



One Earth Solar Farm

Volume 4.0: Compulsory Acquisition Information [EN010159]

Statement of Reasons – Tracked Version

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1. Executive Summary

1.1 Purpose and Structure of this Statement of Reasons

- 1.1.1 One Earth Solar Farm Ltd (the Applicant) is seeking a Development Consent Order (DCO) for a large-scale solar plus storage development, connecting to the National Electricity Transmission System (NETS) at High Marnham (the Proposed Development) as described in **ES Volume 1, Chapter 5: Description of the Proposed Development [EN010159/APP/6.5.2]**. The terminology used in this document is defined in the **Glossary of Terms and Abbreviations [EN010159/APP/7.17]**.
- 1.1.2 This Statement of Reasons relates to the Application for a development consent order made by the Applicant to the Secretary of State under the Planning Act 2008 (PA 2008) for powers to construct, operate (including maintenance) and decommission the Proposed Development. This document has been submitted at Deadline 1. The document references have not been updated from the original submission. Please refer to the **Guide to the Application [EN010159/APP/1.3.2]** for the list of current versions of documents.
- 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.
- 1.1.4 The Applicant is also seeking powers to take temporary possession of land to construct the Proposed Development.
- 1.1.5 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 Development Consent Order (DCO). This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for the Applicant to be granted these powers.
- 1.1.6 The matters addressed in this Statement are summarised in this section. References to numbered sections or paragraphs are to sections or paragraphs of this Statement. Terms used in this Executive Summary are defined in the main body of this Statement of Reasons.

1.2 Description of the Proposed Development (Section 3)

- 1.2.1 The Proposed Development will comprise the construction, operation and maintenance, and decommissioning of a solar photovoltaic (PV) electricity generating facility with a capacity of more than 50 megawatts (MW), an energy storage facility, a grid connection to the National Grid and associated infrastructure integral to the construction, operation and maintenance of the Proposed Development. The Proposed Development will be located within the 'Order Limits' (as described below) and is the subject of the DCO Application. Further details are set out in **ES Volume 1, Chapter 5: Description of the Proposed Development [EN010159/APP/6.5.2]** accompanying the DCO Application.
- 1.2.2 The Order Limits is shown on **Works Plan [EN010159/APP/2.3.1]**, within which the Proposed Development will be carried out. The Proposed Development is set out in detail in Schedule 1 of the **Draft DCO [EN010159/APP/3.1.3]**, where it is referred to as the "authorised development" and is divided into works packages. The areas in which each component may be constructed are shown in the **Works Plan [EN010159/APP/2.3.1]**.

1.3 Description of the Order Limits (Section 4)

- 1.3.1 The Order Limits fall across two county areas and three local authorities. Approximately 1,203ha of the Order Limits falls within Nottinghamshire County Council and the remaining 206ha of the Order Limits falls within Lincolnshire County Council. The Order Limits also extends across three administrative boundaries; these being Newark and Sherwood District Council, West Lindsey District Council and Bassetlaw District Council.
- 1.3.2 The River Trent dissects the Order Limits in a north-south alignment. The nearest villages comprise:
- > North Clifton and South Clifton, located within 500m of the nearest boundary of the Order Limits to the east;
 - > Newton on Trent, located within 200m of the nearest boundary of the Order Limits to the north;
 - > Dunham, located within 800m to the north of the nearest boundary of the Order Limits;
 - > Fledborough, located within 50m to the east of the nearest boundary of the Order Limits; and
 - > Ragnall, located within 50m to the west of the nearest boundary of the Order Limits.
- 1.3.3 In addition, there are a number of isolated properties and hamlets, which are dispersed throughout the landscape.

- 1.3.4 To the southwest of the Order Limits is the proposed National Grid Substation at High Marnham (the 'National Grid High Marnham Substation'), which will provide the connection for the Proposed Development to the National Grid Electricity Transmission network. The Applicant has secured a connection agreement with National Grid which would allow export and import of up to 740MW of electricity to the National Grid High Marnham Substation.

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

- 1.4.1 Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- 1.4.2 Section 122 of the PA 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 of the DCO are:
- > all interests in land, including freehold (Article 21 in the DCO) - shown shaded pink on the **Land Plans** [\[EN010159/APP/2.2.4\]](#);
 - > all interests in land, including freehold in respect of subsoil only (Article 26 in the DCO);
 - > permanent acquisition of new rights (Article 23 in the DCO) - shown edged red and shaded blue on the Land Plan;
 - > temporary use only of land to permit construction and maintenance (Articles 30 and 31 in the DCO) shown edged red and shaded yellow on the Land Plan.
 - > temporary use of land to permit construction or maintenance where the Applicant has not yet exercised powers of compulsory acquisition (Articles 30 and 31 in the DCO) shown edged red and shaded blue or pink on the Land Plan and
 - > extinguishment and/or suspension of rights (Article 24 in the DCO) and overriding of easements and other rights (Article 27 in the DCO) - shown edged red on the Land Plan.

- 1.4.4 The Applicant considers that in the absence of these powers, the Order Limits may not be assembled, uncertainty will continue to prevail, and its objectives and 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 seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the rights and other interests in, on and over the land, the temporary use of land, as well as secure the removal of matters affecting the Order land that may impede the Proposed Development, by agreement 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 26 of the Department for Communities and Local Government Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (2013) (the CA Guidance).
- 1.4.6 The Applicant has also included land coloured “white” on the **Land Plans [EN010159/APP/2.2.34]** in the vicinity of the National Grid High Marnham substation. This is land over which the Applicant is seeking development consent powers but is not seeking powers of compulsory acquisition or temporary possession.
- 1.4.7 This Statement sets out the position in relation to the negotiations undertaken to date with affected owners. In summary, at the time of writing, agreements have been entered into for the proposed development and heads of terms have been issued for the remainder of the rights required. A summary of this position in the **Pre-application Land and Rights Negotiations Tracker [EN010159/APP/4.4.6]**.

1.5 Purpose of the Powers (Section 6)

- 1.5.1 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 Proposed Development will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- 1.5.2 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.

1.6 Justification for the Compulsory Acquisition Powers (Section 7)

- 1.6.1 Under section 122 of the PA 2008, compulsory acquisition powers may only be granted if the Secretary of State 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 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.’
- 1.6.3 This Statement, the **Planning Statement [EN010159/APP/5.5]** and the Explanatory Memorandum to the **Draft DCO [EN010159/APP/3.2.1.3]** set out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied (with the exception of the availability of funding, which is demonstrated in the **Funding Statement [EN010159/APP/4.2.2]**).
- 1.6.4 In particular, those documents demonstrate that the Proposed Development would:
- > help meet the urgent need for new energy infrastructure in the UK, providing enhanced energy security and supporting UK Government priorities in relation to economic development and security of supply;
 - > deliver additional renewable energy capacity, supporting the achievement of the UK Government's climate change commitments and carbon budgets;
 - > minimise or mitigate adverse impacts to an acceptable degree; and
 - > comply with NPS EN-1, NPS EN-3 and NPS EN-5 which the Secretary of State must have regard to under section 104 of the PA 2008.

1.7 Communications and Negotiations (Section 8)

- 1.7.1 In accordance with the requirements of the PA 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 PA 2008. These include owners, lessees, tenants and occupiers of the land within the Order Land. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order Land. 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 affected by the Proposed Development is explained in the **Pre-application Land and Rights Negotiations Tracker [EN010159/APP/4.4.6]**. Detailed discussions are ongoing with landowners and occupiers 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 (Section 9)

- 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 proposals for 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 (Section 10)

- 1.9.1 Section 132 of the PA 2008 applies to the compulsory acquisition of new rights over land forming part of a common, open space or fuel or field garden allotment.
- 1.9.2 The only parts of the Order Land which are Common Land, form Sparrow Lane (plots 08-006, 08-007, and 08-010). These parts of the Order Land are shown on the **Special Category Land Plans [EN010159/APP/2.9]** and identified in Part 5 of the **Book of Reference [EN010159/APP/4.3.5]**.
- 1.9.3 The Applicant therefore considers that the open space land when burdened with the rights sought in the Order will be no less advantageous to the public than it was before for the reasons set out above and therefore the test set out in section 132(3) is satisfied.

1.10 Related Applications and Consents (Section 11)

- 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 **Schedules of**

Other Consents and Licences Statement [EN010159/APP/5.4] sets out the additional consents required and when they will be applied for.

- 1.10.2 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Development proceeding.

1.11 Further Information (Section 12)

- 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 the Applicant on 0800 169 6507 or at info@oneearth solar farm.co.uk.
- 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-purchasesystem-guidance>.

1.12 Conclusion

- 1.12.1 The power to acquire 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 This Statement of Reasons has been prepared by One Earth Solar Farm 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 (PA 2008).

2.2 The Proposed Development

- 2.2.1 The Proposed Development comprises a number of land parcels (the Order Limits) described as One Earth Solar Farm (see **Location Plan [EN010159/APP/2.1.1]**) which accommodate ground mounted solar photovoltaic (PV) generating stations (incorporating the solar arrays); grid connection infrastructure and energy storage; and the Cable Route Corridors. The Proposed Development will comprise the construction, operation and maintenance, and decommissioning of a generating station (incorporating solar arrays) with a total capacity exceeding 50 megawatts (MW).
- 2.2.2 The Solar PV and associated substations and energy storage are to be connected to the proposed National Grid High Marnham substation at the Former High Marnham Power Station Site. The electricity generated by the Proposed Development will be exported via underground cables from the on-site substations (Work No. 3) to the new National Grid High Marnham Substation via the Grid Connection Cable Route (Work No. 4). A 400kV cable is also proposed between the two substations, to facilitate connection to the NETS. The substations, cable connections and energy storage will be required for the duration of the Proposed Development. The substations and energy storage will be decommissioned and removed at the end of the lifetime of the Proposed Development but the underground cables are anticipated to be decommissioned in situ to minimise environmental impacts.
- 2.2.3 The Proposed Development qualifies as a Nationally Significant Infrastructure Proposed Development (NSIP) under Part 3 section 14 of the PA 2008 by virtue of the fact that the generating station is located in England and has a generating capacity of over 50MW (section 15(2) of the PA 2008). It, therefore, requires an application for a DCO to be submitted to the Planning Inspectorate (PINS) under the PA 2008. PINS will appoint an examining authority to examine the application for the Proposed Development and make a recommendation to the SoS to grant or refuse consent. On receipt of the report and recommendation from the examining authority, the SoS will then make the final decision on whether to grant the DCO. The DCO, if made by the SoS, would be known as the 'One Earth Solar Farm Order'.
- 2.2.4 Full details of the Proposed Development, including the proposed construction methods and phasing, can be found in **Chapter 5: Description of the Proposed Development [EN010159/APP/6.5.2]** accompanying the DCO Application.

2.3 The Applicant

- 2.3.1 The Applicant for the Application is One Earth Solar Farm Limited (Company number: 13078087) is registered in England and Wales. The majority shareholder of the Applicant is One Earth 740 SPV Limited a company registered in England and Wales under company number 14847053 and incorporated 4 May 2023. The Proposed Development is being brought forward as a joint venture between Padero Solaer Limited trading as PS Renewables (company number: 08021337) and Orsted Onshore UK Limited (company number: 06636519) both of whom have significant control in One Earth 740 SPV Limited (the 'Owners').
- 2.3.2 Orsted Onshore UK Limited and its related entities (collectively "Ørsted") is a market leader within the UK in offshore wind generation, already operating 12 offshore wind farms alongside onshore wind projects in Scotland, renewable hydrogen and energy storage. As one of the largest renewable energy companies in the world, Ørsted has a history of delivering similar projects and its proven track record of securing capital funding, including the Race Bank, Walney Extension, Hornsea One and Hornsea Three.
- 2.3.3 Established in 2012, PS Renewables is one of the UK's largest privately held companies that specialises in the development and asset management of renewable energy projects including solar and BESS. PS Renewables' existing solar farm portfolio totals over 300MW of electricity producing potential in the UK.
- 2.3.4 More information on the Applicant, its corporate structure and financials is presented in the **Funding Statement [EN010159/APP/4.2.2]**.

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 Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the APFP Regulations), the Department of Communities and Local Government guidance 'Planning At 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) and the Guidance on Compulsory purchase process and the Crichel Down Rules (updated 3rd October 2024).
- 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 PA 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 relevant guidance referred to above:

- > An introduction to the Applicant is contained in **Section 2.2**;
- > A description of the Proposed Development is set out in **Section 3**;
- > A description of the Order Limits, its location, and present use is contained in **Section 4**;
- > The legislation relied on and scope of powers sought are set out in **Section 5**;
- > The purpose of the powers including the need for the Proposed Development and policy support is set out in **Section 6**;
- > A statement of the justification for compulsory acquisition including reference to funding is included in **Section 7**;
- > How the Applicant has sought to engage with landowners and negotiate to acquire the relevant land by agreement in **Section 8**;
- > How regard has been given to human rights legislation relevant to the determination of the Application is in **Section 9**;
- > Any special considerations affecting the Order Limits including Special Category Land and Crown Land is included in **Section 10**;
- > Details of the other consents needed before the Proposed Development can be implemented are included in **Section 11**;
- > 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 12**.

2.5 Useful documents

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

- > **Land Plans** [\[EN010159/APP/2.2.4\]](#);
- > **Works Plan** [\[EN010159/APP/2.3.1\]](#);
- > **Crown Land Plans** [\[EN010159/APP/2.8.2\]](#);
- > **Special Category Land Plans** [\[EN010159/APP/2.409\]](#);

- > **Draft DCO [EN010159/APP/3.1.3];**
- > **Explanatory Memorandum [EN010159/APP/3.2];**
- > **Funding Statement [EN010159/APP/4.2.2];**
- > **Book of Reference [EN010159/APP/4.3.5];**
- > **Pre-application Land and Rights Negotiations Tracker [EN010159/APP/4.4.6];**
- > **~~Details~~Schedules of Other Consents and Licences Statement [EN010159/APP/5.4];**
- > **Planning Statement [EN010159/APP/5.5]; and**
- > **Statement of Need [EN010159/APP/7.1.1]**

3. Description of the Proposed Development

- 3.1.1 One Earth Solar Farm will comprise the installation and operation of solar photovoltaic panels, Battery Energy Storage Systems ('BESS') and associated grid connection infrastructure which will allow for the generation and export of electricity to the proposed High Marnham substation (the 'Proposed Development'). The Applicant has secured a connection agreement with National Grid which would allow export and import up to 740 megawatts (MW) of electricity to the High Marnham substation. The Proposed Development will be located within the 'Order Limits' (as described below) and is the subject of the Application.
- 3.1.2 As the Proposed Development is an onshore energy generating station, the capacity of which will exceed 50MW of electricity, it is classified as a NSIP and therefore requires a DCO under Sections 14(1)(a) and 15(2) of the PA 2008. If granted, the DCO would authorise the construction, operation (including maintenance) and decommissioning of the Proposed Development. As a result of their national, strategic importance, DCOs are determined at a national level with the decision on whether to grant consent being made by the relevant SoS, that being the Department for Energy Security and Net Zero.
- 3.1.3 The Order Limits comprise a total area of 1409 ha and include all land required for the key components of the Proposed Development set out below, including highway improvement and mitigation works. The Proposed Development is also described in Schedule 1 of the **Draft DCO [EN010159/APP/3.1.3]** where the "authorised development" is divided into works packages, and the works numbers for those packages are summarised below. The **Works Plan [EN010159/APP/2.3.1]** shows the areas in which the parts of the Proposed Development may be constructed.
- 3.1.4 The Proposed Development consists of solar photovoltaic panel sites forming the Order Limits. The Order Limits are dissected by the River Trent. The Order Limits includes the connection to the National Grid substation at the former High Marnham Power Station. The nearest villages comprise:
- > North Clifton and South Clifton, located within 500m of the nearest boundary of the Order Limits to the east;
 - > Newton on Trent, located within 200m of the nearest boundary of the Order Limits to the north;
 - > Dunham, located within 800m to the north of the nearest boundary of the Order Limits;
 - > Fledborough, located within 50m to the east of the nearest boundary of the Order Limits; and
 - > Ragnall, located within 50m to the west of the nearest boundary of the Order Limits.

- 3.1.5 In addition, there are a number of isolated properties and hamlets, which are dispersed throughout the landscape.
- 3.1.6 To the southwest of the Order Limits is the proposed National Grid Substation at High Marnham (the 'National Grid High Marnham Substation'), which will provide the connection for the Proposed Development to the National Grid Electricity Transmission network. The Applicant has secured a connection agreement with National Grid which would allow export and import of up to 740MW of electricity to the National Grid High Marnham Substation.

3.2 Works Packages

- 3.2.1 A detailed description of the Proposed Development can be found in Chapter 5 of the Description of the **Proposed Development [EN010159/APP/6.5.2]**. It comprises a generating station with generating capacity of more than 50MW, being the NSIP, and is described in Work No. 1 in Schedule 1 to the Draft DCO.
- 3.2.2 Work No. 1: consists of a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 MW, including:
- > solar modules fitted to mounting structures; and
 - > Power Conversion Stations (PCS) comprising inverters, transformers and switchgear.
- 3.2.3 Work No. 2: A Battery Energy Storage System compound including:
- > BESS units each comprising an enclosure for BESS electro-chemical components and associated equipment, with the enclosure being of metal façade, joined or close coupled to each other, mounted on a reinforced concrete foundation slab or concrete piles;
 - > Transformers and associated bunding;
 - > Inverters, switch gear, and ancillary equipment;
 - > Containers or enclosures housing;
 - > Monitoring and control systems housed within the containers or enclosures;
 - > Heating, ventilation and air conditioning systems; and
 - > Electrical cables.
- 3.2.4 Work No. 3: Two on-site substations including substation, switch room buildings and ancillary equipment including reactive power units, control building housing offices, storage and welfare facilities.

3.2.5 Work No. 4: The Grid Connection Cable Route and the works to lay high voltage electrical cables, access and temporary construction laydown areas for the electrical cables. Also including the works to lay electrical cables including one 400 kilovolt cable circuit.

3.2.6 Work No. 5: Ancillary works including:

- > electrical cables up to 132kV;
- > fencing, gates, and other boundary treatments;
- > security measures including CCTV columns, lighting columns, cameras, weather stations, and communication infrastructure;
- > landscape and biodiversity mitigation and enhancement including planting of new vegetation and seeding;
- > vegetation removal;
- > 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;
- > laying down and creation of internal access tracks, ramps, means of access and footpaths and improvement and creation of access tracks;
- > temporary footpath diversions;
- > earthworks;
- > tunnelling, boring and drilling works;
- > sustainable drainage system ponds and general drainage; and
- > laying down of permissive paths, signage and information boards.

3.2.7 Work No. 6: Temporary construction and decommissioning compounds in connection with Work Nos. 1 to 5 including;
Work No. 6A – up to two primary temporary construction and decommissioning areas, which include;

- > areas of hardstanding;
- > car parking;
- > site and welfare offices, canteens and workshops;
- > area to store materials and equipment;
- > storage and waste skips;
- > area for download and turning;
- > security infrastructure, including cameras, perimeter fencing and lighting;

- > site drainage and waste management infrastructure (including sewerage); and
- > electricity, water, waste water and telecommunications connections.

3.2.8 Work No. 6B: up to ten secondary temporary construction and decommissioning areas, which include;

- > areas to store materials and equipment;
- > storage and waste skips;
- > area for download and turning;
- > security infrastructure including cameras, lighting and fencing; and
- > site and welfare offices, canteens and workshops.

3.2.9 Work No. 7 : works to facilitate access to Work Nos. 1 to 6 and to 8 including ;

- > creation of accesses from the public highway;
- > creation of visibility splays;
- > works to alter the layout of any street or highway;
- > works to widen and surface the streets; and
- > making and maintaining passing places.

3.2.10 Work No. 8: Works to create, enhance and maintain green infrastructure and mitigation, including;

- > landscape and biodiversity mitigation and enhancement areas;
- > habitat creation and management, including earthworks, landscaping, means of enclosure, and the laying and construction of drainage infrastructure;
- > laying down of permissive paths, signage and information boards;
- > improvements to existing public rights of way, signage and information boards;
- > earth bund;
- > screening

3.3 Proposed Timing of Construction

3.3.1 The construction of the Proposed Development is expected to take place over 24 months with the potential for some parts of construction to run in parallel, i.e.,

enabling works do not need to be complete in all areas of the construction site before solar farm construction commences in another part of the site.

3.3.2 The Proposed Development construction phase is anticipated to commence in 2027 and will be completed in 2029. The final programme will be dependent on detailed design and environmental constraints upon the timing of construction activities. As such, the construction programme for the entire Proposed Development is anticipated to be 24 months..

3.3.3 Further details of the proposed construction methods can be found in the **Outline Construction Environmental Management Plan (OCEMP)** [EN010159/APP/7.4.7].

3.4 Flexibility

3.4.1 The Applicant has undertaken extensive studies and assessments in order to obtain as much certainty as possible, however, a number of elements of detailed design for the Proposed Development cannot be confirmed until the tendering process for the design and construction of the Proposed Development has been completed. For example, 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.

3.4.2 To address this, a 'Rochdale Envelope' approach is used, this is set out in **ES Volume 1, Chapter 5: Description of the Proposed** [EN010159/APP/6.5.2]. 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 **ES Volume 1, Chapter 2: EIA Methodology of the Environmental Statement** [EN010159/APP/6.2], and the maximum (and minimum) parameters assessed as part of the Rochdale Envelope form the **Outline Design Parameters** [EN010159/APP/5.9.3] and explained within **ES Volume 1, Chapter 5: Description of the Proposed Development** [EN010159/APP/6.5.2]. The Draft DCO includes a requirement that detailed design of the Proposed Development must be in accordance with the **Outline Design Parameters** [EN010159/APP/5.9.3] and the Height Parameter Plan included within the **Site Layout Plans** [EN010159/APP/2.5].

3.4.3 This flexibility is essential to ensure the successful delivery of the Proposed Development.

4. Description of the Order Limits

- 4.1.1 The land within the Order Limits required to construct, operate and maintain and decommission the Proposed Development is shown on the **Location Plan [EN010159/APP/2.1.1]** and is located within the administrative areas of Sherwood District Council, West Lindsey District Council and Bassetlaw District Council. The River Trent dissects the Order Limits in a north-south alignment. The nearest villages comprise:
- > North Clifton and South Clifton, located within 500m of the nearest boundary of the Order Limits to the east;
 - > Newton on Trent, located within 200m of the nearest boundary of the Order Limits to the north;
 - > Dunham, located within 800m to the north of the nearest boundary of the Order Limits;
 - > Fledborough, located within 50m to the east of the nearest boundary of the Order Limits; and
 - > Ragnall, located within 50m to the west of the nearest boundary of the Order Limits.
- 4.1.2 In addition, there are a number of isolated properties and hamlets, which are dispersed throughout the landscape.
- 4.1.3 To the southwest of the Order Limits is the proposed National Grid Substation at High Marnham (the 'National Grid High Marnham Substation'), which will provide the connection for the Proposed Development to the National Grid Electricity Transmission network. The Applicant has secured a connection agreement with National Grid which would allow export and import of up to 740MW of electricity to the National Grid High Marnham Substation.
- 4.1.4 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)).
- 4.1.5 The landscape features within the Order Limits consist of agricultural fields with hedgerows interspersed with trees, isolated trees, small woodland blocks and farm access tracks and field accesses. The hedgerows within the Order Limits are principally tall, reasonably well-established and mature with isolated trees. The fields are generally large in size and regular in shape.
- 4.1.6 Further details on the land within the Order Limits are set out in **ES Volume 1, Chapter 3, Description of the Site and Surrounding Area [EN010159/APP/6.3]**

5. Source and Scope of Powers Sought in the DCO

5.1 Introduction

- 5.1.1 The **Draft DCO [EN010159/APP/3.1.3]** 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 and decommission the Proposed Development. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction of the Proposed Development. These powers in the Draft DCO relate to the Order land only, which is all the land within the Order Limits.
- 5.1.2 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. The Applicant can confirm that negotiations in respect of the land subject to freehold acquisition have, in the majority of cases, been concluded with only 2 agreements remaining outstanding. Those outstanding agreements are at an advanced stage and it is hoped that they will be concluded as soon as reasonably possible. The current status of negotiations is set out in the **Pre-application Land and Rights Negotiations Tracker [EN010159/APP/4.4.6]**. Where agreements have not been concluded and negotiations are ongoing, the Applicant shall continue to engage with the affected landowners with a view to reaching agreement as soon as reasonably 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 the CA Guidance.
- 5.1.3 Notwithstanding where an agreement has been reached, it is necessary for the Applicant to be granted the compulsory purchase 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) 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.
- 5.1.4 The compulsory acquisition powers in the Draft DCO will enable the Applicant to construct, operate, maintain, protect and decommission 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.

5.2 Enabling Powers

- 5.2.1 Section 120(3) of the PA 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 PA 2008 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).
- 5.2.2 Section 122 of the PA 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.
- 5.2.3 Further, it is also necessary for the SoS to be satisfied, in relation to the Application, that there is a compelling case in the public interest for the land to be acquired compulsorily. This is required by Section 122(3) of the PA 2008.
- 5.2.4 This Statement provides the information that will enable the SoS to comply with sections 120 and 122 of the PA 2008.

5.3 Permanent Acquisition of Freehold

- 5.3.1 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** [EN010159/APP/2.2.4]. This land is described in more detail in the **Book of Reference** [EN010159/APP/4.3.5]. A list of plots over which freehold acquisition is required, with the relevant Work Number, is set out in Appendix A.
- 5.3.2 In summary, the areas in which freehold acquisition is sought are for part of Works Nos. 1, 2, 3, 4, 5, 6A, 6B, 7, and 8 and relate to where the groundmounted solar PV generating station, onsite substations, grid connection,

BESS and ecological mitigation would be located (some of the works numbers listed, namely Work Nos. 4, 5, 6, or 7, 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, 2, 3, and 8) . 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..

- 5.3.3 Article 21 of the Draft 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 PA 2008, would provide the Applicant with the power to acquire so much of the Order Land as is required for the Proposed Development, or such land as is required because it facilitates or is incidental to that development.

5.4 Permanent Acquisition of Rights and Imposition of Restrictions

- 5.4.1 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** [\[EN010159/APP/2.2.4\]](#). This land is described in more detail in the **Book of Reference** [\[EN010159/APP/4.3.5\]](#). A list of plots over which new rights and restrictions are required, and the purpose, is set out in **Appendix A**. In summary, these are the areas required for Work Nos. 4, 5 and 7 being the Cable Route Corridor, works to facilitate access to the Site and Cable Route Corridor, and various works such as planting, cabling, drainage associated with the Site. Article 23 of the Draft DCO is relied upon for this purpose.
- 5.4.2 It cannot yet be confirmed exactly where the cable circuits (Work No. 4) will be laid, as the exact alignment will be determined following the detailed design of the Proposed Development and ground investigations and other surveys along the route prior to the commencement of the laying of the cables. Compulsory acquisition powers are therefore being sought over the entire Cable Route Corridor (Work No. 4) to enable the Applicant to carry out the cable installation works with the minimum of inconvenience to affected landowners, and to allow for minor variances to the cable route to avoid potential engineering difficulties, or otherwise, to enable the construction of the Proposed Development within programme and with the minimum of disruption to landowners and the wider community. The approach is explained further below in the context of temporary possession.
- 5.4.3 There is also a need to impose restrictive covenants in relation to new rights required in connection with the construction, operation, maintenance and decommissioning of the Proposed Development.
- 5.4.4 Planning Inspectorate guidance in Advice Note 15 concerning the drafting of DCOs (paragraphs 24.1-24.3) advises that it may be appropriate to include a

power to impose restrictive covenants over part of the land which is subject to compulsory acquisition or use under the DCO. The guidance states that before deciding whether or not such a power is justified the Secretary of State will need to consider issues such as proportionality; the risk that use of land above or below a structure could be sterilised if it has to be acquired outright in the absence of a power to impose restrictive covenants; or whether there is for example a policy of establishing a continuous protection zone for the infrastructure network which could be secured more efficiently with the benefit of this power.

- 5.4.5 The guidance states that the power to impose restrictive covenants over land above a buried cable or pipe, or where a slope contains artificial reinforcement has been granted in DCOs, and cites the Silvertown Tunnel Order 2018 as an example. The guidance advises that in order to enable the Secretary of State to consider whether the imposition of restrictive covenants is necessary for the purposes of implementing a DCO and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.
- 5.4.6 The Applicant has had regard to this guidance in preparing its Draft DCO. Article 23 includes a power to impose restrictive covenants in relation to land over which new rights are acquired. These proposed restrictions are required to protect the apparatus from becoming exposed, damaged or built over; preventing operations which may obstruct, interrupt or interfere with apparatus and the exercise of new rights required; ensuring that access for future maintenance can be facilitated and ensuring that land requirements are minimised so far as possible.
- 5.4.7 The Applicant considers the imposition of such restrictions to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the Proposed Development.

5.5 Temporary Possession

- 5.5.1 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 yellow on the **Land Plan [EN010159/APP/2.2.4]**. 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 Plan [EN010159/APP/2.2.4]**. This land is described in more detail in the **Book of Reference [EN010159/APP/4.3.5]**.
- 5.5.2 The reason for seeking temporary use powers over land shaded pink or blue is that it allows the Applicant to enter on to land for particular purposes (including site preparation works) in advance of any vesting of the relevant land/rights. This

enables the Applicant to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Proposed Development, because, for example, the Applicant could exercise the temporary possession powers to undertake site investigation works to inform and minimise the land within the proposed DCO Order Limits which permanent rights are needed.

- 5.5.3 Articles 30 and 31 of the **Draft DCO [EN010159/APP/3.1.3]** are relied upon in respect of all land within the Order land. Article 31 allows temporary possession of land for the purposes of maintaining the Proposed Development. As noted above, Article 30 permits temporary use in two ways in connection with the construction of the Proposed Development:
- 5.5.4 Firstly, the land identified in Schedule 10 to the **Draft DCO [EN010159/APP/3.1.3]** and in Appendix A 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 the areas required to facilitate the works comprising Work No. 5 and highway works and works to facilitate access (Work No. 7). These areas are shown edged red and shaded yellow on the **Land Plans [EN010159/APP/2.2.4]**; and
- 5.5.5 Secondly, Article 30 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 corridors required for the Cable Route 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.
- 5.5.6 The **Pre-application Land and Rights Negotiations Tracker [EN010159/APP/4.4.6]** sets out the latest position in relation to negotiation of voluntary agreements with landowners. As part of these negotiations' landowners have been made aware that the DCO will seek temporary possession rights over all of their land included within the Order land.
- 5.5.7 Under Article 31, the Applicant is entitled to occupy the land for as long as necessary to carry out the relevant maintenance works. The Applicant must give the landowner and any occupier not less than 28 days' notice and on completion of the maintenance works must remove all temporary works and restore the land to the satisfaction of the landowner.

5.6 Other Rights and Powers

- 5.6.1 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 24 and 27 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 [EN010159/APP/2.2.4]** and shaded either pink, blue or yellow). With respect to land shaded yellow, in respect of which temporary possession only is sought, Article 25(3) makes clear that any private rights or restrictive covenants are only suspended for the period in which the Applicant is in lawful possession of the land (i.e. they would only be suspended temporarily).
- 5.6.2 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 [EN010159/APP/4.3.5]**.
- > Article 8 - Street works: this article would confer authority on the Applicant to interfere with and execute works in or under any streets for the purposes of the authorised development;
 - > Article 12 - Temporary prohibition or restriction of use of streets and public rights of way: this article permits the Applicant to temporarily prohibit or restrict the use of, alter, divert or restrict the use of streets and public rights of way for the purposes of the development, whilst ensuring that pedestrian access is maintained;
 - > Article 13 - Use of private roads: this article enables the Applicant to use any private road within the Order Limits during construction or maintenance of the authorised development;
 - > Article 14 - Access to works: this article allows works accesses to public highways to be created. It gives the Applicant a general power to form means of access;
 - > Article 17 - Discharge of water: this article sets out the circumstances in which the Applicant is entitled to discharge water into a sewer, watercourse or drain, and its purpose is to establish statutory authority for doing so
 - > Article 18 – 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 19 - 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 27 - Power to override easements and other rights: this article permits the Applicant to override easements and other rights such that land vested in the Applicant would be discharged from all rights, trusts and incidents to which it was previously subject at the point of vesting, together with the benefit of restrictive covenants and instances where land subject to third party rights is acquired by agreement rather than through compulsory acquisition; and
- > Article 39 - Felling or lopping of trees and removal of hedgerows: this article would permit any tree or shrub that is near the Scheme to be felled or lopped, or have its roots cut back by the Applicant if it is considered to obstruct the construction, operation or maintenance of the Scheme or endanger anyone using it. Compensation is payable for any loss or damage caused;
- > Article 40 - Trees subject to tree preservation orders: this article permits any tree subject to a tree protection order that is described in the outline or approved landscape and ecological management plan, or which is located within or overhanging the Order Limits, to be felled or lopped or have its roots cut back by the Applicant if it is considered to obstruct the construction operation or maintenance of the Scheme. Compensation is payable for any loss or damage caused;
- > Article 47 – 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.

5.6.3 All the above-mentioned articles in the **Draft DCO [EN010159/APP/3.1.3]**, 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.

5.6.4 The Applicant has also included land coloured “white” on the **Land Plans [EN010159/APP/2.2.34]** in the vicinity of the National Grid High Marnham substation. This is land over which the Applicant is seeking development consent powers but is not seeking powers of compulsory acquisition or temporary possession. The land coloured “white” is excluded from the scope of compulsory acquisition and temporary possession as it does not fall within the definition of “Order land” in Article 2 of the Draft DCO (which includes land coloured pink, blue or yellow on the Land Plan only). The land coloured “white” is therefore outside of the scope of the powers in Part 5 of the Draft DCO, which apply to Order land only.

6. Purpose of the Powers

6.1 The need for the Proposed Development

- 6.1.1 The **Statement of Need [EN010159/APP/7.1.1]** sets out the need for the Proposed Development, which supports the policy in National Policy Statement EN-1 which establishes that there is a demonstrated urgent need for solar which should be given substantial weight in the consideration of a DCO application (see **Paragraphs 3.2.6 – 3.2.8**). A summary of the need for the Proposed Development is set out below.
- 6.1.2 Urgent and unprecedented actions are required on a global scale to halt climate change. A rapid increase in the supply of low carbon electricity is needed for the UK to meet its legally binding climate change targets. Solar generation is a critical part of the UK's strategy to achieve net zero by 2050, a key step towards which is the decarbonisation of the UK's electricity system, which is to be delivered through the government's national mission for 'Clean Power by 2030'.
- 6.1.3 Solar generation contributes to security of supply. Aggregated generation output from portfolios which consist of multiple different renewable technologies, including solar, is more predictable and less variable than single-technology portfolios. Solar generation is needed to support a high level of generation adequacy and generation dependability within the Great British electricity system. Storage facilities also contribute to security of supply by storing energy when it is generated in abundance, and releasing it to the grid when it is needed. Storage facilities also provide grid balancing services which are essential for the continued safe and secure operation of the NETS by helping to address any impacts arising from increasing intermittent renewable generation on the grid.
- 6.1.4 Solar facilities are already among the cheapest form of electricity generation in the UK and previous government department forecasts indicate that costs will continue to reduce in the future. By generating low carbon electricity at a low marginal cost, large-scale solar power reduces the energy generated by more expensive and more carbon intensive forms of generation. Solar therefore decarbonises the electricity system and lowers the market price of electricity.
- 6.1.5 These general benefits of solar generation in UK also apply specifically to the Proposed Development:
- 6.1.6 The Proposed Development is to connect to the proposed High Marnham substation. The **Grid Connection Statement [EN010159/APP/7.2]** describes that the Applicant has received a grid connection offer from NESO to connect the Proposed Development to the NETS and the offer has been accepted. A connection to the new National Grid High Marnham 400kV Substation will be provided via a single circuit 400kV underground cable from the two on-site substations as shown on Work No. 4 of the **Works Plan [EN010159/APP/2.3.1]**.

- 6.1.7 The location of the Proposed Development enables it to deliver against the urgency of need, in relation to decarbonisation, security of supply, and affordability. The Proposed Development, if consented, will connect to the National Electricity Transmission System (NETS) at High Marnham. No adverse grid operability effects are anticipated as a result of connecting the Proposed Development to the NETS at the proposed location.
- 6.1.8 In summary, a significant capacity of low-carbon solar generation is urgently needed in the UK. The Proposed Development will, if consented, provide an essential progression to meeting the governmental objectives of delivering sustainable development to enable decarbonisation. By doing so, the Proposed Development will address the climate change emergency that affects everyone's lives and the environment, by ensuring our energy supply is secure, low-carbon and low-cost.

6.2 National policy support (NPS)

- 6.2.1 The legal requirement to achieve net zero underpins the urgent need for the delivery of large capacities of both consentable and affordable electricity generation schemes which make best use of Great Britain's natural low-carbon energy resources and available grid connection points.
- 6.2.2 Paragraph 4.2.1 of EN-1 sets out that the "Government has committed to fully decarbonising the power system by 2035, subject to security of supply, to underpin its 2050 net zero ambitions". To fully decarbonise the power system within such timeframes, the Government has concluded, through paragraph 4.2.4 of EN-1, that "there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure".
- 6.2.3 The critical national priority for nationally significant low-carbon infrastructure, the definition of which includes solar PV, is set out in paragraph 4.2.5 of EN-1. The urgent national need for energy-generating stations set out in both EN-1 and EN-3 is of great significance to the determination of the Proposed Development. Paragraph 3.3.63 of EN-1 explains that:
- 6.2.4 "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 application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible"
- 6.2.5 In addition to the recognised need to deploy nationally significant low carbon CNP infrastructure, EN-1 also recognises that the UK's energy security and Net Zero ambitions will "only" be delivered if we can enable the development of new low-carbon sources of energy at both "speed and scale."

- 6.2.6 Paragraph 4.2.5 of EN-1 defines the relevant low carbon infrastructure that is captured by CNP policy. It states that for electricity generation this relates to “*all onshore and offshore generation that does not involve fossil fuel combustion*”. There is a presumption under the NPSs that the urgent need for CNP infrastructure will outweigh any residual effects in all but the most exceptional cases (paragraph 4.1.7 of EN-1). This presumption does not apply to residual impacts that present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats, or unacceptable risk to achieving net zero. Where no such residual impacts exist, the presumption weighs in favour of the need for CNP infrastructure.
- 6.2.7 EN-3 reaffirms that the Government sees Solar Photovoltaic Generation as “*a key part of the government's strategy for low-cost decarbonisation of the energy sector*” (paragraph 2.10.9).
- 6.2.8 Paragraph 2.10.10 of EN-3 states, “Solar also has an important role in delivering the government's goals for greater energy independence. The British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW). It sets out that government is supportive of solar that is “co-located with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use”.”
- 6.2.9 Solar generation is expected to make an important contribution to the UK's renewable energy generating capacity towards 2050.
- 6.2.10 The NPSs demonstrate that the need for solar technology (as a renewable source) in the UK is urgent and significant and has increased, with nationally significant solar technology now defined as CNP infrastructure (EN-1 Section 3.2 and paragraphs: 3.3.62, 4.2.4, 4.2.5, EN-3 paragraphs 2.10.9)
- > Large-scale solar is technically and economically feasible (EN-3 paragraph 2.10.14)
 - > Large-scale solar can and will bring benefits for the UK (EN-3 paragraphs 2.10.11, 2.10.89) and
 - > The demand for electricity is likely to increase significantly in the coming years (EN-1 paragraph 3.3.3)
- 6.2.11 Flexibility in energy supply is also needed (EN-1 paragraphs 3.3.3, 3.3.5 and 3.4.13)
- 6.2.12 The **Statement of Need [EN010159/APP/7.1.1]** explains that the development of large-scale solar generation reflects the national policy position that there is a critical national priority for nationally significant low-carbon infrastructure, including solar generation, and that solar is a key part of the national strategy for low cost decarbonisation of the energy sector. It builds upon the case made in the NPSs to demonstrate why the development such as the Proposed

Development is urgently needed at the scale proposed, why the proposed location is highly suitable for such a scheme, and how the Proposed Development also addresses all relevant aspects of established and emerging government energy and climate change policy and commitments.

7. Justification for the Compulsory Acquisition Powers

7.1 The matters to which the SoS must have regard

- 7.1.1 As noted above, under section 122 of the PA 2008, 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:
- > 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 **Section 7.2** below); and
 - > 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 acquisition will outweigh the private loss suffered by those whose land is to be acquired (see **Sections 7.3 and 7.4** below).
- 7.1.2 In respect of the section 122(2) condition, 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.
- 7.1.3 In respect of the section 122(3) condition, the CA Guidance (at paragraph 13) states that the SoS will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that in determining where the balance of public interest lies, the SoS will weigh up the public benefits that a Proposed Development will bring against any private loss to those affected by compulsory acquisition.
- 7.1.4 Further, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the SoS when justifying an order authorising compulsory acquisition. These are as follows:

- > that all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Development) have been explored - see **Section 7.5** below in relation to how the Applicant has given regard to alternatives to compulsory acquisition;
- > that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see the remainder of this section, and **Section 7.4** below;
- > that the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire – **Section 3** above describes the Proposed Development, and **Section 5** alongside **Appendix A** together provide the purposes for which areas are to be acquired or used;
- > that the Applicant has made reasonable efforts to negotiate the purchase of land by agreement – see **Section 7.9** below in addition to **Pre-application Land and Rights Negotiations Tracker [EN010159/APP/4.4.6]**;
- > that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see **Section 7.7** below in addition to the **Funding Statement [EN010159/APP/4.2.2]**; 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 8** below.

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

7.2 Use and quantum of the Order limits

7.2.1 At paragraph 11, the CA Guidance states that there must be no doubt in the decision maker's mind as to the purposes to which the land to be acquired is to be put. It should be demonstrated that the land is needed for the authorised 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.

7.2.2 In designing the Proposed Development and determining the land to be subject to compulsory acquisition and temporary possession powers, as demonstrated below, the Applicant has considered alternatives and modifications to the Proposed Development to minimise the potential land take.

7.2.3 **Section 3** describes the Proposed Development and a summary of the Proposed Development for which land and rights over land within the Order land

are required. **Appendix A** summarises the purpose for which land and rights over land within the Order land are sought.

- 7.2.4 The proposed interference with the rights of those with an interest in the land is for a legitimate purpose because the Applicant requires the land for the development of the Proposed Development and can satisfy the conditions set out in section 122(2) of the PA 2008. The land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development.
- 7.2.5 The scope of the powers of compulsory acquisition proposed in respect of the land within the Order land goes no further than is needed. All the land included within the Order land is needed to achieve the identified purpose of delivering the Proposed Development. Part 1 of **Appendix A** shows each plot over which freehold acquisition is required, and the works for which each plot of land is required, demonstrating the assessment that has been carried out on each plot. Part 2 of **Appendix A** shows each plot over which new rights and the imposition of restrictions is required and the purpose of such rights and restrictions. Part 3 of **Appendix A** shows each plot over which temporary possession only is required and the purpose of such temporary possession powers.
- 7.2.6 Steps have been taken to ensure that the interference with the rights of those with an interest in the affected land is no more than is necessary to deliver the benefits associated with the Proposed Development.

7.3 Public Benefits

- 7.3.1 **Section 6.1** sets out the need for the Proposed Development which would ensure meaningful and timely contributions to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, which is critical on the path to Net Zero. Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation Proposed Development will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- 7.3.2 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Proposed Development will deliver other benefits, many of which have been maximised and will be delivered as a result of the Proposed Development's careful design. These include:
- > Biodiversity net gain.

- > Access to all existing PRow will be maintained during the construction phase, with no permanent PRow closures or diversions expected within the Order Limits. The PRow will be managed throughout the construction phase to ensure that routes can continue to be used as safely as possible. The existing PRow widths will be maintained for all PRow throughout the construction phase. The proposed PRow management measures are shown on the **Streets, Right of Way, and Access Plans [EN010159/APP/2.4]**. Employment during the construction phase.

A **Detailed Skills, Supply Chain and Employment Plan [EN010159/APP/7.8.1]** will be prepared prior to the commencement of construction. This will set out measures that the Applicant will implement in order to advertise and promote employment opportunities associated with the Proposed Development in construction and operation locally. Further information in relation to these project benefits can be found in the **Planning Statement [EN010159/APP/5.5]**.

7.4 Impacts and Private Loss

- 7.4.1 In order to deliver the benefits of the Proposed Development set out above, the Applicant requires the use of compulsory acquisition powers. This will result in a private loss by those persons whose land or interests in land is compulsorily acquired. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code thereby minimising the private loss.
- 7.4.2 Compensation is payable for the compulsory acquisition of land or rights and for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.
- 7.4.3 As shown in the **Pre-application Land and Rights Negotiations Tracker [EN010159/APP/4.4.6]**, the Applicant has taken pro-active steps to engage with these persons whose land and rights will be affected by the Proposed Development to understand the direct and indirect impacts on them and to try to reach a voluntary agreement. This has helped to shape the proposals and, where possible enabled changes to designs to minimise the private loss.
- 7.4.4 All relevant environmental, social and economic benefits and adverse impacts have been assessed and are reported on in the Application documents, most notably the **Environmental Statement [EN010159/APP/6.1 to EN010159/APP/6.19]**.
- 7.4.5 Whilst the Proposed Development as a whole would, in common with any national infrastructure project, result in some adverse effects to the environment and local community, it is considered that these (considered individually or collectively) would not outweigh the important nationally significant benefits of contributing towards the urgent national need for secure and affordable low

carbon energy infrastructure and the critical national priority for the Proposed Development.

7.4.6 The Proposed Development is a NSIP and the public benefits associated with the Proposed Development are set out in **Section 7.3** above. The Applicant considers that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictions) to be included in the Order. Compensation is payable to all affected landowners and occupiers.

7.4.7 There is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the Proposed Development. The extent of the Order 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.

7.5 Alternatives to Compulsory Acquisition

7.5.1 The Applicant has considered all reasonable alternatives to compulsory acquisition: negotiated agreements, alternative sites and modifications to the Proposed Development have been considered prior to making the Application.

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

7.6 Alternatives to the Proposed Development

7.6.1 The consideration of 'do nothing' as an alternative to the Proposed Development, which would constitute no development of a solar farm, has not been considered as a reasonable alternative as it would not deliver the proposed renewable electricity generation capacity which is required in order to meet the UK's net zero statutory targets. NPS EN-1 paragraph 4.3.27 states that 'alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision.'

7.6.2 It should also be noted that a 'smaller development' as an alternative to the Proposed Development has also not been considered. This is because a smaller scheme would not deliver the same benefits associated with the current Proposed Development in terms of generation capacity, energy security and climate change benefit, thus not representing a reasonable alternative. This position is in-line with NPS EN-1 paragraph 4.3.23 which states that the decision

maker “...should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change and other environmental benefits) in the same timescale as the proposed development”. A **Statement of Need [EN010159/APP/5.57.1.1]** has been submitted with the DCO Application which addresses the need for the Proposed Development at its current size and scale.

- 7.6.3 The location and extent of land and rights has been carefully considered and designed in order to take the minimum amount of land required whilst ensuring that the Proposed Development continues to meet the project benefits. The rights sought are therefore proportionate and necessary.
- 7.6.4 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.
- 7.6.5 The Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the Application and such consideration has included reasonable factors at relevant stages, such as consultee comments, technical feasibility, economic factors and the minimisation of environmental and visual impacts and land take.
- 7.6.6 Further details on the consideration of alternatives are set out in **ES Volume 1, Chapter 4: Alternatives and Design Evolution of the Environmental Statement [EN010159/APP/6.4]**.

7.7 Site Selection

- 7.7.1 In order to be deliverable, irradiation (sunlight) levels and topography are key factors when determining the location of solar development. The preference is for a flat site or a site with a southerly aspect. For a grid connection of 740 MW, a site size of approximately 1409 ha (excluding the cable route) is preferable to allow for flexibility to accommodate additional mitigation measures and other constraints.
- 7.7.2 High Marnham Power Station is identified as a location which had sufficient available capacity to enable the delivery and connection of a solar farm up to the connection agreement capacity.
- 7.7.3 EN-3 places emphasis on large scale solar utilising either previously developed land, brownfield land, contaminated land, industrial land or lower grade (3b, 4, or 5) land and, where possible, avoiding BMV agricultural land. Importantly, however, it goes on to state that “land type would not be a predominating factor in determining the suitability of the site location”. It continues to acknowledge that solar development is not prohibited on BMV land, land recognised for its natural beauty or ecological or archaeological importance and that it is recognised that,

at scale, developments may use some agricultural land. However, applicants should explain site selection noting a preference for development on brownfield and non-agricultural land. According to the provisional ALC mapping (DeFRA and Natural England), this area (i.e. in proximity to the point of connection) of Nottinghamshire and to a lesser extent, Lincolnshire, has a mixture of largely Grade 3 with small pockets of Grade 2 and Grade 4, making complete avoidance of BMV impossible in the search area.

- 7.7.4 The Natural England predictive mapping also shows large areas of the Order Limits as having a low-to-moderate likelihood probability of BMV, with one swathe of high likelihood between North and South Clifton which was removed during design development, so only a small amount remained.
- 7.7.5 The Site was considered favourable because it was identified as predominantly Grade 3 with small areas of Grade 4 on the provisional Defra mapping, offering the potential for Grade 3b land subject to further survey, resulting in 46.7% of the Order Limits being classified as non-BMV agricultural land.
- 7.7.6 Further details on the site selection process are set out in **Appendix 1: Site Selection Report** of the **Planning Statement [EN010159/APP/5.5]**.

7.8 Grid Connection and Capacity

- 7.8.1 A viable grid connection is an essential material consideration for a solar development. The Proposed Development is to connect to the proposed High Marnham substation. The **Grid Connection Statement [EN010159/APP/7.2]** describes that the Applicant has received a grid connection offer from NESO to connect the Proposed Development to the NETS and the offer has been accepted. A connection to the new National Grid High Marnham 400kV Substation will be provided via a single circuit 400kV underground cable from the two on-site substations as shown on Work No. 4 of the **Works Plans [EN010159/APP/2.3.1]**.

7.9 Voluntary agreements with landowners

- 7.9.1 The Order Limits fall within a small number of landownerships, which is advantageous in terms of minimising project complexity, legal complexity and cost. The Order Limits were chosen following assessment work and discussion with landowners regarding areas of their land holdings that they were prepared to allow solar development on. The land has limited land use conflicts with respect to local development plan allocations and displacement of existing businesses.
- 7.9.2 The Applicant can confirm that negotiations in respect of the land subject to freehold acquisition have, in the majority of cases, been concluded with only 2 agreements remaining outstanding. Those outstanding agreements are at an

advanced stage and it is hoped that they will be concluded as soon as reasonably possible.

7.9.3 Negotiations in respect of the acquisition of permanent rights remain ongoing and it is the Applicant's intention to continue engaging with those affected parties from whom permanent rights are sought throughout the course of examination and beyond as necessary to conclude a voluntary agreement.

7.9.4 It is not envisaged that a voluntary agreement will be sought over land subject to temporary possession on the basis that it forms part of the adopted highway and as such would be covered under the provisions of **Part 3 of the Draft DCO [EN010159/APP/3.1.3]**.

7.9.5 Further detail on the status of agreements can be found in **Pre-application Land and Rights Negotiations Tracker [EN010159/APP/4.4.6]**.

7.10 Availability of funds for compensation

7.10.1 The **Funding Statement [EN010159/APP/4.2.2]** confirms that the Applicant has the ability to procure the financial resources required for the Proposed Development, including the cost of acquiring any land and rights and the payment of compensation, as applicable.

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

7.10.3 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.

7.10.4 The **Draft DCO [EN010159/APP/3.1.3]** includes Article 46 (Guarantees in respect of payment of compensation) which restricts the undertaker from exercising the powers conferred under Articles 21, 23, 24, 29, 30, 31, 32 (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.

8. Communications and Negotiations

8.1 Diligent inquiry / land referencing

- 8.1.1 In accordance with the requirements of the PA 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 PA 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.

8.2 Diligent inquiry methodology

- 8.2.1 The Applicant was required to identify individuals in one or more of the categories set out in sections 44 and 57 of the PA 2008. This included undertaking "diligent inquiry" to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the PA 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 PA 2008.
- 8.2.2 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.
- 8.2.3 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.
- 8.2.4 An update to the land registry information was carried out prior to the preparation of the **Book of Reference [EN010159/APP/4.3.5]** as part of the DCO Application documentation.
- 8.2.5 Adopted highways plans were acquired from Lincolnshire County Council and Nottinghamshire 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.

- 8.2.6 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.
- 8.2.7 Any existing information or stakeholder data gained by the Applicant as a result of property negotiation or Section 42 consultation was incorporated accordingly.
- 8.2.8 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.
- 8.2.9 Requests for Information (RFIs) questionnaires were issued to all affected parties within the Order land. This included landowners, lessees, occupiers and statutory undertakers potentially affected by the Proposed Development. Telephone numbers and email addresses were provided on the letter which accompanied the land referencing questionnaires, allowing parties to make contact if they sought further information on the proposals. Parties identified after this date, or whose initial questionnaire unsuccessfully delivered, were issued at the earliest possible opportunity.
- 8.2.10 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.

9. Human Rights

- 9.1.1 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.
- 9.1.2 The following Articles of the Convention are relevant to the SoS's decision as to whether the **Draft DCO [EN010159/APP/3.1.3]** should be made so as to include powers of compulsory acquisition:
- 9.1.3 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.
- 9.1.4 Article 6 - entitles those affected by powers sought in the Draft DCO to a fair and public hearing of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision-making process.
- 9.1.5 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.
- 9.1.6 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.
- 9.1.7 The Draft DCO has the potential to infringe the rights of persons who hold interests in land within the Order land under Article 1 of the First Protocol, Article 6 and Article 8. Such an infringement is authorised by law so long as:
- > the statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
 - > the interference with the convention right is proportionate.
- 9.1.8 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 Draft DCO and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. As set out in **Section 7.3** above and in more detail in the **Statement of Need [EN010159/APP/7.1.1]** and the **Planning Statement [EN010159/APP/5.5]** the Applicant considers that there would be very significant public benefits arising from the grant of the DCO. The benefits are only realised if the DCO is accompanied by the grant of powers of compulsory acquisition, and the purpose for which the land is sought (to build and operate the Proposed

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

- 9.1.9 In relation to Article 8, the Order Limits do not include, and the Proposed Development does not require, the outright acquisition of any residential dwelling-houses. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. In the event that such rights were to be infringed, such interference would be justifiable on the basis that it would be lawful and in the public interest.
- 9.1.10 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the PA 2008, the Applicant has consulted with persons set out in the categories contained in Section 44 of the PA 2008, which includes owners, lessees, tenants and occupiers within the Order Limits and those with an interest in the Order Limits. The Applicant has also consulted with those persons who may be able to make a relevant claim under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or s152(3) of the PA 2008.
- 9.1.11 Furthermore, representations can also be made in response to any notice given under Section 56 of the PA 2008 for consideration at examination of the Application by the Examining Authority and in any written representations procedure which the Examining Authority decides to uphold or at any compulsory acquisition hearing held under Section 92 of the PA 2008.
- 9.1.12 Should the DCO be made, any person aggrieved may challenge the DCO in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the PA 2008.
- 9.1.13 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.
- 9.1.14 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the DCO of powers of compulsory acquisition, is proportionate, necessary and legitimate and is in accordance with national and European law. For the reasons set out in Section 7 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.
- 9.1.15 The Applicant considers that the DCO 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 DCO, including the grant of compulsory acquisition powers.

10. Special Considerations affecting the Order Limits

10.1 Special Category Land - Crown Land

- 10.1.1 The Order land includes Crown land but this land is excluded from the scope of compulsory acquisition powers - see **Crown Land Plans** [EN010159/APP/2.8.2] and Part 4 of the **Book of Reference** [EN010159/APP/4.3.5]. Title checks at HM Land Registry and discussions with the Crown Estate confirm that such land belongs to the Crown Estate.
- 10.1.2 The Applicant is engaged with agents for the Crown Estate in order to voluntarily acquire the necessary interests/rights over the Crown Estate's land. This process will run in parallel with the application for development consent. Consent from the Crown Estate pursuant to section 135 of the PA 2008 will also be obtained prior to the Secretary of State determining the DCO Application.

10.2 Special Category Land – Common Land

- 10.2.1 The parts of the Order Land which are Common Land form Sparrow Lane (plots 08-006, 08-007, and 08-010). These parts of the Order Land are shown on the **Special Category Land Plans** [EN010159/APP/2.9] and identified in Part 5 of the **Book of Reference** [EN010159/APP/4.3.5].
- 10.2.2 Rights to install, retain and maintain cables and imposition of restrictive covenants to protect them are sought over plots 08-006, 08-007, and 08-010. These rights are required to facilitate works to lay high voltage electrical cables and to facilitate the connection of the authorised development to the National Grid High Marnham Substation and access for the electrical cables.
- 10.2.3 No works are proposed which will permanently affect the use of the common land or its physical appearance. No permanent above ground infrastructure for the Proposed Development will be constructed on the common land.
- 10.2.4 Although there may be temporary interference with the use of the common land within the Order Limits during the construction period, the Proposed Development will look to ensure access throughout.
- 10.2.5 Following completion of the construction of the Order Limits, there may be occasional future maintenance activities associated with the apparatus. Any interference with public access and use of the common land as a result of such maintenance activities would be temporary in nature.
- 10.2.6 The Applicant's appointed agents have consulted the Commons Register held by Nottinghamshire County Council. The Commons Register does not list any registered commoners holding any rights of common over the parts of the Order Land that have been identified as Common Land.

- 10.2.7 The Applicant therefore considers that the common land when burdened with the rights sought in the Order will be no less advantageous to the public than it was before and therefore the test set out in s132(3) of the PA 2008 is satisfied.

10.3 Statutory Undertakers' Land and Apparatus

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

- > the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- > if purchased, the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.

- 10.3.2 Section 127(5) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of a right over statutory undertaker's land by the creation of a new right over land to the extent that matters set out in section 127(6) are satisfied. Those matters are:

- > 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.

- 10.3.3 Article 32 of the DCO gives the Applicant the authority to acquire land and rights from Statutory Undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 14 which contains protective provisions for their benefit. The protective provisions provide adequate protection for Statutory Undertakers' assets. The Applicant therefore considers that the Statutory Undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition powers sought over the Order land being granted. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.

- 10.3.4 Section 138 of the PA 2008 applies if a development consent order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land. The Draft DCO includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Proposed Development. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 14 to the DCO. The protective provisions set out constraints on the exercise of the powers in the DCO, 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 DCO) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.

10.3.5 Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order Limits. Statutory undertakers and other apparatus owners that are known to have interest in or equipment on, in or over the Order Limits are included in the **Book of Reference [EN010159/APP/4.3.5]**. These include:

- > Anglian Water Services Limited;
- > Canal and River Trust;
- > E.ON UK plc;
- > Environment Agency;
- > EUNetworks Fibre UK Limited;
- > Exolum Pipe System Limited;
- > Lumen Technologies UK Limited;
- > National Grid Electricity Transmission plc;
- > National Grid Electricity Distribution (East Midlands) plc;
- > Network Rail Infrastructure Limited;
- > Northern Powergrid (Yorkshire) plc;
- > On Tower UK Limited;
- > Openreach Limited;
- > OCU Group Limited;
- > Severn Trent Water Limited;
- > Openreach Limited;
- > Vodafone Limited.

10.3.6 The Applicant is in discussions with the relevant statutory undertakers and owners of apparatus to agree the form of protective provisions and, where required, side agreements or asset protection agreements with the other parties contacted.

10.3.7 In any event, Part 1 and Part 2 of Schedule 14 to the Draft DCO include standard protective provisions for the protection of electricity, gas, water and sewerage undertakers and for the protection of operators of electronic communications

code networks, in order to ensure the assets of those parties receive adequate protection.

10.3.8 There are no other relevant special considerations in respect of the Order Limits.

11. Related Applications and Consents

11.1.1 Other consents are or may be required in order for the Proposed Development to be constructed and subsequently operate. The key consents are identified below and reference should be made to the details of **Other Consents and Licences [EN010159/APP/5.4]** which sets out the additional consents required and the status and timeframe for each consent. These may include:

- > Electricity Generation Licence;
- > Water abstraction or impoundment licence;
- > Water discharge;
- > Bilateral Connection Agreement (to connect to the National Electricity Transmission System);
- > Permit for Transport of Abnormal Loads;
- > Section 61 consent;
- > Health and Safety related consents;
- > Protected species licence;
- > Hazardous Substance Consent; and
- > Permit Scheme

11.1.2 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Development proceeding.

12. Further Information

12.1 Negotiation of Sale

- 12.1.1 Owners and occupiers of property affected by the Proposed Development who wish to discuss matters of compensation should contact the Applicant on 0800 169 6507 or at info@oneearth solar farm.co.uk.

12.2 Compensation

- 12.2.1 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.

Copies of these booklets are obtainable, free of charge, from:

<https://www.gov.uk/government/collections/compulsory-purchase-systemguidance>

13. Conclusion

- 13.1.1 This Statement demonstrates that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Proposed Development meets the requirements of Section 122 of the PA 2008 as well as the considerations in the CA Guidance.
- 13.1.2 A description of the intended use of the land and rights to be acquired compulsorily has been provided.
- 13.1.3 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.
- 13.1.4 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.
- 13.1.5 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.
- 13.1.6 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.
- 13.1.7 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.
- 13.1.8 The proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose, i.e. 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 very substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that

would be suffered by those whose land or interests are to be acquired, and therefore justifies interfering with that land or rights.

- 13.1.9 The Applicant has set out clear and specific proposals for how the Order Land will be used.
- 13.1.10 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. More detail is provided in the **Funding Statement [EN010159/APP/4.2.2]**.
- 13.1.11 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.
- 13.1.12 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.

Appendix A Plots over which Freehold Acquisition, New Rights and Temporary Possession are required

A.1.1 Part One – Freehold Acquisition

Plot No.	Type of Acquisition	Purpose (work No.)
01-001	Freehold Acquisition	1 5 6a 6b 7 8
01-006	Freehold Acquisition	1 5 6b 7 8
01-007	Freehold Acquisition	1 5 6b 7 8
01-008	Freehold Acquisition	1 5 6b 8
01-009	Freehold Acquisition	5 8
01-010	Freehold Acquisition	1 5 6b 8
01-011	Freehold Acquisition	1 5 6b 8
01-012	Freehold Acquisition	1

Plot No.	Type of Acquisition	Purpose (work No.)
		5 6b 8
01-013	Freehold Acquisition	1 5 6b 8
01-016	Freehold Acquisition	5 8
02-001	Freehold Acquisition	1 4 5 6b 8
03-003	Freehold Acquisition	1 2 3 4 5 6b 7 8
03-005	Freehold Acquisition	1 4 5 6b 8
04-001	Freehold Acquisition	1 5 6b 8
04-003	Freehold Acquisition	1 4 5 6b 7 8
04-004	Freehold Acquisition	1 4 5

Plot No.	Type of Acquisition	Purpose (work No.)
		6b 8
04-006	Freehold Acquisition	1 4 5 6b 8
04-007	Freehold Acquisition	4 5 8
04-008	Freehold Acquisition	5 8
04-010	Freehold Acquisition	5 8
04-011	Freehold Acquisition	4 5 8
04-011b	Freehold Acquisition	1 4 5 6B 8
04-012	Freehold Acquisition	4 5 8
04-013	Freehold Acquisition	4 5 8
04-014	Freehold Acquisition	4 5 8
04-015	Freehold Acquisition	4 5 8
04-016	Freehold Acquisition	5 8

Plot No.	Type of Acquisition	Purpose (work No.)
05-001	Freehold Acquisition	1 4 5 6b 7 8
05-002	Freehold Acquisition	1 4 5 6b 7 8
05-004	Freehold Acquisition	1 4 5 7
05-006	Freehold Acquisition	1 4 5 6b 7 8
05-012	Freehold Acquisition	1 4 5 6b 7 8
07-006	Freehold Acquisition	5 8
07-007	Freehold Acquisition	1 5 6b 8
07-009	Freehold Acquisition	1 5 6b 7 8
07-012	Freehold Acquisition	1

Plot No.	Type of Acquisition	Purpose (work No.)
		4 5 6b 7 8
10-001	Freehold Acquisition	1 5 6b 8
10-006	Freehold Acquisition	1 5 6b 7 8
10-007	Freehold Acquisition	1 5 6b 8
10-008	Freehold Acquisition	1 2 3 4 5 6a 6b 7 8
10-009	Freehold Acquisition	1 2 3 4 5 6b 8
10-010	Freehold Acquisition	1 5 6b 8
10-011	Freehold Acquisition	1 5 6b

Plot No.	Type of Acquisition	Purpose (work No.)
		8
10-012	Freehold Acquisition	1 5 6b 8
10-013	Freehold Acquisition	1 5 6b 8
10-014	Freehold Acquisition	1 5 6b 8
10-015	Freehold Acquisition	1 5 6b 8
10-016	Freehold Acquisition	1 5 6b 8
10-017	Freehold Acquisition	1 5 6b 8
10-018	Freehold Acquisition	1 5 6b
11-001	Freehold Acquisition	1 5 6b 8
11-004	Freehold Acquisition	1 5 6b 8
11-005	Freehold Acquisition	1 5

Plot No.	Type of Acquisition	Purpose (work No.)
		6b 8
11-006	Freehold Acquisition	5 8
11-010	Freehold Acquisition	1 5 6b 7 8
11-011	Freehold Acquisition	5 7 8
11-012	Freehold Acquisition	5 8
12-001	Freehold Acquisition	5 8
12-002	Freehold Acquisition	4 5 8
12-003	Freehold Acquisition	5 8
12-004	Freehold Acquisition	4 5 8
12-007	Freehold Acquisition	1 4 5 6b 8
12-008	Freehold Acquisition	1 4 5 6b
12-010	Freehold Acquisition	5 8
12-011	Freehold Acquisition	

Plot No.	Type of Acquisition	Purpose (work No.)
		5 8
12-012	Freehold Acquisition	1 5 6b 8
12-013	Freehold Acquisition	1 5 6b 8
12-014	Freehold Acquisition	1 5 6b 8
12-015	Freehold Acquisition	1 5 6b 8
13-002	Freehold Acquisition	1 5 6b
13-003	Freehold Acquisition	1 5 6b 8
13-004	Freehold Acquisition	1 5 6b 8
13-005	Freehold Acquisition	1 5 6b 8
13-006	Freehold Acquisition	1 5 6b 8
13-007	Freehold Acquisition	1

Plot No.	Type of Acquisition	Purpose (work No.)
		5 6b 8
13-008	Freehold Acquisition	1 5 6b 8
14-001	Freehold Acquisition	8
14-002	Freehold Acquisition	8
14-009	Freehold Acquisition	5 8
14-010	Freehold Acquisition	1 5 6b 8
14-011	Freehold Acquisition	1 5 6b 7 8
14-013	Freehold Acquisition	1 5 6b 8
14-014	Freehold Acquisition	1 5 6b 7 8
14-016	Freehold Acquisition	5 8
14-020	Freehold Acquisition	1 5 6b 8
14-021	Freehold Acquisition	1 5

Plot No.	Type of Acquisition	Purpose (work No.)
		6b 8
14-022	Freehold Acquisition	1 5 6b
14-023	Freehold Acquisition	1 5 6b 8
14-024	Freehold Acquisition	1 5 6b
14-025	Freehold Acquisition	1 5 6b 8
14-026	Freehold Acquisition	1 5 6b 8
15-002	Freehold Acquisition	1 5 6b 8
15-003	Freehold Acquisition	1 5 6b 8
15-004	Freehold Acquisition	1 5 6b 8
15-005	Freehold Acquisition	1 5 6b 8
15-010	Freehold Acquisition	5 8

Plot No.	Type of Acquisition	Purpose (work No.)
15-011	Freehold Acquisition	1 5 6b 8
15-019	Freehold Acquisition	1 5 6b 8
15-020	Freehold Acquisition	1 5 6b 8
15-021	Freehold Acquisition	1 5 6b 8
16-003	Freehold Acquisition	1 5 6b 7 8
16-004	Freehold Acquisition	1 5 6b 8
16-007	Freehold Acquisition	1 5 6b 7 8
16-008	Freehold Acquisition	5 8
16-009	Freehold Acquisition	5 8
16-011	Freehold Acquisition	5 8

A.1.2 Part Two – Acquisition of Rights

Plot No.	Purposes for which rights over land may be required and restrictive covenants imposed
01-014, 01-015, 03-001, 03-002, 06-001, 07-003, 07-004, 07-008, 11-007, 11-008, 11-009, 12-009, 14-004, 14-005, 14-006, 14-007, 14-008, 14-015, 14-017, 14-018, 14-019, 14-027, 15-001, 15-006, 15-007, 15-008, 15-009, 15-012, 15-013, 15-014, 15-015, 15-015a , 15-015b , 15-016, 15-017, 15-018, 16-002 and 16-010	<p>Rights for the Purpose of Work No. 5</p> <ul style="list-style-type: none"> (a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical underground cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other apparatus and structures; (b) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the authorised development; (c) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove vegetation and restrict the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development (d) install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain security fencing, gates, boundary treatment, public rights of way, access tracks and other means of access, and any other ancillary apparatus and any other works as necessary; (e) rights over land to install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain sewers, drains, pipes, ducts, mains, conduits, services, flues and to drain into and manage waterflows in any drains, watercourses and culverts; and (f) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain vegetation and restrict or prevent the removal of vegetation for the purposes of the authorised

development and in connection with the authorised development.

04-009, 04-011a, 04-011c,
05-008, 06-002, 06-003,
07-002, 07-010a, 07-014,
08-001, 08-002, 08-003,
08-004, 08-005, 08-006,
08-007, 08-008, 08-009,
08-010, 08-011 and 12-
005

Substation Connection Rights

within a corridor of up to 20 metres in width, rights over land to –

- a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other apparatus and structures and to connect such cables and services to the National Grid High Marnham Substation;
- b) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain watercourses, public sewers and drains and drainage apparatus and equipment;
- c) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the National Grid High Marnham Substation works;
- d) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development; and
- e) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain soft landscaping and biodiversity measures

Rights for the Purpose of Work No. 5

- (a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical underground cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and

safety measures and equipment, and other apparatus and structures;

- (b) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the authorised development;
- (c) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove vegetation and restrict the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development
- (d) install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain security fencing, gates, boundary treatment, public rights of way, access tracks and other means of access, and any other ancillary apparatus and any other works as necessary;
- (e) rights over land to install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain sewers, drains, pipes, ducts, mains, conduits, services, flues and to drain into and manage waterflows in any drains, watercourses and culverts; and
- (f) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain vegetation and restrict or prevent the removal of vegetation for the purposes of the authorised development and in connection with the authorised development.

03-004, 04-002, 04-005,
05-003, 05-005, 05-007,
05-009, 05-009a, 05-010,
05-011, 05-011a, 06-003a,
07-001, 07-005, 07-010,

Substation Connection Rights

within a corridor of up to 20 metres in width, rights over land to –

- a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain

07-011, 07-013, 07-013a,
07-015 and 10-005

electrical cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other apparatus and structures and to connect such cables and services to the National Grid High Marnham Substation;

- b) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain watercourses, public sewers and drains and drainage apparatus and equipment;
- c) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the National Grid High Marnham Substation works;
- d) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development; and
- e) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain soft landscaping and biodiversity measures

Rights for the Purpose of Work No. 5

- (a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical underground cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with such cables including bays, ducts, protection and safety measures and equipment, and other apparatus and structures;
- (b) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the authorised development;
- (c) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove vegetation and restrict the

planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development

- (d) install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain security fencing, gates, boundary treatment, public rights of way, access tracks and other means of access, and any other ancillary apparatus and any other works as necessary;
- (e) rights over land to install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain sewers, drains, pipes, ducts, mains, conduits, services, flues and to drain into and manage waterflows in any drains, watercourses and culverts; and
- (f) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain vegetation and restrict or prevent the removal of vegetation for the purposes of the authorised development and in connection with the authorised development.

Access Rights

- a) alter, improve, form, maintain, retain, use (with or without vehicles, plant and machinery), remove, reinstate means of access to the authorised development including visibility splays and road widening or improvements and to remove impediments (including vegetation) to such access; and
- b) pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface) for all purposes in connection with the authorised development;

10-002, 14-012, 16-001,
16-005 and 16-006

Rights for the Purpose of Work No. 5


- (a) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain electrical underground cables, earthing cables, optical fibre cables, data cables, telecommunications cables and other services, works associated with

such cables including bays, ducts, protection and safety measures and equipment, and other apparatus and structures;

- (b) remain, pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface or form a temporary compound) for all purposes in connection with the authorised development;
- (c) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove vegetation and restrict the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development
- (d) install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain security fencing, gates, boundary treatment, public rights of way, access tracks and other means of access, and any other ancillary apparatus and any other works as necessary;
- (e) rights over land to install, use, support, protect, inspect, alter, remove, replace, refurbish, reconstruct, retain, renew, improve and maintain sewers, drains, pipes, ducts, mains, conduits, services, flues and to drain into and manage waterflows in any drains, watercourses and culverts; and
- (f) install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve and maintain vegetation and restrict or prevent the removal of vegetation for the purposes of the authorised development and in connection with the authorised development.

Access Rights

- (a) alter, improve, form, maintain, retain, use (with or without vehicles, plant and machinery), remove, reinstate means of access to the authorised development including visibility splays and road widening or improvements and to remove impediments (including vegetation) to such access; and



(b) pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface) for all purposes in connection with the authorised development.

A.1.3 Part Three – Temporary Possession

Plot No.	Type of Acquisition	Purpose (Work No.)
01-002	Temporary Possession	5 7
01-003	Temporary Possession	5 7
01-004	Temporary Possession	5 7
01-005	Temporary Possession	5 7
10-003	Temporary Possession	5 7
10-004	Temporary Possession	5 7
12-006	Temporary Possession	5
14-003	Temporary Possession	5



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