

Interested Party No: FFB4D2C85

**JG Pears Group
Deadline 2 Submission**

1. We act for JG Pears Group, as set out in our Relevant Representation allocated reference RR.060.
2. We have reviewed the documents submitted by the Applicant at Deadline 1, including (but not limited to) the Applicants Responses to Relevant Representations ("Applicants Response") and Land and Rights Negotiation Tracker. Comments, following review of these documents, on behalf of our client are detailed below.
3. As previously noted, the proposed OESF DCO requires the use of compulsory acquisition powers to permanently acquire rights over land owned by JG Pears Group. However, the area over which it is proposed these rights could be acquired is significant (i.e. over 1.3 million square metres/320 acres) and is clearly an excessive use of powers of compulsory purchase. The Applicants Response states that the application of powers under Article 23 of the draft DCO are strictly limited to the acquisition of rights and the benefits of restrictive covenants for the purposes set out in Schedule 8 of the draft DCO, but that the wider landholding owned by JG Pears Groups has been included to provide construction flexibility, given the uncertainty around the route for the cable to connect into the proposed High Marnham substation.
4. Whilst JG Pears Group accept that some flexibility is needed in this regard, it remains of the opinion that the level of flexibility sought, by including the whole of JG Pears site at High Marnham, is excessive. For at least the duration of the DCO examination/determination period and (assuming the DCO is confirmed) until a final easement strip is determined, JG Pears Group land at High Marnham is effectively incapable of being brought forward for other development.
5. The Applicant has clearly had discussions with National Grid Transmission regarding the likely location of the proposed High Marnham substation (and JG Pears note that there are parts of its site where the substation cannot be accommodated) and therefore the Applicant should be able to limit the area of which it is seeking to acquire rights under the DCO in this regard. It is not unreasonable for there to be a review and reduction of the land which is currently contained in the draft DCO for the cable route to the proposed High Marnham substation. If such a review was carried out effectively, this would reduce the ongoing limitations on development which JG Pears are currently facing.
6. Notwithstanding the Applicants Response, JG Pears still maintain that the OESF DCO lacks clarity and detail as to the rights and works that will affect JG Pears Group's land, with very wide ranging and generic rights applied across the whole OESF DCO. The rights sought go beyond what is necessary and are an excessive use of compulsory purchase powers and a thorough review of what is needed by way of compulsory acquisition should be carried out as set out above.
7. The Applicant goes on in the Applicants Response to state that it would continue to engage with JG Pears Group to explore possibilities to reduce disruption and accommodate, where possible, future development plans. This is a clear acceptance that there is an impact/limitation on JG Pears Group's ability to bring

forward future development on its land, despite suggestions earlier in the Applicants Response that no such impact/limitation exists.

8. Additionally, the Applicant refers to six meetings between the parties and continuous dialogue since July 2021 (although in the Land and Rights Tracker this is stated as being July 2022). Unfortunately, JG Pears consider that this dialogue as not necessarily been continuous and that the Applicant not always forthcoming with information. For example, JG Pears raised a number of queries by email on 7 February 2022 that went unanswered.
9. JG Pears Group also highlight that until correspondence issued by the Applicant in November 2024, their dealings with the Applicant were always in the context of the JG Pears Group being a landlord for solar PV and / or BESS elements of the scheme. It was only after JG Pears Group saw consultation papers on the project that they became aware of the Applicant's need to cross JG Pears Group land with a cable. It was then only November 2024 that the Applicant first approached JG Pears Group in relation to the need to a cable easement.
10. Furthermore, it is noted in the Applicants Response and the Land and Rights Tracker that it has agreed to JG Pears Group's request for a non-disclosure agreement, this is completely untrue. JG Pears Group requested a unilateral non-disclosure agreement from the Applicant in March 2025 (i.e. to protect JG Pears Groups commercial interests, not the Applicants) but this has very recently (early August 2025) been rejected by the Applicant. Whilst discussions are ongoing, to date, no such agreement has been reached.
11. Without this unilateral non-disclosure agreement, JG Pears Group is to be able to provide the Applicant with further details of JG Pears Groups strategy and future development plans for its land at High Marnham (information which the Applicant notes in the Applicants Response would be encouraged) and this therefore impedes any ongoing discussions of a commercial nature between the parties. JG Pears Group is disappointed with the position taken by the Applicant in this regard, but more so with the misrepresentation of the position in the Applicants Response and Land and Rights Tracker.
12. In light of the above, it remains JG Pears Groups position that there has been very limited meaningful engagement by the Applicant, which is contrary to guidance on the use of compulsory purchase powers. JG Pears Group also reiterates that the Applicant has not made proper attempts to acquire the rights sought under the OESF DCO by voluntary agreement. Whilst the Land and Rights Tracker refers to the Applicant continuing to engage with JG Pears Group, there has been no attempt to re-negotiate terms since the Heads of Terms, issued by the Applicant in February 2025, where rejected by J G Pears Group.

Squire Patton Boggs (UK) LLP

