PEARTREE HILL SOLAR FARM DCO APPLICATION

COMPULSORY ACQUISITION HEARING 1

WRITTEN SUMMARY OF
ORAL REPRESENTATIONS

Introduction

1. This document comprises the written summary of the oral representations made by the following parties (hereinafter referred to collectively as "Albanwise") at Compulsory Acquisition Hearing 1 ("CAH-1") on 21 October 2025:

   (1) Albanwise Limited (IP Ref. PHSF-AFP001);

   (2) Albanwise Synergy Limited (IP Ref. PHSF-AFP002); and

   (3) Albanwise Farming Limited (IP ref. TBC).

2. Albanwise is directly affected by the compulsory acquisition ("CA") and temporary possession ("TP") provisions within the second suite of change proposals ("Change 2") and, in particular, change 9 within the Change 2 envelope. Various items on the ExA's agenda for CAH-1 concerned, and referred directly to, land owned by Albanwise, (in particular namely land parcels 2A-4 and 2A-5) which is proposed to be subject to CA/TP provisions promoted by way of Change 2. These agenda items appeared despite the deadline for Relevant Representations ("RRs") in respect of Change 2 not yet having passed.

3. Because the RR deadline in respect of Change 2 had not yet passed, Albanwise was not expecting to have to attend CAH-1, which was held in response to a request made by a

different Interested Party ("IP") at an earlier stage of the examination. However, having noted the agenda items referred to above, on 14 October 2025 Albanwise's solicitors wrote to the examination Case Officer, Mr. Jake Stephens ("the Case Officer"), in the following terms:

> "It would be most unsatisfactory (and potentially prejudicial) if Albanwise were to find themselves in a situation at CAH1 and/or ISH2 whereby they felt compelled to make oral submissions in response to the Applicant's comments without having first been afforded the opportunity to fully consider and make Relevant and Written Representations on the Change Request. The Examining Panel should be aware that Albanwise is still awaiting additional information on the proposed changes associated with the Change Request from the Applicant. This information was requested more than five weeks ago in its 5 September response to the Applicant's consultation.
>
> We would be grateful if the ExA could please clarify its expectations of affected parties in relation to CAH1 Agenda Items 4 and ISH2 Agenda Item 8 so that Albanwise can determine whether to instruct Counsel to attend those hearings. In particular, please can the Examining Authority confirm that Albanwise, and other affected parties, will be afforded an opportunity to make full and detailed oral submissions on the Change Request at a later set of hearings (December dates have been suggested in previous correspondence) after it has received the additional information requested of the Applicant and submitted its Relevant and Written representations as is the usual Examination procedure."

4. On 15 October 2015 the Case Officer e-mailed Albanwise's solicitors indicating that "*Albanwise are welcome to attend both CAH1 and ISH2 if it wishes to do so*." That, unfortunately, did not address the matters set out in the Albanwise's letter in an entirely satisfactory manner.

5. Albanwise's solicitors therefore e-mailed the Case Officer on 15 October 2025 and said: "*Given our clients serious concerns regarding the change request, it would appreciated if confirmation could be given that subsequent hearings will be held in relation to it*."

6. The Case Officer replied the same day saying: "*While the ExA has not officially confirmed further CAH hearings, as noted below, it will adhere to, as necessary, to [the 2010 Regulations]*."

7. These are the circumstances in which Albanwise felt compelled to attend and make representations at CAH-1. The ExA's indication that they found Albanwise's attendance at CAH-1 helpful is noted and welcomed. Albanwise acknowledge, however, the possibility that the ExA were not necessarily expecting to hear Albanwise's representations at CAH-1, and as such it has been necessary to set out the abovementioned context.

8. In a similar vein, albeit that Agenda Item 8 Bullet 4 for Issue Specific Hearing 2 ("ISH-2") concerns "*Consideration of potential construction traffic/routing and implications for the implementation of Field House Solar Farm*", the ExA helpfully indicated to Albanwise at CAH-1 that it would have a further opportunity to make representations in writing and orally to the ExA in respect of this issue, at a later stage in the examination.

9. Albanwise welcomes that indication and confirms that it will be submitting technical traffic and transportation evidence to the examination in connection with this issue, not least of all because (as set out below) at the current point in time the applicant has (wrongly) assumed (on the basis of "no baseline data" having been collected) that the access track is not used at all, i.e. 0 vehicles per day.[1] The track is in fact heavily used and its use will become even more significant when it comes to be used for the construction of the two solar schemes referred to below.

<u>Agenda Item 2 – the applicant's case for CA/TP.</u>

10. It is not without some regret that Albanwise is compelled to sound the alarm in relation to the serious procedural concerns that it has in relation to the way that the CA/TP aspects of Change 2, are being promoted and examined.

[1] See para. 14.7.4 Environmental Statement Volume 4, Appendix 14.1: Transport Assessment (Tracked) (Revision 3) (REP 2-134).

11. This is the first CAH in this examination. At the CAH the applicant sought (orally) to justify the CA/TP provisions that are within the 2nd change request that the ExA have agreed to examine, i.e. Change 2. However, they have done so in circumstances where:

(1) The deadline of 29 October 2025 for making RRs in respect of the latest series of change requests has not yet arrived;

(2) By definition the applicant has not responded to those as yet unformulated RRs setting out its position in writing;

(3) The ExA has yet to issue an initial assessment of issues under reg.11 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ("the 2010 Regulations");

(4) The applicant has asked the ExA not to exercise an important procedural power, namely the power under reg.11(2) of the 2010 Regulations to hold a meeting to decide how the proposed provisions should be examined but, importantly, has not proposed how Interested Parties ("IPs") should be able to influence procedural decisions about how the provisions will be examined if it is not through a reg.11 meeting (note that the reg.11 power to hold a meeting is an important part of the machinery for ensuring procedural fairness in cases where provisions are promoted which would authorise CA/TP in the absence of agreement);

(5) Instead it has suggested that:

(a) the ExA gives itself only **3** working days between the submission of RRs (29 October) and the issuing of the ExA's initial assessment of issues (4 November),

(b) that IPs should also have only **3** working days between the submission (note: not the *publication*, which as we all know, usually follows the date of actual submission by a matter of days)

of written representations relating to the change request (25 November), and Deadline 5 at which those submissions need to be dealt with by IPs (28 November); and

(c) that just **2** working days later (3 and 4 December) the ExA should accommodate additional CAH/ISH/OFHs.

12. No consideration has been given to the need, if one arises, for further ExQs in what is statutorily supposed to be a process that is primarily written (s.90(1) of the Planning Act 2008 ("PA 2008")) albeit with important points of contact at which oral submissions can be made. Plainly, the written-led process only functions in a procedurally fair and effective manner if sufficient time is given to participants for the written process to work. Note that the procedure in the PA 2008 is the streamlined procedure for NSIP consenting: to streamline what is already a streamlined procedure is a major procedural risk area.

13. All of this is being done to shoehorn the examination of changes proposed late in the process that the ExA has – rightly – concluded comprise material changes into what little time remains within the statutory examination period. The applicant is asking not just IPs, but also the ExA, to bend over backwards to accommodate changes involving the use of draconian CA powers which, if genuinely needed for project delivery, would have been consulted upon and promoted at the pre-application stage.

14. In this context Albanwise do not shy away from the submission that the second suite of proposed provisions for CA/TP are far too extensive to be examined in a procedurally fair manner at this point. They should be rejected. In the ExA's letter dated 19 September 2025 (PD-011) the following is noted:

> "…the acceptance of the proposed changes is made on the basis that all the processes can be completed in the required time prior to the close of the examination (taking into account statutory timeframes as necessary) and in accordance with any revised examination timetable that may be published in due course. If this is not achieved, then the ExA will not be in a position to take

the change request into account in our recommendation report to the Secretary of State as it will not have complied with the relevant statutory procedures."

15. That eventuality is exactly what has come to pass in that:

(1) Despite the examination procedure being, statutorily, primarily written, what has transpired today is in effect a jackknife. The applicant has used a CAH as a means of promoting the second suite of changes despite the time for RRs to be submitted being over a week away. So the cart has been put before the horse and the oral process has been permitted to overtake the written process in a procedurally unsafe manner.

(2) Further CAHs have not yet been scheduled, so it is not yet known when or whether IPs will have a further opportunity to address the ExA on matters which will in due course have to be set out in writing. That is of course a matter that the ExA have the power to remedy – provided there is sufficient time within the examination envelope to do so.

(3) We say:

(a) 3 working days between RRs and reg.11 initial assessment of issues is not long enough and there is a risk that in trying to conduct an important exercise that will determine the way in which the CA/TP provisions will be examined, important issues will be overlooked or will fall through the cracks.

(b) 3 working days for IPs to respond to the applicant's written response to RRs is simply not sufficient – and that assumes that they are published immediately following receipt – which they will not be. This is not just impractical and onerous – it is impossible.

(c) 2 working days to prepare for further hearings, if scheduled, following receipt of all of the Deadline 5 material is also not enough. Again, not just onerous, impossible.

*Note that in each of (b) and (c) above Albanwise need to take specialist advice from a highways engineer and present that input (which will be quantitative and qualitative, and of a technical nature) to the ExA properly, and adequate time will be needed for that.

(4) The applicant's timetable does not present <u>any</u> opportunity for IPs to influence how the proposed provisions will be examined. It is proposed – boldly – to simply dispense with the need for a reg.11 meeting but not to substitute it with *any* written process. Importantly, the reason why the applicant wants the reg.11 meeting to be dispensed with has *nothing* to do with such a meeting not being *needed* – but because the holding of such a meeting would be inconvenient in terms of timing, and not holding the meeting enables the truncated timetable to fit within the examination envelope.

16. That is not a sufficient reason to dispense with a meeting which serves an important purpose in the context of the scheme of the PA 2008 as a whole in that it enables individuals from whom land and rights are proposed to be acquired by compulsion to influence the procedure by which the relevant acquisition provisions come into effect in the DCO.

17. It would be a misuse of the statutory discretion in reg.11 which should not be used in a way that facilitates the applicant's election to have proposed changes at a late stage in the examination; rather when exercised it should be because it is procedurally unnecessary, i.e. where the ExA have sufficient written material and sufficient time available to them to make procedural decisions about the manner in which the proposed provisions will be examined without the need to hold a meeting. But since the deadline for RRs has not passed, and the RRs have not been published, it is entirely wrong for the applicant to suggest prospectively that the procedural safeguard in reg.11 should be dispensed with, and not substituted.

18. In summary: the timetable is too narrow; the turnaround times are wildly optimistic, and would give rise to serious procedural unfairness; because of that the statutory primacy of the written process would be undermined to an extent that would be unlawful; and an important protective procedural mechanism is proposed to be dispensed with for an improper purpose and not substituted by anything.

19. In that context the changes involving CA/TP provisions should not be taken into account and, if they are not withdrawn by the applicant, which they ought to be, then they should be ignored when making your recommendations to the SoS such that the recommendation on the dDCO and the project should, i.e. must, be based on the pre-change position. Alternatively, the examination timetable should be extended into the New Year to enable the changes to be examined in a procedurally fair manner.

Agenda Items 3/4 – Site specific issues

20. Note that our submissions in relation to the Albanwise land (2-6, 2A-4, 2A-5, 6-7) are made in outline at this point and are without prejudice to earlier submissions to the effect that we should not have been placed in a position where we are having to make these submissions orally, in advance of making our RRs.

21. In relation to bullet points 1-4 on Agenda Item 3 Albanwise make the following points in summary:

    (1) **Bullet 1**. The negotiations to secure the land/rights voluntarily has involved moving goalposts, notably the applicant only on 29 August 2025 (days before the formal change application was made) told Albanwise that it wished to secure TP over Plot 2A-5, it having previously said (on 6 and 14 August) that it only wished to secure permanent rights/interests in respect of the access route (Plots 2A-4 and 6-7). This is completely unsatisfactory.

    (2) **Bullet 2**. As to matters arising from submissions, see below, and also we want to reiterate that there needs to be a full statutory written-led process for examining these matters, together with further CAH/ISH at a later date, into these matters.

(3) **Bullet 3**. There is an alternative access to FHF from south of the A1035, to the east of the start of Plot 2A-4. But does this access serve all of the units at FHF and is it suitable for emergency etc. access?

(4) **Bullet 4**. Albanwise consider that categorically, yes, the former access arrangements off Meaux Lane ("ML") would be preferable (and would not give rise to any complications) given that:

(a) ML is already within Order Limits and is already proposed to be used in connection with the Project;

(b) detailed design for ML has progressed and passing place provision has already been identified;

(c) there is no suggestion in the ES or the transport studies that indicates that the volume of scheme traffic using ML will cause ANY significant adverse effects or that ML cannot accommodate the volumes proposed;

(d) no substantive benefits <u>at all</u> have been identified in the reduction in traffic movements on ML from vehicles accessing Land Area E (-25%) and D (-50%); and

(e) we reserve our position on whether the tree in the former access off ML is in fact a "veteran" tree pending further arboricultural investigation, and even if it is

22. Beyond that our objections to the proposed provisions (again, at the moment and subject to the caveat that we would expect to have adequate time to flesh these matters out

which we do not think is possible, within a procedurally fair way, at this point in the examination) are as follows:

23. **First**: the provisions would materially substantially prejudice the delivery of two consented solar farms. These are substantial public interest considerations that weigh heavily against the provisions in the s.122 context, but they also give rise to NPS conflict. Paragraph 2.5.2 of EN-3 indicates that good design involves facilitating co-existence, which plainly would not be met if the provisions sterilized or materially adversely affected two solar schemes.

(1) **Field House Solar Farm** (40MW). An implemented planning consent exists for a solar farm on land which includes Plots 2A-4, 2A-5 and 6-7. Albanwise needs to continue implementation in earnest in order to meet a grid connection date in 2027 – something that will be impossible if Change 9 is confirmed. Plot 2A-5 is the location of the substation for the Field House Solar Farm development, as well as numerous solar panels and the site entrance, so its use for access by the applicant would be entirely incompatible with the development of Field House Solar Farm. The substation cannot be moved since the DNO has permitted the scheme to connect to the grid at this point which is immediately adjacent to the 132kV OHLs which only intersect the scheme land in this area. The northern part of Plot 2A-4 would impinge upon and be incompatible with the location of the Field House Solar Farm solar panels and transformers. If confirmed the provisions would render this scheme incapable of implementation – and would kill 40MW of renewable generating capacity which is currently programmed to go online by 2027.

(2) **Carr Farm Solar Farm** (49.9MW). Albanwise also has Planning Permission for a solar scheme further to the will the access on Plots 2A-4 for construction. The use of the same road access means there is also a conflict with the construction of the Carr Farm solar farm.

24. **Second**: the provisions would prejudice Albanwise's wider farming operations and the tenanted occupiers at FHF farm. The proposed new construction and maintenance access for the Project is the main access to approximately 360 hectares of Albanwise's farmland south of the A1035. Not only is this a critical access for our Albanwise's own agricultural operations (used by combine harvesters, tractors and trailers, tankers etc. for the purposes of the Albanwise agricultural businesses, with many activities being time-sensitive), but is also heavily used by those third parties who hold contracts to farm parts of this land. Furthermore the land is the access for Albanwise's residential tenants at Field House farm house and cottage it also provides access for other residents/ businesses operators/employees that live and work in the area to the south of the A1035, which require access multiple times daily, plus delivery and emergency service vehicles. All of these uses would be substantially prejudiced if the access was acquired whether on a temporary or permanent basis.

25. **Third**: in this context, which we say overwhelmingly points against there being a sound justification for the provisions in Change 9, there does not appear to be **any** justification advanced by the applicant that comes **close** to meeting the s.122 PA 2008 conditions. The conditions, so far as relevant, are that the land is "required" (s.122(2)(a)) and that there is a "compelling case in the public interest" justifying the provisions (s.122(3)). The 2013 CA Guidance is clear that:

> "For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired."

26. In the case of Sharkey v Secretary of State for the Environment [1992] 63 P&CR 332 the High Court held (in relation to materially similar conditions in the relevant statute in that case) that:

> "I agree with Roch J. that the local authority do not have to go so far as to show that the compulsory purchase is indispensable to the carrying out of the activity or the achieving of the purpose; or, to use another similar expression, that it is

essential. On the other hand, I do not find the word "desirable" satisfactory, because it could be mistaken for " convenient," which clearly, in my judgment, is not sufficient. I believe the word "required" here means "necessary in the circumstances of the case"…"

27. Yet that weak justification is in fact precisely what the applicant relies on in this case.

28. In particular:

(1) No rationale whatsoever is advanced in respect of the reduction in use of ML save that "*The potential to reduce the use of Meaux Lane during construction has some attraction given that it is a narrow route with existing weight restrictions in force*". See para. 9.1.3 of the Change Request Application (REP 2-149). This is astonishing. To say that the highway/transport implications have "*some attraction*" falls materially short of meeting the relevant statutory conditions. Frankly it is substantively unreasonable to promote draconian CA/TP provisions which would authorize the involuntary acquisition of property rights on the basis that it would have "*some attraction*".

(2) But even the suggestion that the use of this alternative access to Land Areas D and E has "some attraction" is unsupported by any actual evidence:

(a) No SEEs are reported in the ES in relation to the use of ML;

(b) No actual benefits are said to flow from the reductions said to flow – the change application only reports the reductions in volumes for vehicles using ML, but does not explain why this is a benefit that could justify CA/TP provisions; and

(c) ML is already subject to CA provisions and the CEMP, and will already be used in connection with project delivery, such that it is not clear what actual benefits would arise;

(3) As to the veteran tree, we will be investigating this in terms of arboriculture, but note that even if the tree is in fact a VT, the "interface" with it was *known* to have a design solution (and could be subject to further protective provisions in the CEMP for example).

29. Furthermore, there are known alternatives to the Change 9 access provisions.

(1) The previously proposed route (which, again, is not said to be disadvantageous in any substantive way save for the need to implement appropriate protective provisions around a single tree);

(2) Just use Plot 2A-4 and not 2A-5 (which contains the substation); and

(3) Along the Dogger Bank buried cables land (which has not been investigated by the applicant in any detail, so far as is ascertainable from the change request documentation).

30. These alternatives weigh heavily against the making of the Change 9 provisions because in each case they would not cause any of the significant public disbenefits referred to above and in particular would facilitate the continued development of the two consented solar schemes which rely on the land that the application proposes to compulsorily acquire.

31. **Fourth**: the EIA of Change 9 is flawed and unreasonable. The Updated ES (Environmental Statement Volume 4, Appendix 14.1: Transport Assessment (Tracked) (Revision 3) (REP 2-134) is as follows:

"14.7.4 No baseline data has been collected for the private farm track off the A1035. For the purposes of this assessment, it is assumed that there are 0 daily

vehicles on the basis that it is likely to generate only a small number of daily vehicles associated with the small number of residential dwellings and a farm."

32. Two points should be noted.

33. First, Change 9 has been promoted on the basis of no baseline data having been collected for the private track, despite the applicant being well aware that this track serves:

(1) Two solar farm schemes which are in the process of implementation;

(2) The properties at Field House Farm; and

(3) Albanwise's 360 ha. Agricultural holding to the south;

34. Yes, despite this, the absurd assumption is made that the farm track is not currently subject to **any** use whatsoever. Cumulative use and therefore cumulative effects have been entirely ignored.

35. This is the basis on which the ES concludes that there would be no significant environmental effects. This is a major failing in terms of EIA. Until that assumption is revisited, rectified and re-consulted on (such that cumulative effects with the farming operations, FHF tenants' use and 2 x solar schemes are considered) the ES does not provide a lawful basis to proceed with the changes. It is unreasonable and fails to provide the requisite environmental information to the ExA.

36. At this point, the highways implications of the junction arrangements including visibility splays etc. cannot be understood let alone tested and examined. Albanwise is therefore instructing its own transport engineer to provide a technical evidence-based assessment of matters which will be contained in its WRs. This will need to be examined (as will the applicant's response to it) in the context of this examination –

this is one of the reasons why Albanwise are clear that it is procedurally unfair to propose truncating the examination so severely, and is why a reg/11 meeting is in fact amply needed.

37. **Fifth**: the applicant has failed to update the Funding Statement to reflect the fact that Change 9 will prevent the Field House Solar Farm from being implemented in time for its 2027 grid connection date. The applicant's significant balance sheet resource, and commitment to funding, is noted. Yet this Project will have its own funding envelope (about which no details have been given by the applicant). However the applicant has not recognised that the provisions in Change 9 will at worst render the Field House Farm unimplementable and at best will delay its implementation by a number of years. The costs of that, under the compulsory purchase compensation code, would be strikingly significant. That is something that needs to be considered carefully by the applicant and the Funding Statement should make it clear that this can truly be accommodated within the funding envelope for this project.

Outline responses to applicant's oral submissions

38. Albanwise disagree with the characterisation of their engagement with Albanwise as "positive". In fact, there is a major dispute between the applicant and Albanwise in the sense that the applicant (wrongly) considers that the Change 2(9) provisions would not impede Albanwise's ability to deliver the Field House Farm Solar Farm. Albanwise categorically consider that the provisions would materially prejudice the ability to deliver the scheme, as consented.

39. At the heart of this issue lies a mistaken assumption on the part of the applicant that the arrangement and parameters of the solar scheme are flexible. That is wrong. The parameters of the scheme are fixed by a full (and not an outline) planning permission. Any changes in layout would be dependent on having to secure a further planning permission, and the delay that this would entail would make it impossible to meet the grid connection date of 2027.

40. It is not in fact yet known whether the District Network Operator ("DNO") will facilitate a later grid connection date, and indeed whether the applicant's own NSIP proposals will impact the grid to such an extent that it will not be able to absorb electricity from the Field House Farm solar scheme at all.

41. Albanwise also consider that the applicant's answer to the question posed by the ExA as to why and whether Plot 2A-5 was in fact "needed" for the project was telling. In effect although they claimed that the whole plot was needed, the justification for this was to increase the separation between the access road and the properties at Field House Farm. But the applicant was not able to explain what that separation needed to be, whether alternative measures (such as an acoustic barrier) would serve whatever purpose was served by separation, and whether they in fact needed the whole of Plot 2A-5 as opposed to a small part of it adjacent to Plot 2A-4 in order to facilitate that set-back.

42. Part of the context for this is that in consultation letters dated 6 August 2025 and 14 August 2025 the applicant did <u>not</u> propose TP in respect of Plot 2A-5 (and only CA of Plot 2A-4). It was only on 29 August 2025 (just 7 days before the 2010 regulations Deadline 1 – that deadline improperly not having been extended by the applicant) that the applicant proposed TP of Plot 2A-5, which came as a surprise to Albanwise, and an unwelcome one at that given that the substation and grid connection apparatus for the Field House Farm is proposed to be situated on that plot, and can only be situated there because that is where the DNO has facilitated a grid connection into the adjacent 132kV overhead power lines.

43. This is entirely unsatisfactory. If the applicant considers that the CA/TP provisions in respect of Plot 2A-5 are justified it should at the very least be expected to explain what the proposals for that plot are. This uncertainty is intolerable, and it is for this reason that Albanwise have (for weeks) been asking for plans for the access arrangements through Plots 2A-4 and 2A-5 (such as cumulative traffic volumes, road build up, culvert interface designs, road width and passing place provision) but to date no information

has been provided save for swept path analysis for the junction, and generic information about access arrangements for the project as a whole, i.e. nothing site specific.

44. The applicant has (belatedly) proposed a DCO requirement to deal with the interface between their project and the Field House Farm solar farm, and argues that this will be a panacea because it will require the applicant to minimise any disruption to the construction and operation of the Field House and Carr Farm Solar Farms (but, notably, not Albanwise's farming operations which also use Plot 2A-4 as an access) so far as reasonably practicable. This solves nothing since, even if the applicant minimises disruption so far as is reasonably practicable, the level of disruption will still prevent grid connection being achievable. The reality is that the Field House Farm scheme is so dependent on Albanwise's exclusive use of Plot 2A-5 that *any* disruption with that position will cause unacceptable levels of harm that cannot be justified in the context of s.122 PA 2008.

Conclusions

45. The applicant's Change 9 provisions would almost literally drive a coach and horses through a consented solar farm which is capable of delivering badly needed renewable energy to the grid in 2027. Early (pre-2032) grid connection dates for renewable schemes are rare and it is an imperative that schemes which benefit from them must be facilitated. It would at worst knock out, and at best significantly hamper and delay this scheme coming online. It would also hamper the construction and phasing plans for a second solar farm which depends on the Change 9 land for access. The applicant has not, apparently, given any thought to these matters, and has assumed that the access track is in effect in a nil use. In this context the justification advanced for the Change 9 provisions – namely that they would have "some attraction" – falls astonishingly far from the mark.

46. On the 17th of October 2025 (only two days before CAH1) the applicant provided Albanwise with a draft cooperation provision proposed to be included in the Order as a new Requirement 16 'Interaction with Field House and Carr Farm Solar Farms'. The draft Requirement requires RWE to use reasonable endeavours to minimise any conflict

arising between the carrying out and maintenance of the Proposed Development and the carrying out and maintenance of the Field House Solar Farm and Carr Farm Solar Farm developments; to co-operate with Albanwise so as to co-ordinate construction programming to minimise disruption to the construction and maintenance of Field House Solar Farm and Carr Farm Solar Farm; to provide a point of contact for continuing liaison; and to exercise compulsory acquisition and temporary possession powers in a manner that minimises disruption to Field House Solar Farm and Carr Farm Solar Farm. Unfortunately, this proposed Requirement does not include binding commitments to Albanwise so as to provide Albanwise with the certainty it needs that Carr Farm Solar Farm, and Field House Solar Farm in particular, will be able to proceed unhindered and be completed in time to meet their connection deadlines. It falls very far from the mark of what is required to base an investment decision on the Field House Solar Farm project on.

47. For these reasons Change Request 9 should not be confirmed. The applicant should voluntarily withdraw it and in default of that the ExA should either recommend a reversion to the previous arrangements for access from ML into Land Area D or should confirm the DCO without any of the Change Request 9 provisions, which will leave Albanwise and the applicant to arrange terms on a private basis. That would accord with para. 16 of the 2013 CA guidance which is as follows:

> "16. There may be circumstances where the Secretary of State could reasonably justify granting development consent for a project, but decide against including in an order the provisions authorising the compulsory acquisition of the land. For example, this could arise where the Secretary of State is not persuaded that all of the land which the applicant wishes to acquire compulsorily has been shown to be necessary for the purposes of the scheme. Alternatively, the Secretary of State may consider that the scheme itself should be modified in a way that affects the requirement for land which would otherwise be subject to compulsory acquisition. Such scenarios could lead to a decision to remove all or some of the proposed compulsory acquisition provisions from a development consent order.'

29 October 2025