchased, the land can be replaced by other land belonging to, or available for acquisition by, the undertaker without serious detriment to the carrying on of the undertaking.
- 10.3.4 Section 127 (5) of the PA 2008 provides that a DCO may only authorise the compulsory acquisition of rights over statutory undertaker land where a representation has been made by the statutory undertaker if the SoS is satisfied of the matters in subsection (6):<sup>27</sup>

<sup>27</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

- the rights can be acquired without any serious detriment to the carrying on of the undertaking; or
- any consequential detriment to the carrying on of the undertaking can be made good by the undertaker by using of other land belonging to or available for acquisition by the undertaker.

10.3.5 The Applicant has, during preparation of the DCO Application, been in discussions with all relevant statutory undertakers about the proposed permanent compulsory acquisition and compulsory acquisition of rights. A summary of discussions is set out in the **Schedule of Negotiations and Powers Sought [EN010157/APP/4.4]**. The Applicant continues to engage with statutory undertakers.

10.3.6 Protection for statutory undertakers' assets is included within the protective provisions in Schedule 12 to the **draft Development Consent Order [EN010157/APP/3.1]**.

10.3.7 The Applicant considers that the statutory undertakers will not suffer serious detriment to the carrying on of their undertaking as a result of the compulsory acquisition of the land or as a result of the acquisition of rights over land. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.

10.3.8 Section 138 of the PA 2008 applies if a DCO 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.<sup>28</sup>

10.3.9 For the purposes of section 138, 'relevant right' means:<sup>29</sup>

- a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land which is vested in or belongs to statutory undertakers for the purpose of carrying on their undertaking; or
- is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network.

10.3.10 'Relevant apparatus' means:<sup>30</sup>

- apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking; or
- electronic communications apparatus kept installed for the purposes of an electronic communications code network.

<sup>28</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>29</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>30</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

- 10.3.11 In accordance with section 138(4) of the PA 2008,<sup>31</sup> a DCO may only include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the DCO relates.
- 10.3.12 Article 36 of the **draft Development Consent Order [EN010157/APP/3.1]** includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers.
- 10.3.13 The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 12 of the **draft Development Consent Order [EN010157/APP/3.1]** 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.

## 11. Diligent inquiry/process/ methodology

### 11.1 Introduction

- 11.1.1 In accordance with the PA 2008, the Applicant undertook "*diligent inquiry*" to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the PA 2008.
- 11.1.2 Category 1 includes owners, lessees, tenants and occupiers of the land within the Order Limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order Limits. Category 3 includes parties who the Applicant thinks would or might, if the DCO were made and implemented, be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965<sup>32</sup> ('CPA 1965') and/or Part 1 of the Land Compensation Act 1973 ('LCA 1973'),<sup>33</sup> and/or section 152(3) of the PA 2008.<sup>34</sup>
- 11.1.3 A professional land referencing firm was employed to undertake diligent inquiry to identify these land interests. The following processes were undertaken as part

<sup>31</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>32</sup> The Compulsory Purchase Act 1965. Available online: <https://www.legislation.gov.uk/ukpga/1965/56/contents>

<sup>33</sup> The Land Compensation Act 1973. Available online: <https://www.legislation.gov.uk/ukpga/1973/26/contents>

<sup>34</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>



of the methodology to identify and consult with those with an interest in affected land.

## 11.2 Identifying persons with an interest in the Land

- 11.2.1 Persons with an interest in the land are listed in the **Book of Reference [EN010157/APP/4.2]** and have been consulted about the DCO application in accordance with section 42 of the PA 2008 and described in the **Consultation Report [EN010157/APP/5.1]**.
- 11.2.2 Land referencing has been undertaken throughout the pre-application period to ensure any changes in interest or new interests have been identified, consulted and subject to engagement.

### Category 1 and 2 persons

- 11.2.3 Identification of Category 1 and 2 persons, as defined in section 44 of the PA 2008, was undertaken at the early stages of the Proposed Development in order to inform the design of the Proposed Development and the preparation of the DCO Application.
- 11.2.4 A polygon of the search area, being the proposed land requirements (before the Order Limits shown on the **Land Plans [EN010157/APP/2.4]** was defined), was initially submitted to the Land Registry so that a Polygon Plus search could be completed in June 2023. Ongoing Land Registry searches, including edition date checks and polygon plus have been conducted throughout the preparation of the DCO Application at key project milestones including ahead of Statutory Consultation in May 2024 and targeted landowner consultation in October 2024, as well as ahead of submission of the Application, to ensure that any changes in title were identified. The official copies of the Registered Titles and Plans were examined to identify all land interests. Further Land Registry searches have been used to ensure that any changes in title in respect of Land potentially required for or affected by the Proposed Development were identified. A search of the Index Map was obtained in November 2024 ahead of DCO Application.
- 11.2.5 All relevant freehold, leasehold, mortgagee, beneficiary, other charges and restrictive covenants information was extracted and stored in the Land Referencing suppliers' database, routinely updated during preparation of the DCO Application. All parties identified through the Land Registry searches were contacted by the land referencing supplier through the land referencing process. This included issuing a Land Interest Questionnaire (LIQ) to all parties and issuing further forms to any new parties identified through returns. Where LIQs were not returned, further follow up letters were issued. The forms have been

supported by a number of emails and telephone calls to verify and confirm information.

- 11.2.6 On completion of the initial desk-based exercise, the extent of unregistered land interests became known. In order to establish ownership of unregistered land that falls within the Order Limits, public sources of information were used, including site visits, the Planning Portal, Companies House website, the relevant Highway Authority, records held by Statutory Undertakers, electoral registers and online resources (such as Experian and TracelQ). Discussions have also been held as part of the ongoing engagement and consultation with affected landowners which revealed a number of interested parties in unregistered land.
- 11.2.7 The information obtained from the above exercises was used to populate Part 1, Part 2 and Part 3 of the **Book of Reference [EN010157/APP/4.2]**.

### **Category 3 persons who may fall under section 10 of the Compulsory Purchase Act 1965 (CPA 1965), section 152(3) of the PA 2008 and/or Part 1 of the Land Compensation Act 1973 (LCA 1973)**

- 11.2.8 Category 3 persons are those with potential claims under the above legislation should the Proposed Development be carried out. They mainly relate to those whose land may be injuriously affected (i.e. its value would be diminished) as a result of interference with a right or interest as a result of the proposed scheme, although the land in question is not acquired outright.
- 11.2.9 Identification of Category 3 persons, as defined in section 44 of the PA 2008 was undertaken at an early stage in order to inform the design of the Proposed Development and preparation of the DCO Application.
- 11.2.10 In order to identify potential Category 3 persons who may have a claim pursuant to section 10 of the CPA 1965, a desk-based assessment was carried out to identify properties with a potential claim, including review of property accessways and interrogation of registered rights found on HM Land Registry titles. In addition, site visits were used in order to assess properties that the team may not have been aware of from their desk-based assessment. The Applicant has identified potential Category 3 interests who may have a claim pursuant to section 10 of the CPA 1965 and these interests are recorded in Part 2 of the **Book of Reference [EN010157/APP/4.2]**.
- 11.2.11 Through diligent inquiry, the Applicant considers that there are no persons who may be entitled to make a relevant claim as a Category 3 interest pursuant to Part 1 of the LCA 1973 in relation to the following matters: noise, vibration, smell, fumes, smoke, light emissions, discharge of solid or liquid substances. The relevant factors considered by the Applicant that could have significance to proposals of this nature were noise and vibration. Section 12.4 of **ES Volume 2**,

**Chapter 12: Noise and Vibration [EN010157/APP/6.2]** sets out the scope of the noise and vibration assessments made. These assessments concluded there is a low likelihood of significant adverse noise and impacts resulting from the operational phase of the Proposed Development. These matters are considered in detail in **ES Volume 2, Chapter 12: Noise and Vibration [EN010157/APP/6.2]**.

11.2.12 The Applicant wrote to those people thought to be affected and notices under section 56 of the PA 2008 will continue to be provided to any additional parties that the Applicant becomes aware of should the DCO Application be accepted for examination by the Planning Inspectorate.

### **Contact Referencing**

11.2.13 Following the initial non-contact (desktop) methods outlined in the previous sections, persons identified as having an interest in the Land or a potential claim were issued with a letter and questionnaire requesting return of information about their interests in the Land.

11.2.14 LIQs were issued in March and April 2024, with further requests sent when new parties were identified as part of the ongoing land referencing. Chaser letters, alongside follow up emails and phone calls where possible were used to improve response rate and gain further confirmation of any land interests. This identification process will continue ahead of and during the DCO Examination, if any new land interests are found.

11.2.15 Where there was unregistered land or land with an unknown interest within the Order Limits, site notices were affixed on or adjacent to the land in order to identify and notify any unknown interest and parties of the project and include them in correspondence. This process was repeated during the Statutory Consultation and will be repeated again under section 56 of the PA 2008 and any further examination notice requirements.

## **12. Justification for interference with human rights and equalities impact**

### **12.1 The Human Rights Act: Relevant Convention Rights**

- 12.1.1 The European Convention on Human rights (the Convention)<sup>35</sup> was applied within UK domestic law by the Human Rights Act 1998 (the HRA).<sup>36</sup>
- 12.1.2 The articles of the Convention that are relevant when determining whether a DCO should be made, which includes powers of compulsory acquisition, are Article 1 of the First Protocol to the Convention, Article 6 and Article 8.<sup>37</sup>
- 12.1.3 The Secretary of State must be persuaded that the purposes for which an order authorises the compulsory acquisition of land are sufficient to justify interfering with the human rights of those with an interest in the land.
- 12.1.4 Article 1 of the First Protocol to the Convention protects the right of everyone to the peaceful enjoyment of possessions.<sup>38</sup> No one can be deprived of possessions except in the public interest and subject to the conditions provided by relevant national and international laws. Any interference with possessions must be proportionate and in determining whether a particular measure is proportionate, a “fair balance” should be struck between the demands of the general interest and the protection of the individual’s rights.<sup>39</sup>
- 12.1.5 Article 6 entitles those affected by powers sought for the proposed development to a fair and public hearing by an independent and impartial tribunal.<sup>40</sup> These requirements could be secured by the availability of judicial review if the decision making is not considered to be independent within the meaning of Article 6.
- 12.1.6 Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence.<sup>41</sup> No public authority may interfere with these interests except if it is in accordance with the law and is necessary in the interests of, inter alia, national security, public safety or the economic well-being of the country. As with Article 1 of the First Protocol to the Convention, any interference if justified, must be proportionate.

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<sup>35</sup> The European Convention on Human Rights. Available online: [https://70.coe.int/pdf/convention\\_eng.pdf](https://70.coe.int/pdf/convention_eng.pdf)

<sup>36</sup> The Human Rights Act 1998. Available online: <https://www.legislation.gov.uk/ukpga/1998/42/contents>

<sup>37</sup> The European Convention on Human Rights. Available online: [https://70.coe.int/pdf/convention\\_eng.pdf](https://70.coe.int/pdf/convention_eng.pdf)

<sup>38</sup> The European Convention on Human Rights. Available online: [https://70.coe.int/pdf/convention\\_eng.pdf](https://70.coe.int/pdf/convention_eng.pdf)

<sup>39</sup> The European Convention on Human Rights. Available online: [https://70.coe.int/pdf/convention\\_eng.pdf](https://70.coe.int/pdf/convention_eng.pdf)

<sup>40</sup> The European Convention on Human Rights. Available online: [https://70.coe.int/pdf/convention\\_eng.pdf](https://70.coe.int/pdf/convention_eng.pdf)

<sup>41</sup> The European Convention on Human Rights. Available online: [https://70.coe.int/pdf/convention\\_eng.pdf](https://70.coe.int/pdf/convention_eng.pdf)

- 12.1.7 The Proposed Development has the potential to infringe the human rights of persons who own property within the Order Limits or have rights over the land within the Order Limits. Such infringement is authorised by law provided that:
- the statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
  - any interference with any Convention right is proportionate to the aim served.

## **12.2 Compliance with the Convention and the Human Rights Act**

- 12.2.1 The Applicant is satisfied that, although Convention rights are likely to be engaged, the Proposed Development will not conflict with Convention rights and will be proportionate in that there is a compelling case in the public interest for the Proposed Development which outweighs the impact on individual rights. In this context, it is relevant that those affected will be entitled to compensation.
- 12.2.2 With regard to Article 1, First Protocol and Article 8, the Applicant has weighed up any interference with these Convention rights as a result of including compulsory powers within the DCO against the potential public benefits if the DCO is made. First, the Applicant considers that there would be very significant public benefit arising from the grant of the DCO. That benefit can only be realised if the DCO includes the grant of powers of compulsory acquisition and temporary use. The Applicant has concluded that the significant public benefits outweigh the effects of the DCO upon persons who own property in the Order Limits such that there would not be a disproportionate interference with their Article 8 and Article 1, First Protocol rights. The need for the Proposed Development is clear and is of national importance, as detailed in section 5. Second, those affected by the exercise of compulsory acquisition or temporary use powers will be entitled to compensation and the Applicant has the resources to provide such compensation.
- 12.2.3 As for Article 6, third parties have been able to make representations on the DCO Application whilst it is being prepared. In accordance with Part 5 of the PA 2008,<sup>42</sup> the Applicant consulted persons set out in the categories contained in section 44 of the PA 2008.<sup>43</sup> This included the known owners and occupiers of land within the Order Limits and those who might be able to make claims either under section 10 of the CPA 1965 in respect of injurious affection,<sup>44</sup> or under Part 1 of the

<sup>42</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>43</sup> The Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>44</sup> The Compulsory Purchase Act 1965. Available online: <https://www.legislation.gov.uk/ukpga/1965/56/contents>



LCA1973 in respect of compensation for depreciation caused.<sup>45</sup> The beneficiaries of restrictive covenants and other rights that would be overridden by the exercise of powers in the DCO would be capable of making claims under section 10 of the CPA 1965.

- 12.2.4 Furthermore, representations can be made by way of objections to the DCO Application in response to any notice given under section 56 of the PA 2008 ('Notifying persons of accepted application'). The PA 2008 provides for a detailed examination of any application for a DCO by an independent Examining Authority (ExA). The examination includes careful scrutiny of any powers of compulsory acquisition or other compulsory powers, to ensure that they are justified and proportionate. Although the examination is a process mainly conducted in writing, where the ExA received one or more requests for a compulsory acquisition hearing from affected persons within the date specified, it must cause a hearing to be held. All affected persons are invited to these compulsory acquisition hearings, and have the opportunity to make oral representations about the compulsory acquisition requests.
- 12.2.5 Should the DCO be made, a person aggrieved may challenge the DCO by judicial review in the High Court if they consider that the grounds for doing so are made out. In relation to disputes about compensation, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), an independent tribunal.
- 12.2.6 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. This entitlement to compensation is provided for by the existing compensation code. Furthermore, Article 26 of and Schedule 9 to the **draft Development Consent Order [EN10157/APP/3.1]** provide a mechanism by which an entitlement to compensation may arise in the context of the compulsory acquisition of new rights. The Applicant has the resources to pay such compensation as demonstrated in the **Funding Statement [EN10157/APP/4.3]**.
- 12.2.7 For these reasons, the Applicant considers that the inclusion of powers of compulsory acquisition would not breach the Convention rights of those whose are affected and that it would be appropriate and proportionate to make the DCO, including the grant of powers of compulsory acquisition.

## 12.3 Consideration of duties under the Equality Act 2010

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<sup>45</sup> The Land Compensation Act 1973. Available online: <https://www.legislation.gov.uk/ukpga/1973/26/contents>



- 12.3.1 In order to assist the Secretary of State in discharging his duties under section 149 of the Equality Act 2010,<sup>46</sup> the Applicant has had due regard to the need to:
- eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010;
  - advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## 13. Conclusions

- 13.1.1 This Statement sets out why compulsory acquisition and temporary powers have been sought in the DCO Application and explains why the Applicant considers such powers to be necessary, proportionate, and justified.
- 13.1.2 The Applicant submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the DCO for the purposes of the Proposed Development meets the conditions of section 122 of the PA 2008.
- 13.1.3 The Applicant has entered into voluntary option agreements with the freehold owners of the majority of the Land Areas on which Solar PV Development, green infrastructure and habitat creation will be situated. However, it is worth noting that some Land Areas include plots of land which are required to facilitate highway works for which the Applicant has issued Heads of Terms to voluntarily secure the requisite rights. With regard to the acquisition of permanent rights over land required for the grid connection cable route, negotiations are ongoing and all relevant interest holders have been issued with Heads of Terms to voluntarily secure those rights. For the remaining land where agreement cannot be reached, the acquisition of land and rights (including restrictive covenants) and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is no more than is reasonably required to facilitate or is incidental to the Proposed Development.
- 13.1.4 Furthermore, the land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is proportionate as shown in the **draft Development Consent Order [EN010157/APP/3.1]**, the **Land Plans [EN010157/APP/2.4]**, **Crown Land Plans [EN/010157/APP/2.6]**, **Special Category Land Plans [EN/010157/APP/2.5]**, **Works Plans [EN/010157/APP/2.2]**, and other information both in this Statement and

<sup>46</sup> The Equality Act 2010. Available Online: <https://www.legislation.gov.uk/ukpga/2010/15/contents>

documents accompanying the DCO Application. The Applicant has set out clear and specific proposals for how the Site will be used. The purpose for which part of the land is required is set out in **Appendix A** of this Statement.

- 13.1.5 An explanation has been provided as to how it is expected that the construction of the Proposed Development and the acquisition of the land and or rights 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.
- 13.1.6 The Applicant has provided details of the need for and benefits of the Proposed Development at section 5 of this Statement and in the **Planning Statement [EN010157/APP/5.5]** and the **Statement of Need** which is appended to the **Planning Statement [EN010157/APP/5.5]**. The Proposed Development represents a timely and needed contribution to the development of the UK's low carbon infrastructure which is needed to reach the country's decarbonisation goals, whilst also ensuring security of energy supply.
- 13.1.7 Given the nature of the cabling works and rights that are sought in Figham Common the Applicant submits that when burdened with the order right, will be no less advantageous than it was before to the persons in whom it is vested, other persons entitled to rights of common or other rights and the public. Therefore, the Applicant considers that the test in section 13 of the PA 2008 is met.
- 13.1.8 The Applicant has consulted all persons affected by the compulsory acquisition and temporary possession powers and persons who may have a claim for compensation arising from the Proposed Development. It has consulted such persons during preparation of the DCO Application and in the design of the Proposed Development to address their concerns and to ensure that any impacts are reduced or removed. The Applicant is seeking to acquire any interests in the land by agreement wherever practicable. The record of engagement and status of negotiations is set out in the **Schedule of Negotiations and Powers Sought [EN010157/APP/4.4]**.
- 13.1.9 The proposed interference with the human rights of those with an interest in the Order Limits 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 of the Order land would decisively outweigh the private loss that would be suffered by those whose land is to be acquired.
- 13.1.10 Without the grant of compulsory acquisition and temporary possession powers, the Applicant considers that it will not be possible to construct the Proposed Development, or realise the public benefits arising from it.

## **Appendix A - Plots over which permanent acquisition of all interests in land, acquisition of new rights or imposition of restrictive covenants and temporary possession powers are required**

The specific purpose for which each plot of land subject to compulsory acquisition or temporary possession powers is required is set out in this appendix. The first column of each table identifies the plot number as shown on the **Land Plans [EN010157/APP/2.4]** and used in the **Book of Reference [EN010157/APP/4.2]**. The second column refers to the relevant Work Number as depicted in the **Work Plans [EN010157/APP/2.2]** and listed in the **draft Development Consent Order [EN010157/APP/3.1]**. The third column sets out the purpose for which rights are sought in relation to the Proposed Development. There are three tables as follows:

- Table A1 - Permanent acquisition of all interests in land
- Table A2 - Permanent acquisition of Rights and Imposition of Restrictions
- Table A3 - Temporary use of land

## Part 1 – Permanent acquisition of all interests in land

**Table A1 Permanent acquisition of all interests in land – by plot number**

| Plot Ref.<br>(Sheet/<br>Plot) | Purpose<br>(Work No.) | Purpose for which permanent acquisition is sought.  |
|-------------------------------|-----------------------|---|
| 1-1                           | 1B, 2, 3              | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;   |
| 1-3                           | 3, 9                  | Works including electrical cables and other works ;<br>Works to create and maintain areas of green infrastructure and habitat management  |
| 1-4                           | 1B, 2, 3, 7, 9        | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Temporary construction and decommissioning compounds;<br>Works to create and maintain areas of green infrastructure and habitat management |
| 1-5                           | 1B, 2, 3              | A ground mounted solar photovoltaic generating station;   |

|       |                |  |
|-------|----------------|--|
|       |                | A battery energy storage system;<br>Works including electrical cables and other works;   |
| 1-6   | 1B, 2, 3       | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;  |
| 1-13  | 3, 8           | Works including electrical cables and other works;<br>Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 1-14  | 1B, 2, 3, 7, 8 | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Temporary construction and decommissioning compounds<br>Works to facilitate access to Works Nos. 1 to 7 and 9;  |
| 2-3   | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 2-4   | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 2-5   | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 2-6   | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 2-9   | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 2-10  | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 2-11  | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 2-12a | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 2-13  | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 2-15  | 1D, 2, 3, 7, 8 | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Temporary construction and decommissioning compounds;<br>Works to facilitate access to Works Nos. 1 to 7 and 9; |

|      |                   |  |
|------|-------------------|--|
| 2-16 | 1D, 2, 3, 7, 8, 9 | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Temporary construction and decommissioning compounds;<br>Works to facilitate access to Works Nos. 1 to 7 and 9;<br>Works to create and maintain areas of green infrastructure and habitat management; |
| 2-17 | 1D, 2, 3, 8, 9    | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Works to facilitate access to Works Nos. 1 to 7 and 9;<br>Works to create and maintain areas of green infrastructure and habitat management;  |
| 2-18 | 3                 | Works including electrical cables and other works;   |
| 2-20 | 3                 | Works including electrical cables and other works;   |
| 2-21 | 3                 | Works including electrical cables and other works;   |
| 3-1  | 1B, 2, 3          | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;  |
| 3-3  | 1B, 2, 3, 7       | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Temporary construction and decommissioning compounds;   |
| 3-4  | 1B, 2, 3          | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;  |
| 3-5  | 8                 | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 3-6  | 8                 | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 3-8  | 8                 | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 3-9  | 8                 | Works to facilitate access to Works Nos. 1 to 7 and 9;   |



|      |                            |  |
|------|----------------------------|--|
| 3-10 | 3, 8                       | Works including electrical cables and other works;<br>Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 3-11 | 3,                         | Works including electrical cables and other works;   |
| 3-12 | 1B, 2, 3, 7, 9             | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Temporary construction and decommissioning compounds;<br>Works to create and maintain areas of green infrastructure and habitat management;       |
| 3-16 | 3                          | Works including electrical cables and other works;   |
| 3-17 | 3                          | Works including electrical cables and other works;   |
| 3-19 | 3                          | Works including electrical cables and other works;   |
| 3-20 | 3                          | Works including electrical cables and other works;   |
| 4-2  | 8                          | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 4-3  | 8                          | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 4-6  | 8                          | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
|      |                            |  |
| 4-11 | 8                          | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 4-12 | 8                          | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 5-1  | 1D 2, 3                    | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;  |
| 5-3  | 1C 2, 3, 4B,<br>5, 7, 8, 9 | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Development of onsite substations;<br>Works to lay electrical cables up to 132 kilovolt;<br>Temporary construction and decommissioning compounds; |

|      |                           |   |
|------|---------------------------|---|
|      |                           | Works to facilitate access to Works Nos. 1 to 7 and 9;<br>Works to create and maintain areas of green infrastructure and habitat management;  |
| 5-4  | 1D, 2, 3, 5, 9            | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Works to lay electrical cables up to 132 kilovolt<br>Works to create and maintain areas of green infrastructure and habitat management;  |
| 5-7  | 8                         | Works to facilitate access to Works Nos. 1 to 7 and 9;  |
| 5-9  | 8                         | Works to facilitate access to Works Nos. 1 to 7 and 9;  |
| 5-12 | 1C, 2, 3, 9               | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Works to create and maintain areas of green infrastructure and habitat management;   |
| 6-1  | 1D, 2, 3                  | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;   |
| 6-2  | 1D, 1E, 2, 3, 4A, 7, 8, 9 | A ground mounted solar photovoltaic generating station;<br>A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Development of onsite substations;<br>Temporary construction and decommissioning compounds;<br>Works to facilitate access to Works Nos. 1 to 7 and 9;<br>Works to create and maintain areas of green infrastructure and habitat management; |
| 6-4  | 1D, 2, 3, 7, 8, 9         | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Temporary construction and decommissioning compounds;<br>Works to facilitate access to Works Nos. 1 to 7 and 9;  |

|     |                |  |
|-----|----------------|--|
|     |                | Works to create and maintain areas of green infrastructure and habitat management;   |
| 6-5 | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 6-6 | 9              | Works to create and maintain areas of green infrastructure and habitat management;   |
| 7-1 | 1E, 2, 3, 9    | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Works to create and maintain areas of green infrastructure and habitat management;  |
| 7-2 | 1E, 2, 3, 9    | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Works to create and maintain areas of green infrastructure and habitat management;  |
| 7-3 | 9              | Works to create and maintain areas of green infrastructure and habitat management;   |
| 8-1 | 1C, 2, 3, 7, 9 | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Temporary construction and decommissioning compounds;<br>Works to create and maintain areas of green infrastructure and habitat management; |
| 8-4 | 1C, 2, 3, 9    | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Works to create and maintain areas of green infrastructure and habitat management;  |
| 9-2 | 8, 9           | Works to facilitate access to Works Nos. 1 to 7 and 9;<br>Works to create and maintain areas of green infrastructure and habitat management;   |
| 9-3 | 8              | Works to facilitate access to Works Nos. 1 to 7 and 9;<br>Works to create and maintain areas of green infrastructure and habitat management;   |
| 9-4 | 1E, 2, 3, 7, 9 | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;  |

|      |                   |  |
|------|-------------------|--|
|      |                   | Temporary construction and decommissioning compounds;<br>Works to create and maintain areas of green infrastructure and habitat management;  |
| 9-9  | 1E, 2, 3, 9       | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Works to create and maintain areas of green infrastructure and habitat management;  |
| 10-1 | 8, 9              | Works to facilitate access to Works Nos. 1 to 7 and 9;<br>Works to create and maintain areas of green infrastructure and habitat management;   |
| 10-2 | 1E, 2, 3          | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;  |
| 10-3 | 1E, 2, 3, 7, 8, 9 | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Temporary construction and decommissioning compounds;<br>Works to facilitate access to Works Nos. 1 to 7 and 9;<br>Works to create and maintain areas of green infrastructure and habitat management; |
| 11-1 | 1F, 2, 3          | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;  |
| 12-3 | 1F, 2, 3, 8, 9    | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Works to facilitate access to Works Nos. 1 to 7 and 9;<br>Works to create and maintain areas of green infrastructure and habitat management;  |
| 12-4 | 1F, 2, 3, 8       | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Works to facilitate access to Works Nos. 1 to 7 and 9;  |

|      |                   |  |
|------|-------------------|--|
| 12-5 | 3, 9              | Works including electrical cables and other works;<br>Works to create and maintain areas of green infrastructure and habitat management;   |
| 12-6 | 1F, 2, 3, 7, 8, 9 | A ground mounted solar photovoltaic generating station;<br>A battery energy storage system;<br>Works including electrical cables and other works;<br>Temporary construction and decommissioning compounds;<br>Works to facilitate access to Works Nos. 1 to 7 and 9;<br>Works to create and maintain areas of green infrastructure and habitat management; |
| 12-7 | 3                 | Works including electrical cables and other works;   |
| 12-8 | 3, 9              | Works including electrical cables and other works;<br>Works to create and maintain areas of green infrastructure and habitat management;   |
| 12-9 | 3, 9              | Works including electrical cables and other works;<br>Works to create and maintain areas of green infrastructure and habitat management;   |

## Part 2 – Acquisition of rights and imposition of restrictions

**Table A2 Permanent acquisition of rights or imposition of restrictions in land – by plot number**

| Plot Ref.<br>(Sheet/<br>Plot) | Purpose<br>(Work<br>No.) | Purpose for which acquisition of rights to be taken or imposition of restriction                             |
|-------------------------------|--------------------------|--|
| 1-2                           | 3                        | Works including electrical cables and other works;   |
| 1-7                           | 3                        | Works including electrical cables and other works;   |
| 1-8                           | 3, 8                     | Works including electrical cables and other works;<br>Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 1-15                          | 8                        | Works to facilitate access to Works Nos. 1 to 7 and 9;   |

|       |   |  |
|-------|---|--|
| 2-12b | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 2-19  | 3 | Works including electrical cables and other works;     |
| 2A-4  | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 3-2   | 3 | Works including electrical cables and other works;     |
| 3-13  | 3 | Works including electrical cables and other works;     |
| 3-14  | 3 | Works including electrical cables and other works;     |
| 3-15  | 3 | Works including electrical cables and other works;     |
| 3-18  | 3 | Works including electrical cables and other works;     |
| 4-7   | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 5-2   | 3 | Works including electrical cables and other works;     |
| 5-5   | 5 | Works to lay electrical cables up to 132 kilovolt;     |
| 5-6   | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 5-8   | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 5-10  | 5 | Works to lay electrical cables up to 132 kilovolt;     |
| 5-11  | 5 | Works to lay electrical cables up to 132 kilovolt;     |
| 6-3b  | 3 | Works to lay electrical cables and other works;        |
| 6-7   | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 8-2   | 3 | Works including electrical cables and other works;     |
| 8-3   | 3 | Works including electrical cables and other works;     |
| 9-5   | 3 | Works including electrical cables and other works;     |
| 9-6   | 3 | Works including electrical cables and other works;     |
| 9-7   | 3 | Works including electrical cables and other works;     |



|       |      |  |
|-------|------|--|
| 9-8   | 3    | Works including electrical cables and other works;   |
| 10-7  | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 10-8  | 3    | Works including electrical cables and other works;   |
| 10-10 | 3    | Works including electrical cables and other works;   |
| 10-11 | 3    | Works including electrical cables and other works;   |
| 10-12 | 3, 5 | Works including electrical cables and other works;<br>Works to lay electrical cables up to 132 kilovolt; |
| 10-13 | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 13-1  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 13-2  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 13-3  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 13-4  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 13-5  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 13-6  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 13-7  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 13-8  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 14-1  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 14-2  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 14-3  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 14-4  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 14-5  | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 14-6  | 5, 8 | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 14-7  | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 14-8  | 5, 8 | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 14-9  | 5, 8 | Works to facilitate access to Works Nos. 1 to 7 and 9;   |

|       |      |  |
|-------|------|--|
| 14-10 | 5, 8 | Works to lay electrical cables up to 132 kilovolt;<br>Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 14-11 | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 14-12 | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 14-13 | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 14-16 | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 14-17 | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 15-1  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 15-2  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 15-3  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 15-4  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 15-5  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 15-6  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 15-7  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 15-8  | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 15-9  | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 15-10 | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 15-11 | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 15-12 | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 15-13 | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 15-14 | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 15-15 | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 15-17 | 8    | Works to facilitate access to Works Nos. 1 to 7 and 9;   |
| 16-1  | 5, 8 | Works to lay electrical cables up to 132 kilovolt;<br>Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 16-2  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 16-3  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 16-4  | 5    | Works to lay electrical cables up to 132 kilovolt;   |
| 16-5  | 5    | Works to lay electrical cables up to 132 kilovolt;   |

|       |      |   |
|-------|------|---|
| 16-6  | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 16-7  | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 16-8  | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 16-9  | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 16-10 | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 16-11 | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 17-1  | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 17-2  | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 17-3  | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 17-5  | 5, 6 | Works to lay electrical cables up to 132 kilovolt;<br>Construction of electrical substation infrastructure;     |
| 17-6  | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 17-7  | 6    | Construction of electrical substation infrastructure;   |
| 17-8  | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 17-9  | 5    | Works to lay electrical cables up to 132 kilovolt;  |
| 17-10 | 6    | Construction of electrical substation infrastructure;   |
| 17-11 | 6    | Construction of electrical substation infrastructure;   |
| 17-12 | 6    | Construction of electrical substation infrastructure;   |
| 17-13 | 6, 8 | Construction of electrical substation infrastructure;<br>Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 17-14 | 6    | Construction of electrical substation infrastructure;   |
| 17-15 | 6    | Construction of electrical substation infrastructure;   |
| 17-16 | 6    | Construction of electrical substation infrastructure;   |
| 17-17 | 6    | Construction of electrical substation infrastructure;   |
| 17-18 | 6    | Construction of electrical substation infrastructure;   |
| 17-19 | 6    | Construction of electrical substation infrastructure;   |
| 17-20 | 6    | Construction of electrical substation infrastructure;   |
| 17-21 | 6    | Construction of electrical substation infrastructure;   |

|       |   |  |
|-------|---|--|
| 17-22 | 6 | Construction of electrical substation infrastructure;  |
| 17-23 | 6 | Construction of electrical substation infrastructure;  |
| 17-24 | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 17-25 | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 17-26 | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |

### Part 3 – Temporary possession

**Table A3 Temporary use of land – by plot number**

| Plot Ref.<br>(Sheet/<br>Plot) | Purpose<br>(Work No.) | Purpose for which temporary possession may be taken    |
|-------------------------------|-----------------------|--|
| 1-9                           | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 1-10                          | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 1-11                          | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 1-12                          | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 1-16                          | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 2-1                           | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 2-2                           | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 2-7                           | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 2-8                           | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 2A-1                          | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 2A-2                          | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 2A-3                          | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 2A-5                          | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 3-7                           | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 4-1                           | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 4-4                           | 8                     | Works to facilitate access to Works Nos. 1 to 7 and 9; |

|       |   |  |
|-------|---|--|
| 4-5   | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 4-8   | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 4-9   | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 4-10  | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 6-3a  | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 6-3c  | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 9-1   | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 9-10  | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 9-11  | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 12-1  | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 12-2  | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 14-14 | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 14-15 | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |
| 15-16 | 8 | Works to facilitate access to Works Nos. 1 to 7 and 9; |

# Appendix B - Land and Rights Negotiations Tracker

See document EN010157/APP/4.5



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