



Elements Green Trent Limited

Great North Road Solar and Biodiversity Park

Appendix 3 to the Statement of Reasons (EN010162/APP/4.1)
Category 3 Methodology

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

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1. INTRODUCTION

1.1 A person is within Category 3 (as defined in Section 44(3) of the Planning Act 2008 (the Act) if, having made diligent inquiry the applicant believes that they would, or might be, entitled to make a relevant claim if the DCO were to be made and fully implemented. A relevant claim is defined in Section 57(6) of the Act, as:

1.1.1 a claim under Section 10 of the Compulsory Purchase Act 1965 (Section 10), comprising compensation for injurious affection arising from the execution of works, and for which has not been otherwise compensated.

1.1.2 a claim under Part 1 of the Land Compensation Act 1973 (Part 1), comprising compensation for depreciation in land value caused by the physical impact of the operation of public works. The relevant physical factors are -

1.1.2.1 Noise

1.1.2.2 Vibration

1.1.2.3 Smell

1.1.2.4 Fumes

1.1.2.5 Smoke

1.1.2.6 Artificial Light

1.1.2.7 Discharge of Solid or Liquid onto Land

1.1.3 a claim under Section 152(3) of the Act. This provision protects a route to claim under either Section 10 or Part 1 for parties that might otherwise be prevented from claiming due to protections in Section 158 of the Act or the DCO.

2. **APPROACH**

- 2.1 The Applicant has taken a conservative approach to identifying potential Category 3 persons.
- 2.2 As regards claims made under Section 10, a precautionary approach was taken initially to assess the potential effects of construction activity and impacts including air quality, vibration and potential land contamination. Buffer distances were set at 300m around the PEIR boundary and this area was used to set the initial Land Referencing Limits. This buffer represented a worst-case scenario, and it was expected to change as the design evolved and more environmental information became available.
- 2.3 In respect of Part 1 claims, most of GNR will comprise of static solar cells that would not give rise to any of the physical factors listed in paragraph 1.1.2 above and it was therefore difficult to foresee claims arising in respect of these elements. The BESS will be a source of noise and vibration, and this aspect of the scheme was deemed most likely to give rise to claims. Nonetheless, in the first instance we assumed that claim might arise within 300m of the PEIR boundary. This was identified by the Applicant's environmental consultants as being a worst-case scenario that might be further refined as environmental information became available and design progressed.
- 2.4 Based the professional judgement of the Applicant's environmental lead and valuers, these initial assessments have been monitored and updated as the project has evolved.

3. **SECTION 10 COMPULSORY PURCHASE ACT 1965**

- 3.1 Based on the advice received from the Applicant's environmental lead, buffer zones were set as above to identify potential receptors for the effects of the construction works.
- 3.2 The buffers were initially set at a standard 300m distance from the Order Limits. Receptors were identified within the buffer and these receptors were assessed against the environmental and design information available at that time. Consideration was given to the type and scale of construction activity and whether this might give rise to claims and whether there was an opportunity to mitigate.
- 3.3 Section 10 claims may be triggered by an interference with private rights and potential receptors outside of the 300m buffer were also considered where there was a risk of affecting rights of access. The PEIR and ES were used to further refine the assessment.
- 3.4 Using the above approach, it has ultimately been determined that there will likely be no valid Section 10 claims for parties with an interest outside of the Order Limits. The Applicant does not expect to directly interfere with private rights outside of the Order Limits. Furthermore, based upon the proposed construction and associated mitigation, including controlled working hours and use of acoustic barriers, construction impacts are expected to be minimal.

4. **PART 1 LAND COMPENSATION ACT 1973**

- 4.1 The physical factors arising from the scheme in operation are likely to be minimal as most of the installation will be static solar panels that neither moves nor emits noise. The BESS is the only element of the scheme which could foreseeably give rise to a claim, and it is clear from PEIR and ES that mitigated impact on receptors is not expected to be significant. The noise and vibration effects of the scheme in operation are predicted to be negligible. Accordingly, no potential Part 1 claimants have been identified.

5. **CONCLUSION**

- 5.1 Following diligent inquiry, it has been determined that the work will be implemented in such a way so as not to give rise to claims under Section 10 for any party with an interest outside of the Order Limits and that their operation will not give rise to claims under Part 1.
- 5.2 The details of parties with an interest within the Order Limits and who may be entitled to make a Section 10 claim are provided in Part 1 of the Book of Reference **(EN010162/APP/4.3)** and have not been repeated in Part 2 to avoid duplication.