

# Rosefield Solar Farm

## Statement of Reasons

### (Tracked )

EN010158/APP/4.1.2  
~~September~~ October 2025  
Rosefield Energyfarm Limited

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

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# 1. Executive Summary

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

1.1.1. This Statement of Reasons relates to a DCO Application made by Rosefield Energyfarm Limited (the Applicant) to the Secretary of State (SoS) under the Planning Act 2008 for powers to construct, operate (including maintenance) and decommission the Proposed Development.

~~4.1.4.1.1.2.~~ This document has been updated during the pre-examination stage in response to the **Post-Acceptance Section 51 Advice to the Applicant** and the **Section 55 Checklist**, as issued by the Planning Inspectorate on 23 October 2025. References to other application documents have not been updated from the original submission. Please refer to the Guide to the Application [EN010158/APP/1.2.2] for the list of current versions of documents.

~~4.1.4.1.1.3.~~ This Statement is required because the Application is seeking powers to:

- acquire land compulsorily;
- create and compulsorily acquire new rights over land and impose restrictions; and
- extinguish or override existing rights over land.

~~4.1.4.1.1.4.~~ This Statement has been produced pursuant to Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations), the Department of Communities and Local Government guidance 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) (the CA Guidance), and the Guidance on the Compulsory Purchase Process (updated 31 January 2025).

~~4.1.4.1.1.5.~~ The Applicant is also seeking powers to take temporary possession of land to construct the Proposed Development.

~~4.1.5.1.1.6.~~ It is necessary for the decision-maker to be satisfied that there is a compelling case in the public interest for the inclusion of compulsory acquisition powers in the **Draft DCO [EN010158/APP/3.1]**. This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for the Applicant to be granted these powers.

~~4.1.6.1.1.7.~~ The matters addressed in this Statement are summarised in this section. References to numbered sections or paragraphs are to sections

or paragraphs of this Statement. Terms used in this Executive Summary are defined in the main body of this Statement of Reasons.

## 1.2. Description of the Proposed Development

- 1.2.1. The Proposed Development comprises solar photovoltaic (PV) electricity generating and battery storage facility with associated infrastructure which would allow for the generation and export of electricity exceeding 50 megawatts (MW).
- 1.2.2. The Proposed Development encompasses approximately 675.05ha of land located within the administrative boundary of Buckinghamshire Council as shown in **ES Volume 3, Figure 1.1: Location Plan [EN010158/APP/6.3]**.
- 1.2.3. A development consent order is required for the Proposed Development as it falls within the definition and thresholds for a NSIP under sections 14(1) and 15 of the Planning Act 2008. This is because it consists of a generating station in England which does not generate electricity from wind and has a gross electrical output capacity exceeding 50MW. The Proposed Development will be located within the 'Order Limits' (as described below) and is the subject of the Application.
- 1.2.4. A summary of the description of the Proposed Development can be found in Section 3.1 of the **Environmental Statement (ES) Volume 1, Chapter 3: Proposed Development Description [EN010158/APP/6.1]**. The terminology used in this document is defined in the **Glossary [EN010158/APP/6.1]**. The Proposed Development is also described in Schedule 1 of the **Draft DCO [EN010158/APP/3.1]**, where the "authorised development" is divided into work packages. The Work Numbers (Work No.) for those packages are identified below and are referred to throughout this document, and correspond to the **Works Plans [EN010158/APP/2.3]**. Note that there is overlap of Work Nos. in some locations:
  - Work No. 1: Ground-mounted Solar PV Generating Station
  - Work No. 2: Rosefield Substation Compound
  - Work No. 3: Satellite Collector Compounds
  - Work No. 4: Battery Energy Storage System Compound
  - Work No. 5: Main Collector Compound
  - Work No. 6: Grid Connection Cabling Corridor
  - Work No. 7: Interconnecting Cabling Corridor(s)
  - Work No. 8: Temporary Construction and Decommissioning Compounds

- Work No. 9: Highways Works (Facilitate access)
- Work No. 10: Green and Blue Infrastructure

1.2.5. The powers in the Order enabling the compulsory acquisition of land, new rights over land, the imposition of restrictions over land and temporary use of land are contained within the Order Land. The Order Land is the term used for the land shaded pink, blue or green on the Land Plans [EN010158/APP/2.2], and over which powers of compulsory acquisition or temporary possession are sought. The Order Land is slightly smaller than the Order Limits, as some areas within the Order Limits are shown as white, meaning no powers of compulsory acquisition or temporary possession are sought over them.

1.2.6. The Proposed Development currently has a grid connection date of Q4 2031. It is currently anticipated that construction works would commence in mid to late 2029 and run to 2031. As such, there is a potential likelihood of overlapping construction works on different parts of the Site.

### 1.3. Description of the Order Limits

1.3.1. The land within the Order Limits [EN010158/APP/2.1] totals approximately 675.05ha which is located in Buckinghamshire. The Order Limits comprise predominantly agricultural fields and pastureland interspersed with hedgerows, ditches, woodland blocks and farm access tracks.

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

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

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

1.4.3. The powers sought with the Application are:

- all interests in land, including freehold (Article 22 in the DCO) – shown edged red and shaded pink on the **Land Plans [EN010158/APP/2.2]**
- new rights (Article 24 in the DCO) - shown edged red and shaded blue on the **Land Plans [EN010158/APP/2.2]**
- temporary use only of land to permit construction or maintenance where the Applicant has not yet exercised powers of compulsory acquisition (Articles 31 and 32 in the DCO) and extinguishment and/or suspension of rights (Article 25 in the DCO) and overriding of easements and other rights (Article 28 in the DCO) – shown edged red and shaded pink or blue on the **Land Plans [EN010158/APP/2.2]**
- temporary use only of land to permit construction and maintenance (Articles 31 and 32 in the DCO) – shown edged red and shaded green on the **Land Plans [EN010158/APP/2.2]**

- 1.4.4. The Applicant considers that in the absence of these powers, all of the Order Land may not be assembled, uncertainty will continue to prevail, and its objectives and the Government policy objectives would not be achieved.
- 1.4.5. The Applicant has been seeking to acquire the relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Proposed Development. Whilst some voluntary agreements have been entered into with freehold owners, it has not yet been possible to acquire all interests by agreement. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire by agreement the land, the rights and other interests in, on and over the land, the temporary use of land, as well as secure the removal of matters affecting the Order Land that may impede the Proposed Development, wherever possible. This approach of seeking powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 2.8 of Ministry of Housing, Communities and Local Government (MHCLG) Guidance on the Compulsory Purchase Process.
- 1.4.6. This Statement (alongside the **Schedule of Negotiations and Powers Sought [EN010158/APP/4.4]**) sets out the position in relation to the negotiations undertaken to date with affected owners. In summary, at the time of writing, negotiations are actively progressing with the majority of landowners within the Order Land, and discussions regarding the necessary rights remain ongoing.

## 1.5. Purpose of the Powers

- 1.5.1. The meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of electricity supply, while helping lower bills for consumers throughout its operational life, will

be critical on the path to Net Zero. Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

## 1.6. Justification for the Compulsory Acquisition Powers

- 1.6.1. Under section 122 of the Planning Act 2008, compulsory acquisition powers may only be granted if the SoS is satisfied that the land is required for the Proposed Development (or is required to facilitate it or is incidental to it), and if there is a compelling case in the public interest for inclusion of the powers.
- 1.6.2. The Guidance on the Compulsory Purchase Process (MHCLG, 31 January 2025) also states that: *“A compulsory purchase order should only be made where there is a compelling case in the public interest and reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement.”*
- 1.6.3. This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the Planning Act 2008, and the considerations set out in the Compulsory Acquisition Guidance, are satisfied.

## 1.7. Diligent Inquiry and Land Referencing

- 1.7.1. In accordance with the requirements of the Planning Act 2008, the Applicant undertook “diligent inquiry” through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the Planning Act 2008. These include owners, lessees, tenants and occupiers of the land within the Order Limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order Limits. Category 3 includes parties that may be eligible to make a claim for compensation as a result of the construction or operation of the Proposed Development.
- 1.7.2. The current position in relation to the Applicant’s engagement and negotiations with each landowner with an interest in the Order Land with whom the Applicant is seeking to negotiate the acquisition of land, rights or temporary use in connection with the Proposed Development is explained in the **Schedule of Negotiations and Powers Sought EN010158/APP/4.4]**. Detailed discussions are ongoing with landowners in order to ensure that their concerns are taken into account and accommodated wherever possible. Negotiations are continuing with landowners and persons with interests in land affected by the Proposed Development. The Applicant and its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Proposed Development.

## 1.8. Human Rights

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

## 1.9. Special Considerations

- 1.9.1. There are no Crown interests within the Order Limits.
- 1.9.2. There is an interest in the Order Limits held by the National Trust, however, for the reasons set out in this Statement of Reasons, the Applicant does not consider this is land held inalienably by the National Trust for the purposes of section 130 of the Planning Act 2008.
- 1.9.3. Various land or apparatus of statutory undertakers are affected by the Proposed Development. The Applicant has included protective provisions within the **Draft DCO [EN010158/APP/3.1]** and is separately seeking to agree these with each statutory undertaker. The current position in terms of negotiations with statutory undertakers in relation to protective provisions is in the **Schedule of Negotiations and Powers Sought [EN010158/APP/3.1]**.

## 1.10. Related Applications and Consents

- 1.10.1. The Applicant requires or may require various other consents, as well as a DCO, in order to build and operate the Proposed Development. The **Schedule of Other Consents and Licences [EN010158/APP/5.5]** sets out the additional consents required and when they will be applied for. The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Development proceeding.

## 1.11. Further Information

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

1.11.2. Owners and occupiers of property affected by the Proposed Development who wish to discuss matters of compensation should contact [REDACTED] of Gateley Hamer (Tel – [REDACTED], email – [REDACTED]@gateleyhamer.com).

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

## 1.12. Conclusion

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

## 2. Introduction

- 2.1.1.1. This Statement of Reasons has been prepared by Rosefield Energyfarm Limited (the Applicant). It forms part of the application (the Application) for a Development Consent Order (DCO) that has been submitted to the Secretary of State for Energy Security and Net Zero (the SoS) under section 37 of the Planning Act 2008. Terms used in this Statement of Reasons are defined in the **Glossary [EN010158/APP/6.1]**.

### 2.2. The Proposed Development

- 2.2.1. Rosefield Energyfarm Limited is a proposed solar farm which will generate renewable energy for exporting to the National Grid (the Proposed Development).
- 2.2.2. It will comprise of the construction, operation, maintenance and decommissioning of a solar photovoltaic (PV) electricity generating facility and Battery Energy Storage System (the BESS) with a total capacity exceeding 50 MW. The Proposed Development will have an export connection into a replacement National Grid substation in Buckinghamshire (East Claydon Substation).
- 2.2.3. The area subject to the DCO Application (the Order Limits) where the Proposed Development will be carried out is shown as the **Order Limits [EN010158/APP/2.1]**.
- 2.2.4. A summary of the description of the Proposed Development can be found in Section 3.1 of the **ES Volume 1, Chapter 3: Proposed Development Description [EN010158/APP/6.1]**.
- 2.2.5. The Proposed Development qualifies as a Nationally Significant Infrastructure Project (NSIP) and will require a DCO to be granted from the SoS, due to its generating capacity exceeding 50 MW.

### 2.3. The Applicant

- 2.3.1. The Applicant for the DCO Application, Rosefield Energyfarm Limited (company number 11618221), is registered in England and Wales. The majority shareholder of the Applicant, with 51% ownership, is EDF Energy Renewables Limited (EDF Renewables), a company registered in England and Wales under company number 06456689.
- 2.3.2. The other shareholder of the Applicant, with 49% ownership, is Padero Solaer Ltd trading as PS Renewables. This is a company registered in England and Wales under company number 08021337.

- 2.3.3. EDF Renewables (and the wider EDF Group) has more than 25 years' worth of experience in delivering renewable energy projects in more than 20 countries around the world. As of 31 December 2024, EDF Renewables had gross installed capacity of 23.2GW across wind, solar and storage, net installed capacity of 14.2GW and 8.4GW gross currently under construction. The portfolio of projects, which are under development and secured, represented 71GW at the end of 2024.
- 2.3.4. Established in 2012, PS Renewables is one of the UK's largest renewable energy development and construction companies, with an existing solar portfolio totalling more than 850MW.
- 2.3.5. Further details about the Applicant can be found in the **Funding Statement [EN010158/APP/4.2]**.

## 2.4. The Purpose and Structure of this Document

- 2.4.1. This Statement has been produced pursuant to Regulation 5(2)(h) of the APFP Regulations, the CA Guidance, and the Guidance on the Compulsory Purchase Process (updated 31 January 2025).
- 2.4.2. This Statement is required because the DCO sought for the Proposed Development would authorise the compulsory acquisition of land or interests in land.
- 2.4.3. This Statement explains why it is necessary to acquire land, acquire and/or create rights and impose restrictions over land, override, suspend or extinguish rights over land and to temporarily use land for the purposes of the Proposed Development, if necessary by compulsion. It also explains the reasons for the inclusion of compulsory acquisition and related powers in the draft DCO and sets out why there is a clear and compelling case in the public interest, in accordance with section 122 of the Planning Act 2008, for the DCO to include such powers.
- 2.4.4. The structure of this Statement is set out below and also addresses each of the requirements of the Guidance:
- An introduction to the Applicant is contained in Section 2.3;
  - A description of the Proposed Development is set out in Section 2.5;
  - A description of the Order Limits, its location, and present use is contained in Section 3;
  - The legislation relied on and scope of powers sought are set out in Section 4;
  - The purpose of the powers including the need for the Proposed Development and policy support is set out in Section 6.2;

- A statement of the justification for compulsory acquisition including reference to funding is included in Section 5;
- How regard has been given to the provisions of Articles 1 and 8 of the First Protocol to the European Convention on Human Rights is included in Section 7; and
- Details of the other consents needed before the Proposed Development can be implemented are included in Section 9.

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

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

- **Land Plans [EN010158/APP/2.2];**
- **Works Plans [EN010158/APP/2.3];**
- **Draft DCO [EN010158/APP/3.1];**
- **Exploratory Memorandum [EN010158/APP/3.2];**
- **Schedule of Other Consents and Licences [EN010158/APP/5.5];**
- **Funding Statement [EN010158/APP/4.2];**
- **Book of Reference [EN010158/APP/4.3];**
- **Schedule of Negotiations and Powers Sought [EN010158/APP/4.4];**
- **Statement of Need [EN010158/APP/5.6]; and**
- **Planning Statement [EN010158/APP/5.7].**

## 2.5. Description of the Proposed Development

2.5.1. The Proposed Development comprises the installation, construction and decommissioning works, with the details to be defined by the appointed contractor(s) and subject to approval by the Local Authority. All works will be required to be undertaken within the parameters assessed for the Proposed Development. The Proposed Development will be located within the 'Order Limits' (the land shown on the **Works Plans [EN010158/APP/2.3]** within which the Proposed Development can be constructed, operated and decommissioned). The extent of the Order Limits is shown on **ES Volume 2, Figure 1.2: Order Limits [EN010158/APP/6.3]**.

2.5.2. The design of the Proposed Development has evolved throughout the environmental assessment process to avoid or minimise environmental effects and in response to consultation and engagement feedback, where appropriate. The location of the Proposed Development is shown in **ES Volume 2, Figure 1.1: Location Plan [EN010158/APP/6.3]** and described in **ES Volume 1, Chapter 2: Location of the Proposed Development [EN010158/APP/6.1]**, with the consideration of alternatives and the evolution of the design of the Proposed Development presented in **ES Volume 1, Chapter 4: Reasonable Alternatives Considered [EN010158/APP/6.1]** and within the **Site Selection Report** which forms **Appendix 1** of the **Planning Statement [EN010158/APP/5.7]**. The Order Land is the term used for the land shaded pink, blue or green on the **Land Plans [EN010158/APP/5.2]**, and over which powers of compulsory acquisition or temporary possession are sought. The Order Land is slightly smaller than the Order Limits, as some areas within the Order Limits are shown as white, meaning no land powers are sought over them.

## 2.6. Work Packages

2.6.1. A detailed description of the Proposed Development can be found in **ES Volume 1, Chapter 3: Proposed Development Description [EN010158/APP/6.1]**. It comprises a generating station of more than 50MW, being the NSIP, and is described in Work No. 1 in Schedule 1 to the **Draft DCO [EN010158/APP/3.1]**. The Proposed Development also includes Associated Development, which comprises Work Nos. 2 to 10 in Schedule 1 to the Order. The Proposed Development is set out in Schedule 1 of the **Draft DCO [EN010158/APP/3.1]**, broken down into numbered works packages (which correspond with the **Works Plans [EN010158/APP/2.3]**). These works packages are as follows:

- **Work No. 1** - a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts, including:
  - a) Solar PV modules fitted to mounting structures; and
  - b) balance of solar system (BoSS) plant.
- **Work No. 2** – works in connection with an onsite substation compound including:
  - (a) **Work No. 2A** – substation works comprising—
    - (i) substation (excluding the transformers forming part of the substation), switch room buildings and ancillary equipment including reactive power units, disconnectors, circuit breakers, busbars, lighting surge arrestors, emergency back-up diesel generator;
    - (ii) control building housing offices, security cabin, material storage and laydown areas, welfare facilities, parking areas and access;
    - (iii) ancillary structures;

- (iv) monitoring and control systems for Work No. 2 and Work No. 1 housed within the control building in Work No. 2A(ii) or located separately in their own containers or control rooms; and
  - (v) transformers and associated barriers required for fire safety and noise mitigation.
- (b) **Work No. 2B** – an abnormal indivisible load corridor required to facilitate abnormal indivisible load movements including—
  - (i) in connection with Work No. 2A; and
  - (ii) crossings over watercourses via bridges or culvert.
- **Work No. 3** – works in connection with satellite collector compounds, including—
  - (a) **Work No. 3A – satellite collector compound works comprising –**
    - (i) switch gear; and
    - (ii) maintenance building(s) housing a control room, monitoring equipment, storage, security and welfare facilities.
  - (b) **Work No. 3B** – transformers that form part of the satellite collector compounds for Work No. 3A and associated barriers for fire safety and noise mitigation.
- **Work No. 4** - an energy storage facility comprising a battery energy storage system compound including -
  - (a) battery energy storage system (BESS) units each comprising an enclosure for BESS electro-chemical components and associated equipment, joined or close coupled to each other, mounted on a reinforced concrete foundation slab, compacted hardcore, concrete piles or screw piles;
  - (b) transformers and associated bunding;
  - (c) inverters, switch gear, power conversion systems (PCS) and ancillary equipment;
  - (d) containers or enclosures housing all or any of Work Nos. 4(a), (b) and (c) and ancillary equipment;
  - (e) monitoring and control systems housed within the containers or enclosures comprised in Work Nos. 4(a) or (d) or located separately in its own container or enclosure;
  - (f) heating, ventilation and air conditioning (HVAC) systems and externally mounted noise reduction kits integrated into Work No 4(a) and either housed on or attached to the side of the BESS units;
  - (g) fire safety infrastructure including firefighting water storage tanks to supply water for firefighting and for containment of fire water and hard standing to accommodate emergency vehicles;
  - (h) emergency back-up diesel generator;
  - (i) containers or similar structures to house spare parts and materials required for the day to day operation of the BESS facility;

- (j) fencing and acoustic barriers;
- (k) staging area and parking area; and
- (l) ancillary buildings including a security cabin housing security and monitoring equipment, control room, office and welfare facilities.
- **Work No. 5** – a main collector compound comprising –
  - (a) works to connect underground cabling including from Work No. 3 and Work No. 4, and to facilitate connection with Work No. 2A;
  - (b) equipment and buildings on shallow concrete pad foundations or screw piles;
  - (c) electrical equipment including static compensation devices, auxiliary transformers, switch gear, harmonic filters and reactive power compensation equipment which may be housed within an indoor unit or a separate outdoor fenced area within Work No. 5;
  - (d) fencing and acoustic barriers;
  - (e) ancillary building(s) including a security cabin and welfare cabin, control buildings housing monitoring equipment and storage facilities.
- **Work No. 6** – works to lay high voltage electrical cables and access for the electrical cables, including—
  - (a) works to lay electrical cables including 400 kilovolt cables connecting Work No. 2 into the National Grid East Claydon Substation;
  - (b) above-ground infrastructure including cable sealing ends and disconnectors; and
  - (c) laying down of temporary internal access tracks, ramps, means of access, footways, including the laying and construction of drainage infrastructure, signage and information boards.
- **Work No. 7** – works to lay electrical cables up to 132 kilovolt connecting Work Nos. 1, 2A, 3, 4, 5 and 6 and laying down of internal access tracks.
- **Work No. 8** – temporary construction and decommissioning compounds in connection with Work Nos. 1 to 7, 9 and 10 including—
  - (a) **Work No. 8A** – up to three primary temporary construction and decommissioning areas, including —
    - (i) areas of hardstanding with haul road areas;
    - (ii) car parking;
    - (iii) site and welfare offices and facilities, canteens and workshops;
    - (iv) area to store materials, plant and equipment;
    - (v) storage and waste skips;
    - (vi) area for download and turning;
    - (vii) security infrastructure, including cameras, perimeter fencing, security gatehouse(s) and lighting;

- (viii) site drainage and waste management infrastructure (including sewerage); and
  - (ix) electricity, water, wastewater and telecommunications connections.
- (b) **Work No. 8B** – up to three secondary temporary construction and decommissioning areas, including —
  - (i) areas of hardstanding with haul road areas;
  - (ii) car parking;
  - (iii) site and welfare offices and facilities, canteens and workshops;
  - (iv) area to store materials, plant and equipment;
  - (v) storage and waste skips;
  - (vi) area for download and turning;
  - (vii) security infrastructure, including cameras, perimeter fencing, security gatehouse(s) and lighting;
  - (viii) site drainage and waste management infrastructure (including sewerage); and
  - (ix) electricity, water, waste water and telecommunications connections.
- **Work No. 9** – works to facilitate access to Work Nos. 1 to 8 and 10 including—
  - (a) creation of accesses from the public highway;
  - (b) creation of visibility splays;
  - (c) works to alter the layout of any street or highway;
  - (d) works to widen and surface the streets; and
  - (e) making and maintaining passing places.
- **Work No. 10** – works in relation to blue and green infrastructure, mitigation and access, including—
  - (a) **Work No. 10A** – works to create, enhance and maintain green and blue infrastructure and mitigation, including-
    - (i) landscape and biodiversity mitigation and enhancement areas;
    - (ii) habitat creation and management, including earthworks, landscaping, means of enclosure, and the laying and construction of drainage infrastructure;
    - (iii) improvements to connectivity by laying down of new permissive paths, signage and information boards;
    - (iv) improvements to connectivity by permanent diversions to public rights of way, signage and information boards;
    - (v) earth bund; and
    - (vi) screening.

- **Work No. 10B** – works for the laying down of internal access tracks, ramps, means of access, footways, including the laying and construction of drainage infrastructure, signage and information boards.

In connection with and in addition to Work Nos. 1 to 10 further associated development within the Order limits including—

- (a) fencing, gates, boundary treatment and other means of enclosure;
- (b) bunds, embankments, trenching and swales;
- (c) works to the existing irrigation system(s) and works to alter the position and extent of such irrigation system(s);
- (d) rain or grey water harvesting and recycling systems;
- (e) roof top solar panels;
- (f) surface water drainage systems, storm water attenuation systems including storage basins, oil water separators, including channelling and culverting and works to existing drainage networks;
- (g) electrical, gas, water, foul water drainage and telecommunications infrastructure connections, diversions and works to, and works to alter the position of, such services and utilities connections;
- (h) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
- (i) works for the provision of security and monitoring measures such as CCTV columns and CCTV, security cabins, lighting columns and lighting and weather stations;
- (j) improvement, maintenance, repair and use of existing streets, private tracks and access roads;
- (k) laying down, maintenance and repair of new internal access tracks, ramps, means of access, permissive footpaths and roads, crossings of drainage ditches and watercourses, including signage and information boards;
- (l) temporary and permanent public right of way diversions and closures and new and/or improvements to infrastructure (e.g. gates and stiles) along temporarily or permanently diverted public rights or way footpaths;
- (m) landscaping and biodiversity mitigation and enhancement measures including planting;
- (n) tunnelling, boring and drilling works;
- (o) earthworks, site establishments and preparation works including site clearance (including vegetation removal); earthworks (including soil stripping and storage and site levelling) and excavations; the alteration of the position of services and utilities; and works for the protection of buildings and land;

(p) other works to mitigate any adverse effects of the construction, maintenance, operation or decommissioning of the authorised development.

- 2.6.2. The Proposed Development will have an export connection into a National Grid substation at East Claydon (the National Grid East Claydon Substation). National Grid Electricity Transmission (NGET) are pursuing works to deliver a replacement substation and have identified a preferred site for this substation to the west of the existing East Claydon Substation. The final location and timing of the works have not been confirmed by NGET at this stage and so the Proposed Development includes flexibility to account for a connection into either the existing substation or NGET's preferred location for the replacement substation.
- 2.6.3. The Applicant is responsible for the construction of the relevant generator bays within the National Grid East Claydon Substation. These works are expected to comprise the termination of the underground Grid Connection cables to above-ground cable sealing ends, the connection of the sealing ends to busbars within the National Grid East Claydon Substation, the installation of the generator bays, including circuit breakers, and the installation of related infrastructure including disconnectors, switches and instrument transformers.
- 2.6.4. NGET will be responsible for obtaining planning permission under the TCPA 1990 for the design and construction of the National Grid East Claydon Substation, which will replace the existing substation. NGET will undertake a consultation on their proposal to construct the new East Claydon Substation as a replacement to the existing substation, prior to submitting their planning application. The new proposed National Grid East Claydon Substation is located directly west of the existing substation, south of East Claydon Road, East Claydon MK18 3NF, approximately 1km from the village of East Claydon. NGET's substation planning application will be submitted prior to the end of 2025, to Buckinghamshire Council.
- 2.6.5. The Applicant acknowledges that different levels of information may be available at different times and, as such, the Applicant has taken a proportionate approach to what information is available at the time of submission. Therefore the Work No. 6 Grid Connection Cabling Corridor Infrastructure secured through **Schedule 1** of the **Draft DCO [EN010158/APP/3.1]** has been shown on the **Works Plans [EN010158/APP/2.3]** to cover the proposed National Grid East Claydon Substation site for cabling and associated works required to facilitate this connection to the National Grid East Claydon Substation. This is to ensure the Applicant has the necessary authorisation and powers to connect into the National Grid East Claydon Substation.
- 2.6.6. In terms of the proposed timing of construction for the Proposed Development:

- The construction phase is anticipated to occur over a 30-month period. Subject to being granted consent, the earliest the Proposed Development's construction phase is anticipated to commence is mid to late 2029. The final construction programme would depend on the detailed layout design and the potential environmental constraints on the timing of construction activities.
- The Proposed Development currently has a grid connection date of Q4 2031. It is currently anticipated that construction works would commence in mid to late 2029 and run to 2031. As such, there is a potential likelihood of overlapping construction works on different parts of the Site.

2.6.7. Full details of the Proposed Development, including the proposed construction methods and phasing, can be found in **ES Volume 1, Chapter 3: Proposed Development Description [EN010158/APP/6.1]**.

## 2.7. Flexibility

2.7.1. The Applicant has undertaken extensive studies and assessments in order to obtain as much certainty as possible, however, a number of elements that form part of the Proposed Development cannot be confirmed until the detailed design and tendering process for the design and construction of the Proposed Development has been completed. For example, due to the rapid pace of technological development in the solar photovoltaic (PV) and energy storage industry, the Proposed Development could utilise technology which does not currently exist and therefore sufficient flexibility needs to be incorporated into the Application.

2.7.2. To address this, a 'Rochdale Envelope' approach is used, this is set out in more detail in ES Volume 1, Chapter 3: Proposed Development Description and Chapter 5: Approach to the EIA **[EN010158/APP/6.1]**. This involves assessing the maximum (and where relevant, the minimum) parameters for the Proposed Development where flexibility needs to be retained. The principles and justification for this approach are set out in section 3.2 of **Chapter 3: Proposed Development Description** and section 5.7 of **Chapter 5: Approach to the EIA**, of the **ES Volume 1 [EN010158/APP/6.1]**, and the maximum (and minimum) parameters assessed as part of the Rochdale Envelope form the Design Commitments as outlined in **ES Volume 3, Appendix 3.1: Design Commitments [EN010158/APP/5.9]** and secured in the **Draft DCO [EN010158/APP/3.1]**.

2.7.3. This flexibility is essential in order to ensure the successful delivery of the Proposed Development.

### 3. Description of the Order Limits

- 3.1.1. The Proposed Development is located within the administrative boundaries of Buckinghamshire Council.
- 3.1.2. The location of the Proposed Development is shown in **ES Volume 3, Figure 1.1: Location Plan [EN010158/APP/6.3]**. The Order Limits, presented in **ES Volume 3, Figure 1.2: Order Limits [EN010158/APP/6.3]**, comprises approximately 675.05 ha of land. Figure 1.2 outlines the maximum extent of land that will be required to facilitate the construction, operation (including maintenance) and decommissioning of the Proposed Development.
- 3.1.3. Within the Order Limits there are four principal parcels of land described as: Parcel 1, 1a, 2 and 3. In addition there is land that sits outside of these parcels required to facilitate the development. These parcels are outlined in **ES Volume 3, Figure 1.2: Order Limits [EN010158/APP/6.3]** and further detail is included within **ES Volume 1, Chapter 2: Location of the Proposed Development [EN010158/APP/6.1]**.
- 3.1.4. Further detail on the Proposed Development and the construction, operation (including maintenance) and decommissioning phases can be in located in **ES Volume 1, Chapter 3: Proposed Development Description [EN010158/APP/6.1]**.
- 3.1.5. The land within the Order Limits is not covered by any statutory landscape designations (i.e. National Parks, or Areas of Outstanding Natural Beauty (AONB)).

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

### 4.1. Introduction

- 4.1.1. The **Draft DCO [EN010158/APP/3.1]** contains powers to enable the acquisition of land, new rights over land and the imposition of restrictions that are required to construct, operate and maintain the Proposed Development. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction and maintenance of the Proposed Development. Where the necessary land and rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the **Draft DCO [EN010158/APP/3.1]** enables the acquisition of land and rights. These powers in the **Draft DCO [EN010158/APP/3.1]** relate to the Order Land only, which is all the land within the Order Limits with the exception of one small area of land which is shown shaded white on the **Land Plans [EN010158/APP/2.2]**.
- 4.1.2. The Applicant has been seeking to acquire the relevant freehold interests and other rights over land required by agreement, in order to allow for the construction, operation and decommissioning of the Proposed Development. Discussions with the relevant landowners are ongoing, with voluntary agreements secured for all of the land for solar PV panels (Work No. 1) at the point of submission of the Application, and good progress made in relation to the remainder of the Order Land (see **Schedule of Negotiations and Powers Sought [EN010158/APP/4.4]**). The Applicant will continue to endeavour to acquire the land, rights and other interests by agreement wherever possible. This approach of making the application for powers of compulsory acquisition in the Application and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 2.8 of MGCLG's Guidance on the Compulsory Purchase Process.
- 4.1.3. Notwithstanding where an agreement has been reached, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the DCO so as to protect against a scenario whereby contracts are not adhered to or otherwise is set aside, for example: (i) the freeholder owners of the land within the Order Land (where agreement has been reached) do not grant a lease of the land in accordance with the terms of the completed option agreements; or (ii) the contracting party dies, is subject to divorce proceedings, or is declared insolvent. In those circumstances, it would be in the public interest for the Proposed Development to proceed and the interests in question effectively converted into a claim for compensation. The Applicant also needs powers to extinguish and/or suspend rights and override easements and other rights in the Order Land to the extent that they would conflict with the Proposed Development.

- 4.1.4. There are a number of plots within the **Land Plans [EN010158/APP/2.2]** which are not registered with the Land Registry. Following diligent inquiry, ownership of a number of these plots has been established, however, there are interests identified in the **Book of Reference [EN010158/APP/4.3]** where it has not been possible to identify ownership.
- 4.1.5. The compulsory purchase powers in the DCO will enable the Applicant to protect the Proposed Development, to mitigate impacts of the Proposed Development where necessary, and to ensure that access could be taken as necessary to facilitate the construction, operation and maintenance of the Proposed Development.

## 4.2. Enabling Powers

- 4.2.1. Section 120(3) of the Planning Act 2008 provides that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the Act lists the matters ancillary to the development. These include (amongst others):
- the acquisition of land, compulsorily or by agreement (paragraph 1);
  - the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement (paragraph 2);
  - the abrogation or modification of agreements relating to land (paragraph 3); and
  - the payment of compensation (paragraph 36).
- 4.2.2. Section 122 of the Planning Act 2008 provides that a DCO may only include provision authorising the compulsory acquisition of land if the SoS is satisfied that the land is:
- required for the development to which the DCO relates;
  - required to facilitate or is incidental to that development; or
  - replacement land for commons, open spaces, etc.
- 4.2.3. Further, it is also necessary for the SoS to be satisfied, in relation to the Application, that there is a compelling case in the public interest for the land to be acquired compulsorily. This is required by Section 122(3) of the Planning Act 2008.
- 4.2.4. This Statement provides the information that will enable the SoS to comply with sections 120 and 122 of the Act.

## 4.3. Permanent Acquisition

- 4.3.1. The areas of the Order Land over which compulsory acquisition powers are sought in respect of all interests (including freehold) are shown edged red and shaded pink on the **Land Plans [EN010158/APP/2.2]**. This land is described in more detail in the **Book of Reference [EN010158/APP/4.3]**.
- 4.3.2. In summary, the areas in which freehold acquisition is sought are for part of Works Nos. 1, 2A and 2B, 3A, 3B, 4, 5, 6, 7, 8A, 8B, 9 and 10A and 10B and relate to where the ground-mounted solar PV generating station, satellite collector compounds, satellite collector compounds transformer, Rosefield Substation and BESS, main collector compound, grid connection cabling corridor, interconnecting cabling corridor, primary temporary construction and decommissioning compounds, secondary temporary construction and decommission compounds, highway works, green and blue infrastructure, and internal access to mitigation areas only, would be located (some of the works numbers listed, namely Work Nos. 6, 7, 8A, 8B, 9 and 10A and 10B, do not necessarily justify the compulsory acquisition of the freehold in their own right, but are part of the justification for the powers sought, as the land is also utilised for other work numbers being Work Nos. 1, 2A, 2B, 3A, 3B, 4, 5). The Applicant has only included powers to compulsorily acquire the freehold interest in land where other powers (such as to acquire new rights or take temporary possession) would not be sufficient or appropriate to enable the construction, operation or maintenance of the Proposed Development.
- 4.3.3. Article 22 of the DCO is relied upon for this purpose. The article reflects the terms of the source of the compulsory acquisition powers in section 122 of the Planning Act 2008, would provide the Applicant with the power to acquire so much of the Order Limits as is required for the Proposed Development, or such land as is required because it facilitates or is incidental to that development.

#### 4.4. Temporary Use

- 4.4.1. There will be situations where it will not be necessary for the Applicant to permanently acquire rights and interests, but instead be authorised to temporarily possess and use land. The land over which rights of temporary possession only are sought is shown edged red and shaded green on the **Land Plans [EN010158/APP/2.2]**. The Applicant is also seeking temporary use powers over all other land within the Order Land, in order to allow it to take temporary possession ahead of acquiring land or rights permanently (see further explanation below). The land over which these rights are sought is shown edged red and shaded pink and blue on the **Land Plans [EN010158/APP/2.2]**. This land is described in more detail in the **Book of Reference [EN010158/APP/4.3]**.
- 4.4.2. The reason for seeking temporary use powers over this land is that it allows the Applicant to enter on to land for particular purposes (including

site preparation works) in advance of any vesting of the relevant land/rights. This enables the Applicant to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Proposed Development.

4.4.3. Articles 31 and 32 of the **Draft DCO [EN010158/APP/3.1]** are relied upon in respect of this land. Article 32 allows temporary possession of land for the purposes of maintaining the Proposed Development. Article 31 permits temporary use in two ways in connection with the construction of the Proposed Development:

- Firstly, the land identified in Schedule 11 to the **Draft DCO [EN010158/APP/3.1]** may only be temporarily possessed (i.e. the Applicant cannot acquire the land nor new rights over it), and possession can only be taken for the purposes set out in that Schedule for the particular plot. In summary, these are:
  - (a) plots 7/10. This plot is required for temporary use (including access) to carry out Work No. 9, (being works to the street or highway to facilitate access) and management of traffic and vegetation to facilitate the construction.
  - (b) plot 6/8, 6/9. This plot is required for temporary use (including access) to carry out Work No. 7, (being works for Interconnecting Cabling Corridor(s)), Interconnecting Cabling Corridor(s). Temporary use (including access) to carry out Work No. 9, (being works to the street or highway to facilitate access) and management of traffic and vegetation to facilitate the construction. Temporary use (including access) to carry out Work No. 10A (being works to facilitate Green and Blue Infrastructure).
  - (c) Plot 3/2, 3/7, 3/8, 3/12, 8/1, 8/3, 8/4, 8/5, 8/6, 8/7, 8/8. These plots are required for temporary use (including access) to carry out Work No. 9, (being works to the street or highway to facilitate access) and management of traffic and vegetation to facilitate the construction. Temporary use (including access) to carry out Work No. 10B. (being Internal Access to Mitigation Areas only).

These areas are shown edged red and shaded green on the **Land Plans [EN010158/APP/2.2]**; and

- Secondly, Article 31 permits the Applicant to take temporary possession of any other part of the Order Land where it has not yet exercised powers of compulsory acquisition – this will allow the Applicant (for instance) to initially take temporary possession of the whole width of the corridor required for the Grid Connection Corridor. Once the Applicant has carried out detailed surveys and installed the relevant apparatus (such as pipes or cable), the Applicant can then acquire new rights (pursuant to the powers set out above) within only a narrower strip in

which permanent rights are required, within the wider construction corridor. This phased approach to occupation and acquisition allows the permanent rights corridor to be defined after construction, and to be only that which is necessary for the operation, maintenance and protection of the apparatus. Such an approach has precedent amongst other DCOs including the Longfield Solar Farm Order 2023, Gate Burton Energy Park Order 2024, and the Cottam Solar Project Order 2024.

4.4.4. The **Schedule of Negotiations and Powers Sought [EN010158/APP/4.4]** sets out the latest position in relation to negotiation of voluntary agreements with landowners. As part of these negotiations, landowners have been made aware that the DCO will seek temporary possession rights over all of their land included within the Order Land.

4.4.5. Under Article 32, the Applicant is entitled to occupy the land for as long as necessary to carry out the relevant maintenance works. The Applicant must give the landowner and any occupier not less than 28 days' notice and on completion of the maintenance works must remove all temporary works and restore the land to the satisfaction of the landowner.

## 4.5. Other Rights

4.5.1. The land over which compulsory acquisition powers are sought for rights and the creation of new rights (including imposing restrictive covenants) is shown edged red and shaded blue on the **Land Plans [EN010158/APP/2.2]**. This land is described in more detail in the **Book of Reference [EN010158/APP/4.3]**. In summary, these are required for Work Nos. 6, 7, 8A, 8B, 9, 10A and 10B. Article 24 of the DCO is relied upon in respect of new rights. The new rights sought over these plots are set out in Schedule 9 to the **Draft DCO [EN010158/APP/3.1]** and are:

- cable rights, being rights to install, use, protect, inspect, remove, maintain, replace etc. underground cables and associated works; access; and restriction on actions that may obstruct or interfere with the exercise of rights or damage the Proposed Development;
- vegetation maintenance rights, being rights to install, use, protect, inspect, replace, improve, maintain etc. vegetation, and restrict or prevent removal of vegetation;
- access rights, being rights to alter, improve, maintain, use etc. means of access including visibility splays, road widening or improvements; and rights to take access in connection with the Proposed Development;
- public right of way rights, being rights to alter, improve, form, maintain etc. public rights of way; and rights to take access in connection with the Proposed Development; and

- substation connection rights, being rights to install, use, protect, inspect, remove, maintain, replace etc. electrical cables and other apparatus to connect to the National Grid East Claydon Substation; and rights associated with this use in relation to drainage, access and landscaping.

4.5.2. In addition, the Applicant has included powers to ensure that easements and other private rights identified as affecting the land are extinguished or suspended, so as to facilitate the construction and operation of the Proposed Development without hindrance. Furthermore, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished in order to facilitate the construction and operation of the Proposed Development. Articles 25 and 28 of the DCO are relied upon in respect of this land and apply in relation to all of the Order Land (that is, all land edged red on the **Land Plans [EN010158/APP/2.2]** and shaded either pink, blue or green). With respect to land shaded green, in respect of which temporary possession only is sought, Article 25 makes clear that any private rights or restrictive covenants are only suspended for the period in which the Applicant is in lawful possession of the land (i.e. they would only be suspended temporarily).

4.5.3. The Order contains the following additional powers which may constitute an interference with land and/or rights over land and as such are captured in the **Book of Reference [EN010158/APP/4.3]**.

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

4.5.4. All the above-mentioned articles in the **Draft DCO [EN010158/APP/3.1]**, which would provide powers enabling the Applicant to acquire land

permanently or to use land temporarily, are required to enable the construction, operation, maintenance and decommissioning of the Proposed Development.

## 5. Justification for the Compulsory Acquisition Powers

### 5.1. The need for the Proposed Development

5.1.1. The **Statement of Need [EN010158/APP/5.6]** sets out the need for the Proposed Development. A summary of the need for the Proposed Development is set out below.

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

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

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

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

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

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

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

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

- 5.1.5. The Proposed Development will deliver large amounts of low-carbon power ahead of other technologies (which have longer construction timeframes or have potentially not yet been proven at scale) which will support decarbonisation only in future years and only if they are brought forward.
- 5.1.6. In summary, the meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, will be critical on the path to Net Zero. Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- 5.1.7. This Proposed Development is a leading GB large-scale solar scheme and is an essential stepping-stone towards the future of efficient decarbonisation through the deployment of large-scale, technologically and geographically diverse low-carbon generation schemes. This Proposed Development addresses all important aspects of existing and emerging government policy.

## 5.2. National policy support

- 5.2.1. The national policy statements (NPS) which have effect in relation to the Proposed Development are:
- EN-1 Overarching National Policy Statement for Energy;
  - EN-3 National Policy Statement for Renewable Energy Infrastructure; and
  - EN-5 National Policy Statement for Electricity Network Infrastructure.
- 5.2.2. The **Planning Statement [EN010158/APP/5.7]** and the **Policy Compliance Assessment Tables at Appendix 4** to the Planning Statement have considered the Proposed Development and its potential impacts against the detailed policy criteria set out in EN-1, EN-3 and EN-5.
- 5.2.3. The **Environmental Statement [EN010158/APP/6.1 – 6.4]** provides a robust assessment of the potential impacts of the Proposed Development and finds that there are limited significant adverse residual effects remaining after mitigation.
- 5.2.4. Significant beneficial effects are likely on receptors in relation to:
- (a) Climate in relation to greenhouse gas emissions across all phases of the Proposed Development.

- (b) Landscape in relation to woodland, trees and hedgerows is a moderate beneficial effect at Year 10 of the Proposed Development's operational (including maintenance) phase.
- (c) Ground nesting birds is a significant beneficial effect at the local level across the operational (including maintenance) phase of the Proposed Development.

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

5.2.6. Section 3 of the **Planning Statement [EN010158/APP/5.7]** sets out the demonstrable benefits that will be delivered by the Proposed Development should consent be granted. In addition to the generation of a significant quantity of low carbon energy which makes a meaningful contribution to the UK's legally binding net zero commitment and is a source of domestic energy security that limits UK consumers exposure to volatile energy prices, the Proposed Development will also deliver:

- (a) The provision of battery storage which maximises efficiency of the land and grid capacity, as encouraged by EN-3;
- (b) The Proposed Development would deliver a Biodiversity Net Gain (BNG) in excess of 10%;

5.2.7. Proposed permanent enhancements to connectivity within the local area through the rationalising and enhancement of the network of Public Rights of Way (PRoWs). These enhancements are summarised below and detailed in **ES Volume 1, Chapter 3: Proposed Development Description [EN010158/APP/6.1]**:

- (a) A diversion to the existing PRoW Footpath (reference 'ECL/4/2') (463m to-be-stopped up) to the north of Parcel 3 to align the PRoW Footpath with the field boundaries of Fields E10 and E11, rather than crossing Field E11 (new length 559m).
- (b) A diversion to the existing PRoW Footpath (reference 'ECL/7/2') (244m to-be-stopped up) to the east of Parcel 2 to align the PRoW Footpath with the field boundary of Field D19 (new length 274m).
- (c) A diversion to the existing PRoW Footpath (reference 'SCL/13/2') (323m to-be-stopped up) to the south of Parcel 1 (between Shrubs Wood and Decoypond Wood) to align the PRoW Footpath with the field boundary of Field B7 (new length 410m).
- (d) Diversions to three existing PRoW Footpaths (references 'SCL/13/1', 'SCL/12/2' and a further diversion to 'SCL/13/2') (1,470m to-be-stopped up) to rationalise them into a single PRoW Footpath providing access between Pond Farm and Calvert Road (new length 1,027m).

- 5.2.8. The Proposed Development's three new permissive footpaths are to have a combined and total length of approximately 3.1 kilometres (km). New signage and/or waymarking would be provided for along the diverted PRoWs and the permissive footpaths.
- 5.2.9. Providing a variety of biodiversity benefits including: new habitat for invertebrates, reptiles, amphibians, small mammals and birds; the sowing of grassland open fields; scrub and margins with wildflower; the planting of hedgerows and tree belts; the establishment of ecological ponds (either former ponds for recreation or new ponds as blue infrastructure works) and wider vegetated cover for foraging and dispersal, to maintain bat flight lines across the landscape, and provide a winter seed source for birds. Further details of these benefits are captured and secured within the **Outline Landscape and Ecological Management Plan (Outline LEMP) [EN010158/APP/7.6]**.
- (a) Provision of the **Outline Employment, Skills and Supply Chain Plan (ESSCP) [EN010158/APP/7.14]** which will set out:
- 5.2.10. The key elements of the socio-economic context that have informed the Outline Plan and will form the basis for the themes and balance of measures to be developed at the next stage; full details of which are set out in ES Volume 2, Chapter 14: Population [EN010158/APP/6.2];
- The key policies and priorities set out across Buckinghamshire's economic strategies that this Outline Plan is able specifically to support;
  - The underpinning conditions required to successfully promote economic benefits;
  - A set of core objectives, which would form the basis for marshalling collective action by the Applicant, its Tier 1 contractors and regional stakeholders with a role in promoting access to employment, workforce development and business prosperity;
  - Key stakeholders with which the Applicant has engaged in order to understand the opportunities and challenges that would form the context for delivery of economic benefits and the approaches that would work best from the perspective of Buckinghamshire's stakeholders, communities and businesses;
  - Organisations that the Applicant would seek to collaborate with to successfully promote opportunities and translate these into employment, skills and business benefits;
  - A suite of actions, which the Applicant would drive forward, in collaboration with partner stakeholders; and
  - How the Applicant would engage with stakeholders to produce a detailed Employment, Skills and Supply Chain Plan (hereinafter referred to as the Detailed Plan) if the Development Consent Order (DCO) is

granted and how the Applicant intends to deliver and monitor the activities set out within the Detailed Plan.

- 5.2.11. The Applicant has an established record of adding lasting value through the support of local supply chains and is committed to focussing the delivery of economic benefits generated by the Proposed Development to local residents and business. The Proposed Development has the ability to catalyse and increase capabilities and specialisms in green construction and manufacturing across Buckinghamshire. This is detailed and secured within the **Outline ESSCP [EN010158/APP/7.14]**.
- 5.2.12. In terms of the planning balance, the Applicant set out with the objective to deliver a significant quantity of renewable energy, of NSIP scale, to the National Grid and contribute to the UK's wider decarbonisation of energy supply. Through the careful selection of an appropriate site which benefited from suitable topography and irradiance and connection to the National Grid through to the detailed design measures the Applicant has developed a proposal which is sensitive to local context. EN-1, at paragraph 4.1.3, notes that given the urgency for the type of infrastructure covered in the energy NPSs, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs.
- 5.2.13. The need for such development is such that the UK Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure (para. 4.2.4 of EN-1). Para. 4.2.5 confirms that solar development falls within the category of CNP by stating that low carbon infrastructure for the purposes of that policy means all onshore and offshore electricity generation that does not involve fossil fuel combustion.
- 5.2.14. The designation of such infrastructure as CNP subsequently engages paragraph 3.3.63 of EN-1 which states that *"subject to any legal requirements, the urgent need for CNP infrastructure to achieving our energy objectives, together with the national security, economic, commercial and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by the application of the mitigation hierarchy"*.
- 5.2.15. The policy landscape set by the Energy NPSs illustrates the Government's position in a very clear way and confirms that the principle of the development is not just accepted, it is of critical importance and priority at a national level. This landscape paves the way for well-considered projects to receive a positive determination by the Secretary of State. However, despite the strength of the policy it does not immediately imply that all proposals for such infrastructure will receive approval. There are a number of tests and justification required to be demonstrated by the Applicant as to why a chosen site is an appropriate location for the

proposed infrastructure and that any adverse environmental impacts have been mitigated as far as practicable with the application of the mitigation hierarchy. EN-1 also places significant emphasis on the importance of good design throughout the NSIP process. This means more than sensitive siting of infrastructure and includes consistent decision making based on sound environmentally led principles.

- 5.2.16. Good design has been embedded into the Proposed Development from the outset of the site selection process with the search process seeking to avoid areas of higher landscape sensitivity. In this context the first tier of the mitigation hierarchy, has been applied as there are no local or national landscape designations which would be impacted by the Proposed Development. At a site-specific level a comprehensive mitigation package has been embedded into the design of the Proposed Development to date with further commitments made to minimise any likely significant impacts. However, the nature of the Proposed Development, the sensitivity of receptors and the existing rural context mean that there are some impacts which cannot be mitigated. The Applicant considers given the acute need for the Proposed Development it has taken all reasonable measures to minimise these likely significant effects.
- 5.2.17. In a policy context, paragraph 5.10.5 of EN-1 accepts that there will likely be some impact in terms of landscape and visual effects as a result of DCO scale energy projects, stating: *Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may be beneficial landscape character impacts arising from mitigation.*
- 5.2.18. Since selecting the Site, ALC surveys have been carried out across 605.12ha of the Proposed Development's 675.05ha. The ALC survey has confirmed that 549.91ha of the survey land constitutes Grade 3b, with 3.01ha constituting Grade 2 and 7.19ha constituting Grade 3a. Of the unsurveyed land, 27.84ha constitutes non-agricultural land whilst the remaining 42.5a is identified as Grade 3b. When including the unsurveyed areas within the calculations, it is concluded that 94.42% of the Site is non-BMV, 4.07% of the Site is non-agricultural land and 1.51% of the Site is BMV. Further information on ALC is provided in **ES Volume 2, Chapter 12:Soil [EN010158/APP/6.2]**.
- 5.2.19. EN-3, while setting a preference for the type of land to be used for solar development, is clear the land type should not be a predominating factor in determining the suitability of a site. It goes further to accept that it is likely that agricultural land will form part of an applicant's proposals, and that ground mounted solar PV development is not prohibited on BMV. It is also important to note that there is no planning policy which requires agricultural land to be farmed. Indeed, farmers are actively encouraged to

take land out of arable use to help regenerate soil and combat the biodiversity crisis.

- 5.2.20. With the exception of the agricultural land required for green infrastructure, the land to be used will be used temporarily with the land being returned to agricultural use at the end of the Proposed Development's lifetime. Nevertheless, the ES has confirmed that significant effects are encountered, despite the context of that loss relating to green infrastructure, and limited weight may be applied against the Proposed Development in the planning balance.
- 5.2.21. The Proposed Development makes a significant contribution towards the UK's solar targets for reaching Net Zero. The Applicant is well resourced and in a strong position to deliver the Project and within a timeframe that means the generation of low carbon energy will also occur in a timely manner and contribute to 2030 and 2035 pathway targets.
- 5.2.22. As a CNP project, the Proposed Development benefits from the strongest policy position set out in national planning policy. EN-1 sets out a presumption in favour of energy related development. The Planning Statement confirms that the Proposed Development complies with EN-1, EN-3, EN-5, the NPPF and the Local Plan. Where significant residual adverse effects have been identified, the Applicant has demonstrated its proper application of the mitigation hierarchy which has materialised in the carefully considered design of the Proposed Development. Residual adverse effects on landscape and visual and biodiversity receptors and a cultural heritage receptor cannot be further avoided, reduced, mitigated or compensated for by the Proposed Development, in accordance with Paragraph 4.2.11 of EN-1. Cumulative impacts are also considered, as per the requirements of paragraph 4.2.12 of EN-1, and identify a significant impact which cannot be avoided, reduced or mitigated in relation to landscape and visual receptors.
- 5.2.23. Paragraph 4.2.15 of EN-1 is therefore engaged. This states "*where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts*".
- 5.2.24. The residual effects in this case are limited to temporary landscape and visual effects, before planting has matured, which are, in all but one instance, then reduced to not significant by year 10 and permanent loss of BMV agricultural land as a result of mitigation and enhancement. It is considered that these residual impacts do not meet the "*exceptional circumstances*" test and therefore do not warrant refusal. Furthermore, there is no unacceptable interference with human health and public safety,

defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Accordingly, the balance is firmly in favour of approval.

- 5.2.25. In addition, there are a significant number of additional benefits that would be achieved by the Proposed Development, as outlined above.
- 5.2.26. The Proposed Development is a well-considered and effectively designed proposal that responds to the locality and is sensitive to the local environment. It is therefore concluded that Development Consent should be granted.
- 5.2.27. In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the land within the Order Land, uncertainty will continue to prevail, and the Applicant considers that its objectives and those of Government policy would not be achieved.

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

- 5.3.1. As noted above, under section 122 of the Planning Act 2008, a DCO which includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) are met. The conditions to be met are that:
  - (a) the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development (section 122(2)) (see paragraph 6.2 below); and
  - (b) there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (section 122(3)). The SoS must be persuaded that the public benefits from the compulsory acquisitions will outweigh the private loss suffered by those whose land is to be acquired (see Sections 5.3 below).
- 5.3.2. In respect of the section 122(2) condition, the Guidance on the Compulsory Purchase Process at paragraph 13.3 states *‘the acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire and show that all the necessary resources are likely to be available to achieve that end within a reasonable timescale’*. The Guidance on the Compulsory Purchase Process goes on to say *‘the confirming authority will need to be satisfied that the interests of those affected by the exercise of the compulsory purchase powers have been considered. The confirming authority will also have regard to any mitigation offered by the acquiring authority when considering the impact of the exercise of the compulsory purchase powers included in the compulsory purchase order on affected parties.’*
- 5.3.3. In respect of the section 122(3) condition, the Guidance on the Compulsory Purchase Process (at paragraph 12.3) states *‘A compulsory purchase order should only be made where there is a compelling case in*

*the public interest and reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement'. At paragraph 13.1, the Guidance on the Compulsory Purchase Process states 'the confirming authority when considering a compulsory purchase order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest'.*

5.3.4. Further, detail in the Guidance on the Compulsory Purchase Process sets out a number of general considerations that the Applicant must demonstrate to the satisfaction of the SoS when justifying an order authorising compulsory acquisition. These are as follows:

- the acquiring authority demonstrates reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement (paragraph 12.3) - see section 5.7 alongside the **Schedule of Negotiations and Powers Sought [EN010158/APP/4.4]**;
- the acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire - see the remainder of this section, and Section 2.6 above;
- the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. Funding should generally be available now or early in the process. – see section 2.3 and 5.10 in addition to the **Funding Statement [EN010158/APP/4.2]**; and
- that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see Section 7 below.

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

## 5.4. Use and quantum of the Order Limits

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

- 5.4.2. In designing the Proposed Development and determining the land to be subject to compulsory acquisition and temporary possession powers, as demonstrated in section 4.3-4.5 above, the Applicant has considered alternatives and modifications to the Proposed Development to minimise the potential land take.
- 5.4.3. Section 2.6 sets out the Proposed Development and a summary of the Proposed Development for which rights in the Order Land are required. The **Schedule of Negotiations and Powers Sought [EN010158/APP/4.4]** summarises the purpose for which rights in the Order Land are sought.
- 5.4.4. The proposed interference with the rights of those with an interest in the land is for a legitimate purpose because the Applicant requires the land for the Proposed Development and can satisfy the conditions set out in section 122(2) of the Planning Act 2008. The land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development.
- 5.4.5. The scope of the powers of compulsory acquisition proposed in respect of the land within the Order Land goes no further than is needed. All the land included within the Order Limits is needed to achieve the identified purpose of delivering the Proposed Development. The **Schedule of Negotiations and Powers Sought [EN010158/APP/4.4]** shows the powers being applied for over each plot and the requirement for each plot of land demonstrating the assessment that has been carried out on each plot. Steps have been taken to ensure that the interference with the rights of those with an interest in the affected land is no more than is necessary to deliver the benefits associated with the Proposed Development.

## 5.5. Impacts and Private Loss

- 5.5.1. In order to deliver the benefits of the Proposed Development set out above, the Applicant requires the use of compulsory acquisition powers. This will result in a private loss by those persons whose land or interests in land is compulsorily acquired. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code thereby minimising the private loss.
- 5.5.2. Compensation is payable for the compulsory acquisition of land or rights and for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.
- 5.5.3. As shown in the **Schedule of Negotiations and Powers Sought [EN010158/APP/4.4]**, the Applicant has taken proactive steps to engage with these persons through formal consultation and informal engagement to understand the direct and indirect impacts on them. This has helped to

shape the proposals and, where possible enabled changes to designs to minimise the private loss.

- 5.5.4. All relevant environmental, social and economic benefits and adverse impacts have been assessed and are reported on in the Application documents, most notably the **Environmental Statement [EN010158/APP/61 – 6.4]**.
- 5.5.5. Whilst the Proposed Development as a whole would, in common with any national infrastructure project, result in some adverse effects to the environment and local community, it is considered that these (considered individually or collectively) would not outweigh the important nationally significant benefits of contributing towards the urgent national need for secure and affordable low carbon energy infrastructure and the critical national priority for the Proposed Development.
- 5.5.6. The Proposed Development is a NSIP and the public benefits associated with the Proposed Development are set out in Section 6.1 of this Statement. The Applicant considers that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictions) to be included in the Order. Compensation is payable to all affected landowners and occupiers.
- 5.5.7. There is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the Proposed Development. The extent of the Order Land is no more than is reasonably necessary for the construction, operation and maintenance of the Proposed Development and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.

## 5.6. Alternatives to Compulsory Acquisition

- 5.6.1. The Applicant has considered all reasonable alternatives to compulsory acquisition including negotiated agreements, alternative sites and modifications to the Proposed Development. An overview of the consideration of alternatives is set out below.
- 5.6.2. The Applicant has considered reasonable alternatives that could realistically achieve the objectives for the Proposed Development. This assessment is set out in **ES Volume 1, Chapter 4: Reasonable Alternatives Considered [EN010158/APP/6.1]**. A Site Selection Report has also been prepared and is included as Appendix 1 to the **Planning Statement [EN010158/APP/5.7]**. These reports should also be read in conjunction with the **Statement of Need [EN010158/APP/5.6]**.

- 5.6.3. The reports conclude there were no alternative technologies or sites studied by the Applicant that could deliver the project objectives. From an alternative technology perspective, the following conclusions were drawn:
- Alternative types of renewable energy generation technologies, such as wind and hydrogen, were not considered viable for the Order Limits by the Applicant.
  - Several alternative solar technologies and design options have been considered throughout the design process to date. The parameters of the DCO Application will seek to maintain a degree of flexibility under the Rochdale Envelope to allow for the latest solar technology to be utilised at the time of construction.
  - The design and layout of the Proposed Development has been developed as part of an iterative process which has been informed by the ongoing environmental assessment process whilst taking into consideration the design principles and controls, feedback and engagement with stakeholders and consultees. The evolution of the design has informed the determination of the proposed Order Limits.
- 5.6.4. As reported in **Appendix 1: Site Selection** to the **Planning Statement [EN010158/APP/5.7]** and following a review to identify which of the land in proximity to the National Grid East Claydon Substation may be appropriate for solar PV development from a technical, environmental and community perspective, the Applicant commenced discussions with landowners to identify where there was a willingness to enter into lease agreements. The search identified a single landowner, located directly adjacent to the National Grid East Claydon Substation, who was agreeable in principle to leasing sufficient land for a solar development that optimised the grid connection
- 5.6.5. Given the critical and urgent need to deploy renewable energy to address to climate crisis and following consideration of other factors (as reported in **Appendix 1: Site Selection Report** to the **Planning Statement [EN010158/APP/5.7]**), the Site location has been chosen as it is considered to have good potential for large-scale solar deployment. The availability to utilise the existing capacity available at the National Grid East Claydon Substation was the primary driver in identifying a site in this part of Buckinghamshire.
- 5.6.6. The Site selected for the Proposed Development minimised the extent of compulsory acquisition powers needed given the voluntary agreement referenced above, and no other sites or areas considered would have avoided the use of such powers to a greater degree.
- 5.6.7. None of the alternatives or modifications considered for the Proposed Development would obviate the need for powers of compulsory acquisition powers and temporary possession over the Order Land.

- 5.6.8. The Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility, economic factors and the minimisation of environmental and visual impacts and land take.

## 5.7. Commercial negotiations with affected parties

- 5.7.1. As shown in the **Schedule of Negotiations and Powers Sought [EN010158/APP/4.4]**, discussions have been ongoing with the relevant land interests, detailed below.

## 5.8. Solar PV Site

- 5.8.1. The Applicant has successfully secured the majority of the property rights required for the Solar PV Site. With respect to the principal landowner, Claydon Estate, the Applicant entered into an Option Agreement over the majority of the Site in November 2022, securing the necessary land and rights to construct and operate the Proposed Development. Following further discussions with Claydon Estate, and informed by statutory consultation and survey date, the parties have now completed a variation to the original Option Agreement to align with the submitted Application and Order Land.
- 5.8.2. There are three tenants on the Claydon Estate to which detailed heads of terms for relocation or vacation agreements are agreed. We are working in partnership with the Claydon Estate, the principal landowner in the area, to ensure that the relocation process is managed collaboratively and sensitively.

## 5.9. Grid Connection Route

- 5.9.1. The Grid Connection route involves cabling from the Rosefield Substation, within and through the fields owned by the same landowner as the majority of the Solar PV Site to the field proposed to be used for the new National Grid East Claydon Substation. Please see above in relation to status of negotiations with the Claydon Estate in this respect.
- 5.9.2. The Applicant has also been engaging with National Grid and a number of landowners with respect to the remaining land within the Grid Connection Route connecting to the proposed National Grid East Claydon Substation to secure the necessary agreements via negotiation. The Applicant expects to reach voluntary agreements by close of the Examination.
- 5.9.3. With respect to both the Solar PV Site and the Grid Connection Route, whilst some agreements have been reached to date, the Applicant's intention is to continue to negotiate to reach voluntary agreements.

5.9.4. Despite this, it is necessary for the Applicant to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the **Draft DCO [EN010158/APP/3.1]**, thereby ensuring that the Proposed Development can be constructed, operated and maintained. The Applicant nevertheless remains committed to obtaining necessary land and rights by negotiation where possible.

## 5.10. Availability of funds for compensation

5.10.1. The **Funding Statement [EN010158/APP/4.2]** confirms that the Applicant has the ability to procure the financial resources required for the Proposed Development, including the cost of acquiring any land and rights and the payment of compensation, as applicable.

5.10.2. The Applicant is not aware of any interests within the Order Limits in respect of which a person may be able to make a blight claim, but in the event this did occur the Applicant has sufficient funds to meet any compensation due.

5.10.3. The Applicant therefore considers that the SoS can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

5.10.4. The **Draft DCO [EN010158/APP/3.1]** includes Article 47 (Guarantees in respect of payment of compensation) which restricts the undertaker from exercising the powers conferred under Articles 22, 24, 25, 30, 31, 32 and 33 (powers in relation to compulsory acquisition of land, rights and rights to temporary possession) until it has either put in place a guarantee or other form of security approved by the SoS in respect of the liabilities of the undertaker to pay compensation under the Order. This provision is included in order to protect the recipients of any compensation under the Order by providing certainty that the undertaker can make good any compensation owed.

## 6. Diligent Inquiry and Land Referencing

### 6.1. Diligent inquiry and land referencing

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

### 6.2. Diligent inquiry methodology

- 6.2.1. The Applicant was required to identify individuals in one or more of the categories set out in sections 44 and 57 of the Planning Act 2008. This included undertaking “diligent inquiry” to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the Planning Act 2008. Category 1 includes owners, lessees, tenants and occupiers of the land within the Order Limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits. Category 3 includes parties who the Applicant thinks would or might, if the Order sought by the application were made and fully implemented, be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965 and/or Part 1 of the Land Compensation Act 1973 and/or section 152(3) of the Planning Act 2008.
- 6.2.2. The Land Referencing limits were set to include all land and rights necessary to construct and operate the Proposed Development. A professional land referencing firm was employed to undertake diligent inquiry to identify these land interests. The following processes were undertaken as part of the methodology to identify and consult with those with an interest in affected land.
- 6.2.3. Land Registry data was received in the form of a digital shape file (a GIS layer) and digital copies of the Official Copy Registers and Title Plans. All relevant freehold, leasehold, mortgagee, beneficiary, other charges and restrictive covenant information was extracted and stored in a land referencing database.
- 6.2.4. An update to the land registry information was carried out prior to the preparation of the **Book of Reference [EN010158/APP/4.3]** as part of the Application documentation.
- 6.2.5. Adopted highways plans were acquired from Buckinghamshire County Council. Information was also obtained regarding special category land (including open space, common land, fuel and field garden allotments);

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

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

## 7. Human Rights

- 7.1.1. The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (the "Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 7.1.2. The following Articles of the Convention are relevant to the SoS's decision as to whether the Order should be made so as to include powers of compulsory acquisition:
- 7.1.3. Article 1 of the First Protocol to the Convention - protects the rights to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest.
- 7.1.4. Article 6 - entitles those affected by the compulsory acquisition powers sought in the Order to a fair and public hearing.
- 7.1.5. Article 8 - protects private and family life, home and correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.
- 7.1.6. The SoS, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.
- 7.1.7. The Order has the potential to infringe the rights of persons who hold interests in land within the Order Limits under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:
  - a) the statutory procedures for making the Order are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order; and
  - b) the interference with the convention right is proportionate.
- 7.1.8. In relation to Article 1, in preparing the Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the Order and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. The Applicant considers that there would be a very significant public benefit arising from the grant of the Order. The benefit is only realised if the Order is accompanied by the grant of powers of compulsory acquisition. The Applicant has concluded on balance that the significant public benefits outweigh the effects upon persons who own property within the Order Land. For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code.

- 7.1.9. In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the Planning Act 2008, the Applicant has consulted with persons set out in the categories contained in Section 44 of the Planning Act 2008, which includes owners, lessees, tenants and occupiers within the Order Limits and those with an interest in the Order Limits. The Applicant has also consulted with those persons who may be able to make a relevant claim under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or s152(3) of the Planning Act 2008.
- 7.1.10. In relation to Article 8, the Order Land does not include, and the Proposed Development does not require, the outright acquisition of any residential dwelling-houses. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. In the event that such rights were to be infringed, such interference would be justifiable on the basis that it would be lawful and in the public interest.
- 7.1.11. Furthermore, representations can also be made in response to any notice given under Section 56 of the Planning Act 2008 for consideration at examination of the Application by the Examining Authority and in any written representations procedure which the Examining Authority decides to uphold or at any compulsory acquisition hearing held under Section 92 of the Planning Act 2008.
- 7.1.12. Should the Order be made, any person aggrieved may challenge the Order in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the Planning Act 2008.
- 7.1.13. Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. In relation to matters of compensation, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body, to determine the compensation payable.
- 7.1.14. For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Section 6 of this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 7.1.15. The Applicant considers that the Order strikes a fair balance between the public interest in the Proposed Development going ahead and the interference with the rights that will be affected. The Applicant considers that it would, therefore, be appropriate and proportionate for the SoS to make the Order, including the grant of compulsory acquisition powers.

## 8. Special considerations affecting the Order Limits

### 8.1. Crown Land

- 8.1.1. There is no Crown Land included or affected by the Order Limits

### 8.2. Special Category Land – Open Space

- 8.2.1. There is no open space, common land or fuel or field garden allotments included or affected by the Order Limits.
- 8.2.2. Whilst there is an interest in the Order Limits held for the benefit of the National Trust, this is not considered to be land held by the National Trust inalienably for the purposes of section 130 of the Planning Act 2008. The reasoning for this position, as well as the summary of engagement with the National Trust in relation to its restrictive covenants, is set out below.

#### The Deed

- 8.2.3. The National Trust interest is held pursuant to a deed dated 13 July 1956 made between (1) Sir Harry Calvert Williams Verney (2) Four Claydons Estate Company Limited and (3) The National Trust for Places of Historic Interest or Natural Beauty (the “**Deed**”).
- 8.2.4. The National Trust interest held pursuant to the Deed relates to plots 3/14, 3/15, 3/16, 3/17, 3/18 and 4/1, in the area of Claydon House and garden. In this location the Proposed Development would comprise underground cabling and an access track, and also use for temporary construction laydown.
- 8.2.5. The recitals to the Deed suggest that the “Vendor” (Sir Harry Calvert Williams Verney) had some time prior to the conveyance to the National Trust entered into an agreement to sell the land to the “Company” (Four Claydons Estate Company Limited), and whilst the Company had paid the price for the land, no conveyance transferring the land to the Company was executed by the parties after the agreement for sale had been entered into. This meant that the Vendor was still the legal owner of the land by the time of the conveyance to the National Trust, but the Vendor held that land on a bare trust for the Company which was the beneficial owner of the land.
- 8.2.6. This would explain why both the Vendor and the Company were a party to the later conveyance (the Deed) to the National Trust (as both the Vendor and the Company needed to dispose of their respective interests in the land to the National Trust, as the legal and beneficial interests had been separated as a result of the earlier agreement by the Vendor to sell the land to the Company). The recitals to the Deed do not suggest that the

land being disposed to the National Trust was land which was settled land under the Settled Land Act 1925. The Settled Land Act 1925 does deal with land held under a trust, but not the type of bare trust that arises in the situation which the recitals to the Deed to the National Trust seem to describe (this is relevant to the question of whether the land falls within section 130 of the Planning Act 2008 as set out further below).

### The Restrictive Covenants

- 8.2.7. The Deed includes restrictive covenants, including, relevantly in relation to the Proposed Development:
- (a) no act or thing is to be done or placed or permitted to remain upon the land which in the opinion of the National Trust shall materially alter the natural appearance, or condition of the land or is prejudicial to the amenities of the land or the National Trust subject to certain limited exceptions which do not appear to be relevant for present purposes; and
  - (b) new buildings or other erections shall without the prior written consent of the National Trust be erected or permitted to remain on the land, such consent not to be unreasonably withheld in relation to matters relating to agriculture. (the “**Restrictive Covenants**”)
- 8.2.8. As to the Restrictive Covenant referred to in sub-paragraph (a) above, the Applicant’s position is that once the underground cables have been laid and the ground above them restored, there would be no breach of this Restrictive Covenant, as the cables would be placed under the ground as opposed to on the land. The access track would remain for the lifetime of the Proposed Development, however, the Applicant does not consider the presence of the access track would be in breach of the terms of the Restrictive Covenant in sub-paragraph (a). Similarly given the temporary nature of the construction compounds, it is not considered they would amount to a breach of this Restrictive Covenant.
- 8.2.9. As to the Restrictive Covenant referred to in sub-paragraph (b), the Applicant’s position is that the access track once constructed and the cables underground (with entrances to inspection chambers set into the surface of the land) would not be a new building or erection. There may be structures associated with construction compounds, however these would be temporary.
- 8.2.10. The Applicant has engaged, and continues to engage, with the National Trust in relation to the Proposed Development and its interaction with the Restrictive Covenants, as part of wider engagement in relation to the impact of the Proposed Development on Claydon House and Registered Park and Garden. On 26<sup>th</sup> August 2025 the Applicant submitted a request to the National Trust to undertake the Proposed Development in this

location (with the potential for there to be a breach of the Restrictive Covenants, depending upon the views of the National Trust). The request was considered by the National Trust in late August 2025, and the Applicant awaits confirmation of the decision.

#### Land held inalienably by the National Trust

- 8.2.11. Turning to the point about whether the National Trust interest is an interest falling within the scope of section 130 of the Planning Act 2008, section 130 provides:

#### **National Trust land**

*(1) This section applies to land belonging to the National Trust which is held by the Trust inalienably.*

*(2) An order granting development consent is subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of land to which this section applies, if the condition in subsection (3) is met.*

*(3) The condition is that—*

*(a) a representation has been made by the National Trust about the application for the order granting development consent before the completion of the examination of the application,*

*(aa) the representation contains an objection to the compulsory acquisition of the land,] and*

*(b) the objection has not been withdrawn.*

*(3A) In a case to which this section applies and to which section 131 or 132 also applies, special parliamentary procedure—*

*(a) may be required by subsection (2) whether or not also required by section 131(3) or 132(2), and*

*(b) may be required by section 131(3) or 132(2) whether or not also required by subsection (2).*

*(4) In this section “held inalienably”, in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the National Trust Act 1907 (c. cxxxvi) or section 8 of the National Trust Act 1939 (c. lxxxvi).*

*(5) In this section “the National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907 (c. cxxxvi).*

- 8.2.12. The Applicant has therefore considered whether the National Trust interest in the Order Limits amounts to land held inalienably, as defined pursuant to section 130(4) of the Planning Act 2008.
- 8.2.13. With respect to section 21(1) of the National Trust Act 1907 (the “**1907 Act**”), this references land that is listed in Part 1 of Schedule 1 to the 1907 Act, none of which includes the land in question pursuant to the Deed. On that basis, the interest held by the National Trust is not considered to be held inalienably under section 21 of the 1907 Act.
- 8.2.14. With respect to section 8 of the National Trust Act 1939 (the “**1939 Act**”), this provides as follows:

**8. Mansion and lands to be inalienable by National Trust.**

*Any mansion house or amenity lands assured to the National Trust under this Act shall be inalienable by the National Trust but so that (except in regard to the lease) the provisions of clause 1 of the scheme shall apply thereto as if the same had become inalienable under section 21 (Certain property of Trust to be inalienable) of the Act of 1907.*

- 8.2.15. Section 8 is clear that it applies to any mansion house or amenity lands “assured to the National Trust under this Act”.
- 8.2.16. The Deed deals with the mansion house known as Claydon House plus gardens and buildings, and whilst that would appear on its face to fall within the scope of section 8 of the 1939 Act, the conveyance to the National Trust pursuant to the Deed is not considered by the Applicant to be an assurance of a mansion house and amenity lands to the National Trust which had been on settled land.
- 8.2.17. In terms of lands assured to the National Trust under the 1939 Act (as required, in order to be within the scope of section 8 of the 1939 Act), section 3(1) of the 1939 Act deals with the assurance to the National Trust of the principal mansion and the pleasure grounds and parks and lands usually occupied with it on the settled land and it provides as follows:

*“(1) If a settlement comprises a principal mansion house the National Trust may accept and retain and the tenant for life may grant gratuitously or otherwise to the National Trust in fee simple or absolutely or for the whole or any less estate (not being a leasehold interest created pursuant to section 4 of this Act) comprised in the settlement—*

*(a) the principal mansion house on the settled land and the pleasure grounds and park and lands (if any) usually occupied therewith (in this Act together referred to as “the mansion house”);”*

- 8.2.18. The 1939 Act does not deal with the assurance of any other type of mansion house other than a principal mansion house. By section 2 of the 1939 Act, “Principal mansion house” means a principal mansion house on settled land within the meaning of section 65 of the Settled Land Act 1925.”
- 8.2.19. Section 65(2) of the Settled Land Act 1925 defines “principal mansion house” by what it is not. It provides as follows (in the context of section 65(1) setting out where there are restrictions on the ability to dispose of settled land as respects a principal mansion house):
- “Where a house is usually occupied as a farmhouse, or where the site of any house and the pleasure grounds and park and lands, if any, usually occupied therewith do not together exceed twenty-five acres in extent, the house is not to be deemed a principal mansion house within the meaning of this section, and may accordingly be disposed of in like manner as any other part of the settled land.” (emphasis added).*
- 8.2.20. This means that where the site of any house and its pleasure grounds, park, and lands do not exceed 25 acres in area, the house is not a “principal mansion house” on settled land for the purpose of section 3(1) of the 1939 Act.
- 8.2.21. The Deed in this case is of a house and grounds of 4.412 acres, the house and grounds conveyed to the National Trust pursuant to the Deed do not exceed 25 acres and so are not a principal mansion house with grounds for the purpose of the 1939 Act.
- 8.2.22. Accordingly, the National Trust interest pursuant to the Deed is not land held inalienably by the National Trust by virtue of section 8 of the 1939 Act.
- 8.2.23. As a result, the Applicant concludes that the National Trust interest in the Order Limits does not fall within the scope of section 130 of the Planning Act 2008, either by virtue of the 1939 or the 1907 Acts.
- 8.2.24. As noted, above, the Applicant has been engaging with the National Trust in relation to the interact of its interests with the Proposed Development, and is seeking to agree the above position with it.

### 8.3. Statutory Undertakers’ Land and Apparatus

- 8.3.1. The interests held by each statutory undertaker identified by the Applicant as having a right to keep or access apparatus within the Order Land are identified in Part 6 of the **Book of Reference [EN010158/APP/4.3]**.

- 8.3.2. Section 127(2) of the Planning Act 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that:
- the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
  - the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.
- 8.3.3. Section 127(5) of the Planning Act 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of a right over statutory undertaker's land by the creation of a new right over land to the extent that:
- the right can be purchased without serious detriment to the carrying on of the undertaking; or
  - any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of the other land belonging to or available for acquisition by them.
- 8.3.4. Article 33 of the **Draft DCO [EN010158/APP/3.1]** gives the Applicant the authority to acquire land and rights from statutory undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 15 which contains protective provisions for their benefit. The protective provisions provide adequate protection for statutory undertakers' assets. The Applicant therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition powers sought over the Order Land being granted. The tests set out in sections 127(3) and 127(6) of the Planning Act 2008 are therefore satisfied.
- 8.3.5. Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order Land. Statutory undertakers and other apparatus owners that are known to have equipment on, in or over the Order Land are included in the **Book of Reference [EN010158/APP/4.3]**. Section 138 of the Planning Act 2008 applies if a development consent order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land.
- 8.3.6. The **Draft DCO [EN010158/APP/3.1]** includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Proposed Development. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 15 to the

Order, which is given effect by Article 44 of the **Draft DCO [EN010158/APP/3.1]**. The protective provisions are in the process of being agreed with the relevant statutory undertakers and electronic communications apparatus owners, and will accordingly set out constraints on the exercise of the powers in the Order, with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Proposed Development (i.e. the development authorised by the Order) to proceed. The Applicant therefore considers that the test set out in section 138 of the Planning Act 2008 is satisfied.

8.3.7. The Applicant has identified the following statutory undertakers that may have an interest or apparatus within the Order Land:

- GIGACLEAR Limited;
- British Telecommunications
- National Grid Electricity Distribution (East Midlands) Plc;
- National Grid Electricity Transmission Plc;
- National Grid Electricity Distribution Plc
- Scottish and Southern Energy Power Distribution Limited;
- UK Power Networks Limited;
- Anglian Water Services Limited;
- Openreach Limited;
- Vodafone Limited;
- Buckingham & River Ouzel Internal Drainage Board;
- Environment Agency.

- (a) All of the above statutory undertakers or asset owners were first contacted in June or July 2025 to progress the protective provisions. The current status of negotiations with these statutory undertakers with an identified interest in the Order Land is included in Table 3 of the Schedule of Negotiations and Powers Sought [EN010158/APP/4.4].
- (b) The Applicant will continue to seek agreement with all parties contacted as to protective provisions and in any event has included standard protective provisions in the Order for the protection of electricity, gas, water and sewerage undertakers, for the protection of operators of electronic communications code networks and for the protection of drainage authorities in order to ensure the assets of those parties receive adequate protection under the Order.

- (c) There are no other relevant special considerations in respect of the Order Limits.

## 9. Related Applications and Licences

- 9.1.1. Other consents and licences may be required in order for the Proposed Development to be built, operated and maintained. The **Schedule of Other Consents and Licences [EN010158/APP/5.5]** sets out the full list of additional consents and licences which the Applicant anticipates may be required, together with information about the consenting authority, why the consent may be needed and the status of the consent. Key consents likely needed are identified as follows:
- Electricity generation licence;
  - Water abstraction or impoundment licence;
  - Water discharge;
  - Bilateral Connection Agreement with National Grid to connect the Proposed Development to the National Electricity Transmission System;
  - Permit for transport of abnormal loads;
  - Section 61 consent (control of noise on construction sites);
  - Health and safety related consents;
  - Protected species licence;
  - Hazardous substance consent; and
  - Permits for street works under Buckinghamshire County Council's permit scheme and highways agreement with the County.
- 9.1.2. The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider them to be impediment to the Proposed Development proceeding.

## 10. Further Information

### 10.1. Negotiation of Sale

- 10.1.1. Owners and occupiers of property affected by the Proposed Development who wish to discuss matters of compensation should contact James Dewey of Gateley Hamer (Tel – 07526167926, email – james.dewey@gateleyhamer.com).

### 10.2. Compensation

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

## 11. Conclusion

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

purpose. The Applicant considers that the substantial public benefits to be derived from the proposed compulsory acquisition would outweigh the private loss that would be suffered by those whose land or interests are to be acquired and therefore justifies interfering with that land or rights.

- 11.1.9. The Applicant has set out clear and specific proposals for how the Order Land will be used.
- 11.1.10. An explanation has been provided as to how it is expected that the construction of the Proposed Development and the acquisition of the land or rights over the land will be funded, as well as compensation in respect of the exercise of powers of compulsory acquisition, which demonstrates that there is a reasonable prospect of the requisite funds being available. Further detail is provided in the Funding Statement [EN010158/APP/4.2].
- 11.1.11. Articles 1, 6 and 8 of the First Protocol to the Convention have been considered. The Applicant considers that the very substantial public benefits to be derived from Proposed Development would outweigh the private loss that would be suffered by those whose land is to be acquired or whose rights would be interfered with.
- 11.1.12. It is therefore submitted that the Order be made and any compulsory acquisition powers and powers of temporary possession sought within the Order be granted.



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