



**Elements Green Trent Limited**

**Great North Road Solar and Biodiversity Park**

Statement of Reasons

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The Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
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## Appendices

**APPENDIX 1 - LIST OF LAND PARCELS AND THE PURPOSES FOR WHICH THEY ARE REQUIRED [\(EN010162/APP/4.1.1A\)](#)**

**APPENDIX 2 - LAND REFERENCING METHODOLOGY [\(EN010162/APP/4.1.2\)](#)**

**APPENDIX 3 - CATERGORY 3 METHODOLOGY [\(EN010162/APP/4.1.3\)](#)**

## 1. INTRODUCTION

- 1.1 This Statement of Reasons forms part of an application for a Development Consent Order (“**DCO**”) (**EN010162/APP/3.1B**) known as the Great North Road Solar and Biodiversity Park DCO 20XX (“**the Application**”) which has been submitted to the Planning Inspectorate by Elements Green Trent Ltd (“**the Applicant**”) under section 37 of the Planning Act 2008 (“**the 2008 Act**”).
- 1.2 The Application seeks consent for the construction, operation, maintenance, and decommissioning of the Great North Road Solar and Biodiversity Park, a proposed solar photovoltaic (“**PV**”) electricity generating facility and electrical storage facility with a total capacity exceeding 50 megawatts (“**MW**”) and an export connection to the National Grid (hereafter referred to as “**the Development**”). The Development will be located to the northwest of Newark, in the Newark and Sherwood district, Nottinghamshire, East Midlands.
- 1.3 Further details of the Development are contained in Chapter 5 (Development Description) in Volume 2 of the Environmental Statement submitted in support of the Application (**EN010162/APP/6.2.5**).
- 1.4 This Statement of Reasons has been prepared in compliance with the requirements of section 37(3)(d) of the 2008 Act and Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) and in accordance with the guidance issued by the (then named) Department for Communities and Local Government titled “*Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land*” (September 2013) (“**the Compulsory Acquisition Guidance**”).
- 1.5 This Statement of Reasons is required to support the Application because the draft DCO (**EN010162/APP/3.1B**) would authorise:
- 1.5.1 the compulsory acquisition of land, new rights in and restrictive covenants over land;
  - 1.5.2 the extinguishment, interference, suspension or overriding of existing private rights over land; and
  - 1.5.3 the use and possession of land temporarily for the purposes of the construction and maintenance of the Development.
- 1.6 This Statement of Reasons explains why it is necessary and justifiable for the draft DCO (**EN010162/APP/3.1B**) to contain compulsory acquisition and temporary possession powers.
- 1.7 This Statement of Reasons forms part of a suite of documents submitted in support of the Application. It should be read alongside, and is informed by, those documents.

1.8 The following Documents are of particular relevance to the compulsory acquisition and temporary possession powers being sought in the draft DCO:

1.8.1 The draft DCO ([EN010162/APP/3.1B](#)), Part 5 of which includes powers of compulsory acquisition and temporary possession to the Applicant;

1.8.2 The Explanatory Memorandum ([EN010162/APP/3.3A](#)) which explains the compulsory acquisition, temporary possession and associated powers being sought in the draft DCO;

1.8.3 The Funding Statement ([EN010162/APP/4.2](#)), which explains that the requisite funding is available to meet the costs of constructing the Development and to meet the costs of paying compensation in respect of the compulsory acquisition of land/rights over land, and the temporary possession of land, (including any blight claims);

1.8.4 The Land Plans ([EN010162/APP/2.2B](#)), which show the land over which compulsory acquisition and temporary possession powers are sought (the “**Order Land**”);

[1.8.5](#) The Book of Reference ([EN010162/APP/4.3B](#)), which details the various interests in the Order Land;

~~1.8.5~~[1.8.6](#) The Land and Rights Negotiations Tracker ([EN010162/APP/4.4A](#)) which provides details of the Applicant’s engagement with persons who have an interest in the Order Land;

~~1.8.6~~[1.8.7](#) The Works Plans ([EN010162/APP/2.3A](#)), which show the land proposed to be used for the Development (“**the Order Limits**”) and where the various ‘packages of works’ comprising the Development will be carried out; and

~~1.8.7~~[1.8.8](#) The Planning Statement ([EN010162/APP/5.4A](#)) which explains the need for and the benefits of the Development.

1.9 The following topic areas are addressed in this Statement of Reasons:

1.9.1 **Section 2 (Executive Summary);**

1.9.2 **Section 3 (Glossary of Terms and Abbreviations);**

1.9.3 **Section 4 (The Applicant)** provides details of the Applicant for the DCO;

1.9.4 **Section 5 (Description of Development)** describes the component parts of Development and the Order Land on which those works will be constructed;

1.9.5 **Section 6 (Description of the Order Limits)** describes the land affected by the Development pursuant draft DCO;

- 1.9.6 **Section 7 (Need for and benefits of Development, site selection and alternatives)** explains the need for and benefits of the Development with reference to relevant policy, and the alternatives that were considered during its evolution;
- 1.9.7 **Section 8 (Scope of the compulsory acquisition, temporary possession and other related powers)** explains the compulsory acquisition, temporary possession and other related powers being sought in the draft DCO;
- 1.9.8 **Section 9 (Identifying affected parties and engagement with them)** explains the Applicant's diligent enquiry process and the negotiations for the land and rights required for the Development;
- 1.9.9 **Section 10 (Need for compulsory acquisition powers)** explains the justification for seeking powers of compulsory acquisition and temporary possession in the draft DCO, and compliance with the Compulsory Acquisition Guidance;
- 1.9.10 **Section 11 (Special Considerations)** describes the Order Land that benefits from additional legislative protection;
- 1.9.11 **Section 12 (Other Consents and Licences)** details the consents and licences required for Development in addition to the draft DCO;
- 1.9.12 **Section 13 (Human Rights and Equality Considerations)** sets out how regard has been had to the provisions of the First Protocol to the European Convention on Human Rights and the requirements of the Equality Act;
- 1.9.13 **Section 14 (Further Information)** explains where further information about Development, the compulsory acquisition process and compensation can be found; and
- 1.9.14 **Section 15 (Conclusion).**

## 2. EXECUTIVE SUMMARY

### 2.1 The Applicant

- 2.1.1 The Applicant is called Elements Green Trent Ltd (Company Registration Number: 13665771).
- 2.1.2 Elements Green Trent Ltd is a special purpose vehicle wholly owned by Elements Green Limited (Company No. 13665201). Elements Green Limited is a UK-headquartered developer, owner and long-term investor in renewable-energy infrastructure. Its recent achievements include securing planning permission for the Consented BESS for which construction commenced in March 2025.
- 2.1.3 Further details of the Applicant's corporate ownership structure and its track record in renewable energy infrastructure can be found in the Funding Statement (**EN010162/APP/4.2**). The Funding Statement also provides details of the Applicant's financial strength and explains why the Applicant is confident that the necessary resources will be available to deliver the Development and to meet all compensation liabilities arising from the exercise of compulsory acquisition and temporary possession powers pursuant to the draft DCO.

### 2.2 Description of the Development

- 2.2.1 The Development consists of discrete land parcels proposed to be occupied by solar PV panels and associated infrastructure (Work no. 1), connected by cable route areas (Work no. 2). Up to 4 intermediate substations (Work no. 4) will be spaced around the solar areas, and a Battery Energy Storage System (BESS; Work no. 5a) and 400 kV Compound (Work no. 5b) will collate the electrical energy and step up the voltage before cabling it to the National Grid Staythorpe Substation (Work no. 6), possibly via the Consented Staythorpe BESS (Work no. 7). Road works (Work no. 8; access) will be undertaken, principally to create passing places and create or upgrade access points. Other areas within the DCO Limits are identified for mitigation/enhancement (Work no. 3).

### 2.3 Description of the Order Limits

- 2.3.1 The Order Limits would be located to the northwest of Newark, in the Newark and Sherwood district of Nottinghamshire, East Midlands. The Development would be within an area bound by the Order Limits shown on Figure 1.1 Development Location (**EN010162/APP/6.3.1.1**). The Order Limits are to the west of the A1, north of the A617, east of Eakring, and south of Egmanton, to the north and northwest of Staythorpe. The Order Limits are situated within the administrative area of Newark and Sherwood District Council who is the local planning authority.

- 2.3.2 The Order Land, which is the land within the Order Limits which is subject to powers of compulsory acquisition and or temporary use, is shown on the Land Plans (**EN010162/APP/2.2B**) and is described in the Book of Reference (**EN010162/APP/4.3B**).
- 2.3.3 The eastern side of the Development runs from the north of North Muskham to Egmanton in the north. The western side of the Development runs north-west from Staythorpe Power Station and then splits at Maplebeck, with spurs running to Eakring in the north-west and Kneesall to the north-northeast, then connecting with the eastern side of the Development.
- 2.3.4 The total area of the Order Limits is approximately 1,765 hectares (ha), the majority of which is currently used for arable crops or is otherwise down to pasture.
- 2.3.5 The wider area within and surrounding the Order Limits is generally composed of agricultural land, interspersed by occasional woodlands. Surrounding villages and hamlets are connected by rural roads and public rights of way. Smaller fields and tree cover are more common close to the villages and along water courses, with larger and more open fields set further away.

## 2.4 **Need for and benefits of Development, site selection and alternatives**

- 2.4.1 The Development forms a key part of meeting the Government's strategy for achieving targets for renewable energy provision and the reduction in carbon emissions in the UK. The national, regional and local planning policy and guidance relevant to the Development as well as an overview of the legislative framework are set out fully in the Planning Statement (**EN010162/APP/5.4A**) and associated Policy Compliance Tables (**EN010162/APP/5.5**) which accompany the Application.
- 2.4.2 The Statement of Need (**EN010162/APP/7.2**) provides an overview of the strategic need for renewable energy generation embedded in key relevant Legislation and Government Policy. The Statement outlines how the Development is able to be deployed so that it can contribute to meeting the need for renewable energy generation, set out in National Policy.

2.4.3 In summary, as explained in the Planning Statement (**EN010162/APP/5.4A5**), the Development, including its provision for energy storage will make a significant contribution to meeting the clear need established in current Policy by providing generation equivalent to the energy requirements of 400,000 homes. Without the Development, the significant and urgent opportunity to develop a large-scale low carbon generation scheme in this location will be lost, together with the Development's contribution to achieving the Government's objectives in Clean Power 2030 and in the NPSs. There is an urgent and compelling need for the Development to proceed.

2.4.4 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Development will provide other significant deliver benefits, which include: a net reduction in carbon emissions, helping to contribute to the UK's Net Zero targets; an additional source of domestic energy security; provision of battery energy storage; significant tree planting; significant landscape enhancements; enhanced public access legacy with the introduction of new permissive routes-public rights-of-way; a range of ecological enhancements resulting in biodiversity net gain; the creation of jobs which will contribute to the local and regional economy; and additional social, economic and educational benefits. Renewable energy; Biodiversity Net Gain; Economic, Educational and Sustainability Benefits; Enhanced Landscape and Public Access legacy; and Community Benefit Fund.

## 2.5 Alternatives to the Development

2.5.1 There is no reasonable alternative to the Development as this would involve not developing a new electricity generating station connected to the National Grid Staythorpe Substation. This is not considered to be a reasonable alternative as it would not deliver the additional electricity generation and energy storage proposed (with the associated benefits of low carbon, locally produced and low-cost energy).

## 2.6 Site Selection

2.6.1 Chapter 4 of the ES (**EN010162/APP/6.2.4**) sets out the detail of the site selection and the alternatives considered at each of the design evolution stages of the Development.

2.6.2 Through the Applicant's consultation and engagement on the Development, the Applicant has considered direct requests for design changes, and, where appropriate and proportionate, has made changes to the Development in response to landowner and stakeholder feedback. The location and extent of land and rights has been carefully considered and designed to take the minimum amount of land required whilst ensuring that the Development continues to meet the project benefits

## 2.7 Scope of the Compulsory Acquisition, Temporary Possession and Other Related Powers

2.7.1 The areas of the Order Land over which compulsory acquisition powers are sought in respect of all interests (including freehold) pursuant to Article 22 of the DCO are shown edged red and shaded pink on the Land Plans ([EN010162/APP/2.2B](#)). This land is described in more detail in the Book of Reference ([EN010162/APP/4.3B](#)). A list of plots over which freehold acquisition is required, with the relevant Work Number, is set out in **Appendix 1** ([EN010162/APP/4.1.1A](#)) to the Statement of Reasons.

## 2.8 Acquisition of Freehold Land

2.8.1 The areas in which freehold acquisition is sought are principally for the permanent infrastructure Works 1, 4, 5a and 5b (solar PV arrays, intermediate substations, the BESS and 400KV Compound, including that part of access road thereto which will be gated and controlled by the Applicant). This is land of which the Applicant requires exclusive possession and control for the purposes of the Development, and for which other powers, such as to acquire new rights only or take temporary possession only, would not be sufficient.

2.8.2 Freehold acquisition is also sought in relation to Work 3 Mitigation, including land required for woodland, landscape planting areas and recreational permissive routes, which must be secured and maintained by the Applicant for the lifetime of the Development in accordance with the LEMP and requirement 8 of Schedule 2 to the DCO ([EN010162/APP/3.1B](#)). Rights over land or temporary possession over land would be insufficient for this purpose.

2.8.3 Whilst the Works Plans ([EN010162/APP/2.3A](#)) show areas required for cable infrastructure (Work no 2) within the Solar PV fields, the parameters within which the works may be constructed and the descriptions of the authorised works mean that those land areas may also be required for Work 1 (Solar PV) or Work 3 (Mitigation) for which freehold acquisition is required. The acquisition of all interests in land is also required for land which is required to be dedicated for public rights of way diversions.

## 2.9 Acquisition of New Rights and Imposition of Restrictive Covenants

2.9.1 Article 24 to the draft DCO ([EN010162/APP/3.1B](#)) permits the Applicant to acquire new rights in and impose restrictive covenants over any of the land proposed to be compulsorily acquired. Where land is shown coloured blue on the Land Plans ([EN010162/APP/2.2B](#)), the freehold of that land will not be acquired compulsorily. Rather the nature of the compulsory acquisition powers will be limited to the acquisition of new rights or the imposition of restriction covenants.

2.9.2 The rights and restrictive covenants are sought to enable the Applicant and all persons authorised on its behalf to construct, use, maintain and decommission the Development. Those rights have been categorised into Cable Rights, Cable Restrictive Covenants, and Access Rights, details of which can be found Schedule 8 to the draft DCO ( **EN010162/APP/3.1B**) which prescribes the purposes for which the rights and restrictive covenants are being sought, namely in relation to Works 2, 6, 7 and 8. Column 3 of the table in **Appendix 1** (**EN010162/APP/4.1.1A**) to this Statement of Reasons also identifies the name of the rights package or packages sought in relation to each plot where applicable.

## 2.10 Temporary Use of Land

2.10.1 Powers for the temporary use of land pursuant to Articles 31 and 32 of the draft DCO (**EN010162/APP/3.1B**) are required to facilitate the use of land by the Applicant and all persons authorised on its behalf during the construction of the Development and thereafter for essential maintenance purposes.

2.10.2 There is no land which is required solely for temporary use Where the Applicant is seeking to acquire land, new rights or restrictions over land, the power for temporary use of such land is also sought (this is provided for in Articles 31 and 32 of the draft DCO). These parcels are shown shaded pink or blue on the Land Plans (**EN010162/APP/2.2B**). These powers enable the Applicant to enter on to land for construction purposes in advance of the acquisition of the relevant permanent land or land rights. This enables the Applicant to take a proportionate approach to permanent acquisition so as to only compulsorily acquire the minimum amount of permanent land and rights/restrictions over land required to construct, operate and maintain the Development.

## 2.11 Power to extinguish, suspend or override rights and easements

2.11.1 Article 25 (Private Rights over Land) ensures that the construction and operation of the Development is not impeded by any existing private rights within the Order Land. Such rights will be extinguished over land which the Applicant acquires permanently (whether by agreement or compulsion). In relation to land over which it is proposed to acquire new rights and restrictive covenants, private rights will only be extinguished to the extent that their continuance would be inconsistent with the exercise of the new right or compliance with the restrictive covenants.

2.11.2 Article 28 of the draft DCO (**EN010162/APP/3.1B**) provides the power to override private rights and easements, where the exercise of powers under the draft DCO or the carrying out of the Development or use of land interferes with or breaches those private rights.

- 2.11.3 Articles 25 and 28 apply to all of the Order Land and are necessary to ensure that the construction, operation, maintenance and decommissioning of the Development is not prejudiced by the existence of private rights. Land which is shown coloured Yellow on the Land Plans is subject only to these powers and is not otherwise permitted to be compulsorily acquired or used.

## 2.12 Identifying Affected Parties and Engagement with Them

- 2.12.1 The Applicant has carried out diligent inquiries to identify all persons with an interest in land within the Order Limits in accordance with section 44 of the PA 2008. Such persons are listed in the Book of Reference ([EN010162/APP/4.3B](#)) and have been consulted in respect of the Application in accordance with section 42 of the 2008 Act. This is further explained in the Consultation Report ([EN010162/APP/5.1](#)).
- 2.12.2 **Appendix 2** ([EN010162/APP/4.1.2](#)) of this Statement provides details of the land referencing methodology, including the process of diligent inquiry undertaken to identify and contact persons and entities with interests in land in respect of each Category of persons as defined by section 44 of the 2008 Act.
- 2.12.3 **Appendix 3** ([EN010162/APP/4.1.3](#)) of this Statement provides details of the methodology used to identify Category 3 persons who may be able to make a claim for compensation arising from the construction or operation of the Development. As explained in that methodology the Applicant has not identified any persons other than those who are already identified in Part 1 of the Book of Reference whom it believes are likely to be entitled to make a relevant claim. Accordingly, no persons are listed in Part 2 of the Book of Reference ([EN010162/APP/4.3B](#)).

## 2.13 Summary of Negotiations with Landowners

- 2.13.1 The Consultation Report ([EN010162/APP/5.1](#)) explains the main consultation activities that have been undertaken during the design and evolution of the Development.

- 2.13.2 Each landowner has been contacted with a view to entering into negotiations to acquire land or rights over the Order Land as necessary. This process has included an explanation of the way in which the affected persons' land will be required for the Development. The [Pre-application](#) Land and Rights Negotiations Tracker ([EN010162/APP/4.4A](#)) provides details of the current status of the negotiations, and it can be seen that option agreements have completed with the majority of landowners affected by the Development. Heads of terms are agreed with several other parties and the Applicant expects to conclude legal agreements with these parties shortly. The number of green and amber entries on the tracker demonstrates that the Applicant has taken a proactive, fair and proportionate approach to its land acquisition strategy.
- 2.13.3 Negotiations are still ongoing with remaining parties and the Applicant remains willing to progress voluntary discussions with all parties with an interest in land within the Order Land. Despite the number of option agreements which have been signed, it is necessary for the Applicant to seek compulsory acquisition powers to ensure that the Development can proceed.

## 2.14 Need for Compulsory Acquisition Powers

### Compulsory Acquisition Powers and Guidance

- 2.14.1 Section 120 and Part 1 of Schedule 5 of the 2008 Act prescribe those matters which may be included in a DCO. A DCO may impose requirements in connection with the development for which consent is granted, and in particular these include:
- 2.14.1.1 the acquisition of land, compulsorily or by agreement; and
  - 2.14.1.2 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.
- 2.14.2 Sections 122(1) of the 2008 Act provides that a DCO which includes powers of compulsory acquisition may only be granted if the conditions in Sections 122(2) and 122(3) of the 2008 Act are met. These conditions are as follows.
- 2.14.3 Under section 122(2), that the land is:
- 2.14.3.1 required for the development to which the development consent relates;
  - 2.14.3.2 required to facilitate or is incidental to that development; or

2.14.3.3 is replacement land to be given in exchange for commons, open spaces etc.

2.14.4 For the reasons set out in detail in section 11 of this Statement, the Applicant considers that the conditions of section 122 of the 2008 Act have been met.

## 2.15 Justification for the Compulsory Acquisition Powers Sought

2.15.1 Each plot of land described in the Book of Reference (**EN010162/APP/4.3B**) and shown on the Land Plans (**EN010162/APP/2.2B**) is required either for the purposes of the Development, or is needed to facilitate, or is incidental to the Development.

2.15.2 The acquisition of the land or rights over land or imposition of restrictions sought by the Applicant are required for the construction, operation, protection, maintenance and decommissioning of the Development. The power to compulsorily acquire such land and rights over land is required to ensure there is no impediment to the delivery of the Development.

## 2.16 Funding and Compensation

2.16.1 The Funding Statement (**EN010162/APP/4.2**) accompanying the Application explains how the construction of the Development, as well as the acquisition of land and interests, will be funded.

2.16.2 The Applicant has included in Article 46 of the draft DCO a provision which prevents the Applicant exercising the powers of compulsory acquisition granted by the DCO until guarantees or alternative forms of security in respect of the liability of the undertakers to pay compensation are in place. The form of guarantee or security and the amount of these must be approved by the Secretary of State.

## 2.17 Special Considerations

2.17.1 The Order Land does not contain any Crown Land for the purposes of section 135 of the 2008 Act, nor any special category land for the purposes of sections 130, 131 or 132 of the 2008 Act.

## 2.18 Statutory Undertakers Land and Apparatus

2.18.1 Statutory undertakers' land is afforded protection from compulsory acquisition under section 127 of the 2008 Act if the land has been acquired by the undertaker for the purposes of its undertaking, and the undertaker makes and does not withdraw a representation about the proposed DCO.

- 2.18.2 The Order Land includes land owned by National Grid Electricity Transmission Plc (“**NGET**”) (Plots 1/9, 1/10, 1/11) at its Staythorpe substation. The Applicant has concluded an Option for Easement with NGET for the land rights it requires to access and to connect its cable infrastructure to the substation (Works 8 and 6 respectively on Sheet 1 of the Works Plans (**EN010162/APP/2.3A**)).
- 2.18.3 Protection for NGET is included within the terms of the option agreement and the protective provisions in Part 1 of Schedule 13 to the draft DCO. The Applicant does not consider that NGET will suffer serious detriment to the carrying on of its undertaking as a result of the compulsory acquisition of rights and restrictive covenants over land or powers of temporary possession. The test set out in section 127(6) of the 2008 Act is therefore satisfied.
- 2.18.4 Section 138 of the 2008 Act, which provides for the extinguishment of ‘relevant rights’, and the removal of ‘relevant apparatus’ of, statutory undertakers, is engaged by Article 33 of the DCO. Article 33 will permit the Applicant to extinguish the relevant rights or relocate the relevant apparatus of statutory undertakers. This power is needed to ensure that the Development can proceed. However, the operation of Article 33 is subject to the provisions of Schedule 13 which contain protective provisions for the benefit of statutory undertakers’ assets. The Applicant therefore considers that the statutory undertaker and electronic communications apparatus owners’ interests will be safeguarded and that the test in section 138 of the 2008 Act is satisfied.

## 2.19 Human Rights and Equality Considerations

- 2.19.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“the ECHR”). The ECHR includes provisions in the form of Articles, the aim of which is to protect the rights of the individual. Articles 1, 6 and 8 of the ECHR are relevant to the decision as to whether the Order should be made including powers of compulsory acquisition.
- 2.19.2 The Applicant considers that the draft DCO strikes a fair balance between the public interest in the Development going ahead and the interference with the private rights of those that will be affected by it. The Applicant considers that there is a compelling case in the public interest for the Order to be made including powers of compulsory acquisition, and that the interference with the private rights of those with an interest in Order Land as a result of the exercise of compulsory acquisition powers conferred by the Order would be lawful, justified and proportionate.

## 2.20 The Equality Act 2010

- 2.20.1 The Applicant has carried out an Equalities Act Impact Assessment (**EN010162/APP/7.6**) which considers the interests of people who share any of the nine protected characteristics, as defined by the Equality Act 2010. This concludes that no disproportionate or differential effects on groups of persons who share protected characteristics as expected as a result of the Development.

## 2.21 Other Consents and Licences

- 2.21.1 Other consents are or may be required from bodies such as the Health and Safety Executive, Natural England and the Environment Agency in order to construct and operate the Development. These additional consents and licences are listed in Table 1 of the Consents and Licences Required Under Other Legislation (**EN010162/APP/7.3A**) accompanying the Application. The Applicant is not aware of any reason why the other consents and licences listed in the Consents and Licences Required Under Other Legislation (**EN010162/APP/7.3A**) accompanying the Application, will not be granted/forthcoming.

## 2.22 Conclusion

- 2.22.1 This Statement demonstrates that the inclusion of compulsory acquisition powers within the draft DCO meets the requirements of Section 122 of the 2008 Act and the Compulsory Acquisition Guidance. All of the Order Land, including the proposed new rights and restrictive covenants over the Order Land are required for the purposes of the Development, to facilitate the Development, or are incidental to, the Development. All of the land subject to compulsory acquisition and temporary possession powers is necessary to construct, operate, maintain and decommission the Development. The extent of land within the Order Limits is reasonable and proportionate and is no more than is reasonably necessary.
- 2.22.2 There is a clear need and policy support for the Development and a compelling case in the public interest for the draft DCO to include compulsory acquisition powers given the significant public benefits that the Development will deliver.

### 3. GLOSSARY OF TERMS AND ABBREVIATIONS

Term	Abbreviation	Definition
Agricultural Land Classification	ALC	-
Applicant	-	Elements Green Trent Ltd
Application	-	The application for consent under section 37 of the Planning Act 2008 for the Development
Associated Development	-	The Secretary of State may, under the provisions of section 115 of the 2008 Act, grant consent for development that is associated with the NSIP
Clean Power 2030 Action Plan	Clean Power 2030	Clean Power 2030 sets out a clear pathway to a clean power system by the UK Government.
Consented BESS	-	The BESS being delivered by the Applicant at Staythorpe pursuant to planning permissions referenced 22/01840/FULM and 24/01261/FULM
Construction Environmental Management Plan	CEMP	A final CEMP will be submitted to NSDC for approval, in accordance with Requirement 12 in Schedule 2 to the DCO
Construction Traffic Management Plan	CTMP	A final CTMP will be submitted to NSDC for approval in accordance with Requirement 14 in Schedule 2 to the DCO
Climate Change Act 2008	-	The Act sets legally binding carbon budgets, requiring the UK to reduce its greenhouse gas emissions by 100% from 1990 levels, known as 'net zero', by 2050.

Term	Abbreviation	Definition
Compulsory Acquisition Guidance	-	The Department for Communities and Local Government guidance titled <i>"Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land"</i> (September 2013)
Critical National Priority	CNP	-
Decommissioning and Restoration Plan	DRP	A final DRP will be submitted to NSDC for approval in accordance with Requirement 20 of Schedule 2 to the draft DCO
Department for Energy Security and Net Zero	DESNZ	-
Design Approach Document	DAD	The Design Approach Document submitted with the Application
Development	-	The development to which the Application relates, and which is described in Schedule 1 to the draft DCO
Development Consent Order	DCO	A Development Consent Order made by the relevant Secretary of State pursuant to the 2008 Act to authorise a NSIP
Environmental Statement	ES	The written output presenting the full findings of the Environmental Impact Assessment.
European Convention on Human Rights	ECHR	-
Explanatory Memorandum	-	The document which explains the consents and powers being sought in the draft DCO
Fire Safety Management Plan	FSMP	The final FSMP will be submitted to NSDC for approval in accordance with Requirement 7 of Schedule 2 to the draft DCO

Term	Abbreviation	Definition
Funding Statement		The statement which explains that the requisite funding is available to meet the costs of constructing the Development and to meet the costs of paying compensation in respect of the compulsory acquisition of land/rights over land, and the temporary possession of land, (including any blight claims);
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)	The APFP Regulations	
Kilovolt	kV	A unit of power equal to one thousand volts
Landscape Ecological Management Plan	LEMP	A final LEMP will be submitted to NSDC for approval, in accordance with Requirement 8 in Schedule 2 to the DCO
Megawatts	MW	A unit of power equal to one million watts, especially as a measure of the output of a power station.
National Grid Electricity Transmission Plc	NGET	-
Nationally Significant Infrastructure Project	NSIP	Nationally Significant Infrastructure Projects are major infrastructure developments in England and Wales which are consented by DCO pursuant to the 2008 Act
National Planning Policy Statements	NPS	Part 2 of the Planning Act 2008 sets out the national policy against which NSIP applications are assessed. NPSs set out guidance to inform the decision-making process for NSIPs.

Term	Abbreviation	Definition
Newark and Sherwood District Council	NSDC	The local planning authority within whose area the Order Limits are situated
Order (or draft DCO)	-	The draft Great North Road Solar and Biodiversity Park Development Consent Order 202[*]
Order Land	-	Land which is shown on the Land Plans and which is subject to the proposed powers of compulsory acquisition and temporary possession in the draft DCO
Order Limits	-	The limits within which the development authorised by the DCO may be constructed, operated and maintained and decommissioned.
Operation Environmental Management Plan	OEMP	A final OEMP will be submitted to NSDC, in accordance with Requirement 13 in Schedule 2 to the DCO
Planning Act 2008 (or The Act)	the 2008 Act	The Planning Act 2008 which is the legislation that governs applications for NSIPs, including pre-application consultation and publicity, the examination of applications and decision making by the Secretary of State
Planning Inspectorate	PINS	The Planning Inspectorate is the government agency supervising the planning process
Public Rights of Way	PRoW	Public rights of way are routes over land that the public can use at all times even if the land is privately owned.
Photovoltaic	PV	-

Term	Abbreviation	Definition
Public Sector Equality Duty	PSED	The Public Sector Equality Duty set out in section 149(1) of the Equality Act 2020
Recreational Routes Management Plan	RRMP	A final RRMP will be submitted to NSDC for approval, in accordance with Requirement 19 in Schedule 2 to the DCO
Secretary of State	SoS	The Secretary of State for Energy Security and Net Zero, who oversees the planning system and decision making with regards to development consent including in relation to the Application.
Soil Management Plan	SMP	A final SMP will be submitted to NSDC for approval, in accordance with Requirement 21 in Schedule 2 to the DCO
Staythorpe Substation	-	The existing National Grid Substation at Staythorpe where the Development will connect to the National Grid
Sustainable Drainage Systems	SuDs	-

#### 4. THE APPLICANT

- 4.1 The Applicant is called Elements Green Trent Ltd (Company Registration Number: 13665771).
- 4.2 The Applicant has recently applied for an electricity generation licence pursuant to section 6(1)(a) of the Electricity Act 1989 by Ofgem, who are the Gas and Electricity Markets Authority. It is anticipated that this will be granted during the course of the examination of the draft DCO.
- 4.3 Elements Green Trent Ltd is a special purpose vehicle wholly owned by Elements Green Limited (Company No. 13665201). Elements Green Limited is a UK-headquartered developer, owner and long-term investor in renewable-energy infrastructure. Its recent achievements include securing planning permission for the Consented BESS for which construction commenced in March 2025.
- 4.4 The Applicant's ultimate beneficial owner is Mr Afshin Afsharnejad ("the Beneficial Owner"), whose assets are managed by the Afsharnejad family office. Between 2009 and 2024 the Beneficial Owner has led the development, financing, construction and operational management of international solar projects totalling approximately 450 MW, demonstrating both the technical expertise and financial capacity required to deliver the Development.
- 4.5 Further details of the Applicant's corporate ownership structure and its track record in renewable energy infrastructure can be found in the Funding Statement (**EN010162/APP/4.2**).
- 4.6 The Funding Statement also provides details of the Applicant's financial strength and explains why the Applicant is confident that the necessary resources will be available to deliver the Development and to meet all compensation liabilities arising from the exercise of compulsory acquisition and temporary possession powers pursuant to the draft DCO (**EN010162/APP/3.1B**).

## 5. DESCRIPTION OF THE DEVELOPMENT

### 5.1 Overview of the Development

- 5.1.1 The Application seeks consent for the construction, operation, maintenance, and decommissioning of the Great North Road Solar and Biodiversity Park, a proposed solar photovoltaic (“**PV**”) electricity generating facility and electrical storage facility with a total capacity exceeding 50 megawatts (“**MW**”) and an export connection to the National Grid (hereafter referred to as “**the Development**”). The Development will be located to the northwest of Newark, in the Newark and Sherwood district, Nottinghamshire, East Midlands.
- 5.1.2 The Development is a Nationally Significant Infrastructure Project (“**NSIP**”) within sections 14(1) and 15 of the 2008 Act because it is a generating station with a gross electrical output capacity of more than 50MW, this being a ground mounted solar PV generating station.
- 5.1.3 As the authorised development would be an NSIP, development consent must be obtained from the Secretary of State for the Department for Energy Security and Net Zero (“**the Secretary of State**”) and an application for a DCO must be made to the Secretary of State, care of the Planning Inspectorate, under section 37 of the 2008 Act.
- 5.1.4 The draft DCO, if made, would be the Great North Road Solar and Biodiversity Park Development Consent Order 202[\*]. A draft of the DCO (**EN010162/APP/3.1B**) has been submitted with the Application.
- 5.1.5 The Development will be carried out within the Order Limits, which is shown on the Works Plans (**EN010162/APP/2.3A**). The Order Limits comprise a total area of 1,765 hectares and include all the land required for the key components of the Development (which is described further below), including the land required for highways works and mitigation. The Development is described in Schedule 1 to the draft DCO which contains a list of numbered works packages comprising the ‘authorised development’. The works packages are summarised below.
- 5.1.6 The draft DCO also authorises development which is associated with the NSIP. The Secretary of State may, under the provisions of section 115 of the 2008 Act, grant consent for development that is associated with the NSIP (“**Associated Development**”). All elements of the ‘authorised development’ described in Schedule 1 to the draft DCO, either constitute part of the NSIP or are Associated Development within the meaning of Section 115(2) of the 2008 Act and so can properly be authorised by the DCO. As part of the authorised development, the BESS will be Associated Development.

## 5.2 Description of the Development

- 5.2.1 The Development is described in detail in Chapter 5 (Development Description) of Volume 2 the Environmental Statement submitted in support of the Application (**EN010162/APP/6.2.5**) and is briefly summarised here.
- 5.2.2 The Development consists of discrete land parcels proposed to be occupied by solar PV panels and associated infrastructure (Work no. 1), connected by cable route areas (Work no. 2). Up to 4 intermediate substations (Work no. 4) will be spaced around the solar areas, and a Battery Energy Storage System (BESS; Work no. 5a) and 400 kV Compound (Work no. 5b) will collate the electrical energy and step up the voltage before cabling it to the National Grid Staythorpe Substation (Work no. 6), likely via the Consented Staythorpe BESS (Work no. 7). Road works (Work no. 8; access) will be undertaken, principally to create passing places and create or upgrade access points. Other areas within the DCO Limits are identified for mitigation/enhancement (Work no. 3).
- 5.2.3 The Work Areas are shown on the Works Plans (**EN010162/APP/2.3A**), and a summary of mitigation/enhancement measures is shown on ES Figure 5.2 (**EN010162/APP/6.3.5.2**). The principal activities that may take place in each of the above areas are described below.
- 5.2.4 **Work no. 1: Solar PV** - Solar PV areas are shown coloured blue on the Works Plans (**EN010162/APP/2.3A**) and may contain the following principal Development components/activities for the purposes of the ground mounted solar PV generating station:
- 5.2.4.1 Site preparation and/or clearance, enabling works, including construction compounds;
  - 5.2.4.2 Solar modules fitted to mounting structures;
  - 5.2.4.3 Electrical cables, electrical cabling and combiner boxes;
  - 5.2.4.4 Conversion units including inverters, transformers, switchgear and monitoring and control systems;
  - 5.2.4.5 Access tracks and asphalt/tarmac roads; temporary Public Rights of Way diversions (during the construction and decommissioning phases), Permanent Public Rights of Way diversions (during the operational phase and thereafter);
  - 5.2.4.6 Fencing/gates, and security measures, SuDS measures;

- 5.2.4.7 Parking, laydown facilities, operating staff welfare and office facilities, storage facilities, monitoring, control and communication buildings, kiosks and equipment;
- 5.2.4.8 Planting and vegetation management, and other mitigation/enhancement measures, such as permissive paths and bridleways, signage and information boards.
- 5.2.5 **Work no. 2: Cables** – land which is coloured orange on the Works Plans (**EN010162/APP/2.3A**) show a cable “corridor” which is typically 60m wide. This is larger than is expected to be needed give flexibility for the designer post-consent. The final location and width of the working area and cable trench within that 60m corridor will vary, depending on factors such as the number and voltage of cables at a given location; constraints and ground conditions; the method of installation (which may be trenchless or open cut); and on the final cable arrangement within the trench. The width of the working area and trench is expected to be a maximum of 30m (up to a 12m trench, plus 9m working corridor on either side). Electrical cabling will typically be buried at a depth of 0.6m to 1.5 m depending on the method of installation and ground conditions.
- 5.2.6 Cable areas may contain the following principal Development components/activities:
  - 5.2.6.1 Site preparation and/or clearance, enabling works, including construction compounds;
  - 5.2.6.2 Underground cables linking the Solar PV areas to intermediate substations;
  - 5.2.6.3 Underground cables linking the intermediate substations to the BESS/400 kV substation compound;
  - 5.2.6.4 Underground cables linking the BESS/400 kV substation compound to the existing National Grid Staythorpe Substation;
  - 5.2.6.5 Associated auxiliary underground cables, for control, communication and protection and similar purposes;
  - 5.2.6.6 Underground earthing conductors/cables, buried vertical electrodes and test points;
  - 5.2.6.7 Auxiliary kiosks or buried equipment associated with the cables, including link/transposition boxes and communication links, and, where necessary, protective barriers/fences, buried cable warning posts / markers;

- 5.2.6.8 Access tracks, temporary Public Rights of Way diversions (during the construction and decommissioning phases), Permanent Public Rights of Way diversions (during the operational phase and thereafter); and
- 5.2.6.9 Planting and vegetation management, and other mitigation/enhancement measures, such as permissive paths and bridleways, cycle routes, signage and information boards.
- 5.2.7 **Work no. 3: Mitigation/Enhancement** – As explained in the Design Approach Document (“DAD”) ([EN010162/APP/5.86A](#)) the Project vision not only seeks to provide clean power to tackle the climate crisis but it also seeks to: “*respond positively to its local context, delivering multiple benefits for the environment, meaningfully boosting biodiversity and community*”. The design set out within the Masterplan ([EN010162/APP/6.3.5.2](#)) includes measures to both mitigate impacts and provide enhancements. These measures include planting; the provision of new permissive routes and a long-distance circular walking route to enhance recreational opportunities; new woodlands and areas of land managed for ecological benefit to provide biodiversity net gain.
- 5.2.8 Land which is proposed to be principally used for mitigation and enhancement is shown coloured green on the Works Plans ([EN010162/APP/2.3A](#)). Mitigation/Enhancement Areas may contain the following principal Development components/activities to create, enhance and maintain green infrastructure:
  - 5.2.8.1 soft landscaping including planting and vegetation management;
  - 5.2.8.2 landscape and biodiversity enhancement measures including habitat creation and management;
  - 5.2.8.3 permissive routes, public rights of way diversions, signage and information boards;
  - 5.2.8.4 Site preparation and/or clearance, working areas, access tracks, fencing/gates.

- 5.2.9 **Work no. 4: Intermediate Substations** – Up to four ‘intermediate’ substations are expected to be required for the Development. Locations for these have been identified within the Order Limits, which can be seen coloured grey on Sheets 8, 11, 17 and 31 of the Works Plans (**EN010162/APP/2.3A**). The areas identified as being potential locations for intermediate substations provide flexibility and allow for refinement to the location and layout of a substation within a substation area. Land within Work no. 4, Intermediate Substation Areas that is not ultimately used for a substation would be used for either Work no. 1 (Solar PV), Work no. 2 (Cables) or Work no. 3 (Mitigation/Enhancement).
- 5.2.10 The principal Development elements that the Intermediate Substations would contain are:
- 5.2.10.1 Site preparation and/or clearance, enabling works, including construction compounds;
  - 5.2.10.2 Substation, switch room buildings, concrete foundations and ancillary equipment including reactive power units;
  - 5.2.10.3 Underground electrical cables;
  - 5.2.10.4 Power conversion system units including inverters, switch gear, transformers, transformer bays, feeder bays, cable sealing ends, busbars and ancillary equipment;
  - 5.2.10.5 Control buildings including offices, storage containers and space and welfare facilities, monitoring and control systems, and maintenance compounds;
  - 5.2.10.6 Surface water drainage systems, runoff outfalls, storm water attenuation systems including storage basins, oil water separators, including channelling and culverting and works to existing drainage networks;
  - 5.2.10.7 Carparking, hardstanding areas and electric vehicle charging points for each intermediate substation;
  - 5.2.10.8 Access tracks and/or asphalt/tarmac roads and limited car parking; and
  - 5.2.10.9 Planting and vegetation management, and other mitigation/enhancement measures.

- 5.2.11 **Work no. 5a: BESS** – The Battery Energy Storage System (“**BESS**”) area (which is shown coloured yellow on Sheet 2 of the Works Plans (**EN010162/APP/2.3A**)) will consist of electrical equipment to service a series of battery units. There is flexibility within this area to allow for the final siting and refinement of the infrastructure. Land within Work no. 5a, BESS, that is not used for the BESS would be used either for Work no. 1 (Solar PV), Work no. 2 (Cables) or Work no. 3 (Mitigation/Enhancement).
- 5.2.12 This area may contain some or all of the following principal Development components/activities for the purposes of the energy storage facility:
- 5.2.12.1 Site preparation and/or clearance, enabling works, including construction compounds;
  - 5.2.12.2 Battery energy storage cells with automatic fire suppression system;
  - 5.2.12.3 A structure protecting the battery energy storage cells and ancillary equipment;
  - 5.2.12.4 Interconnection units including heating, ventilation and air conditioning or liquid cooling systems and temperature management;
  - 5.2.12.5 Conversion units including inverters, transformers, switchgear and energy management system;
  - 5.2.12.6 Monitoring and control systems;
  - 5.2.12.7 Underground electrical cables, electrical cables including connections;
  - 5.2.12.8 Surface water drainage systems, runoff outfalls, storm water attenuation systems including storage basins, oil water separators, including channelling and culverting and works to existing drainage networks;
  - 5.2.12.9 First responder information and notification kiosks; fire safety infrastructure comprising fire suppression system for the purposes of firefighting comprising fire water tanks and fire water containment;
  - 5.2.12.10 Access tracks (likely asphalt) and limited car parking, fencing/gates; security cameras/lighting; acoustic fencing where necessary; and
  - 5.2.12.11 Planting and vegetation management, and ecological mitigation/enhancement measures.

- 5.2.13 Measures to manage safety associated with the BESS will be set out in a Fire Safety Management Plan (“**FSMP**”). An outline FSMP has been developed and included in Technical Appendix A5.4 (**EN010162/APP3/6.4.5.4A**). Following consent and final detailed design, a final FSMP will be submitted to NSDC for approval and implementation in accordance with Requirement 7 of Schedule 2 to the draft DCO.
- 5.2.14 **Work no. 5b: 400 kV Compound** – The 400 kV Compound will consist of a 400 kV substation with electrical equipment to combine the electricity from the 132 kV cables and output the electricity at 400 kV. The 400 kV Compound will include a control building which would include office space and welfare facilities as well as operational monitoring and maintenance equipment. The 400 kV Compound area is shown coloured brown on Sheet 2 of the Works Plans (**EN010162/APP/2.3A**). The area identified as for the compound contains flexibility to allow for refinement to the location and layout of a substation within a substation area. Land within Work no. 5b, 400 kV Compound, that is not used for this purpose would be used either for Work no. 1 (Solar PV), Work no. 2 (Cables) or Work no. 3 (Mitigation/Enhancement).
- 5.2.15 This area may contain some or all of the following principal development components/activities for the purposes of the 400kV substation:
- 5.2.15.1 Site preparation and/or clearance, enabling works, including construction compounds;
  - 5.2.15.2 An up to 400kV substation, with associated transformer bays, feeder bays, cable sealing ends, transformers, switchgear buildings, concrete foundations and ancillary equipment including reactive power units;
  - 5.2.15.3 Control building or container relay rooms with associated offices, storage and welfare facilities;
  - 5.2.15.4 Underground electrical cables to provide connections;
  - 5.2.15.5 Power conversion system units including inverters, switch gear, transformers, busbars and ancillary equipment;
  - 5.2.15.6 Surface water drainage systems, runoff outfalls, storm water attenuation systems including storage basins, oil water separators, including channelling and culverting and works to existing drainage networks;
  - 5.2.15.7 Carparking, hardstanding areas and electric vehicle charging points;

- 5.2.15.8 Installation of electrical equipment within substation compound including cables, indoor and outdoor switchgear and associated busbars, auxiliary control and switch rooms, transformers, gantries;
  - 5.2.15.9 First responder information and notification kiosks;
  - 5.2.15.10 Access tracks (likely asphalt) and limited car parking, fencing/gates; security cameras/lighting; acoustic fencing where necessary; and
  - 5.2.15.11 Planting and vegetation management, and ecological mitigation/enhancement measures.
- 5.2.16 **Work no. 6: National Grid Staythorpe Substation connection** – Modification works would be required at the existing National Grid Staythorpe Substation to enable the 400kv cable to connect to the National Grid. This area is shown coloured aquamarine on Sheet 1 of the Works Plans (**EN010162/APP/2.3A**).
- 5.2.17 This area may contain the following principal works to the existing substation and to facilitate connection of the Development into the national grid:
- 5.2.17.1 Electrical equipment including switchgear, cable sealing ends, busbars, transformers and construction compounds;
  - 5.2.17.2 Earthing works;
  - 5.2.17.3 Works to lay underground electrical cables, and
  - 5.2.17.4 Site preparation and/or clearance.
- 5.2.18 **Work no. 7: Consented Staythorpe BESS connection** – Modification works would be required at the Staythorpe Consented BESS for which the Applicant has already obtained planning permission. This area is shown coloured pink on Sheet 1 of the Works Plans (**EN010162/APP/2.3A**).
- 5.2.19 This area may contain the following principal works to the BESS development to facilitate connection of the Development into the national grid:
- 5.2.19.1 Electrical equipment including switchgear, cable sealing ends, busbars, transformers and construction compounds;
  - 5.2.19.2 Earthing works;
  - 5.2.19.3 Upgrades to accesses and drainage works; and

5.2.19.4 Works to lay underground electrical cables.

5.2.20 **Work no. 8: Access Works** – land required principally for access purposes is shown coloured purple on the Works Plans (**EN010162/APP/2.3A**). This may include land required to access the Development during construction, operation, or decommissioning. It may also include land required for temporary or permanent diversions of public rights of way.

5.2.21 The Access Works areas may contain some or all of the following principal components/activities to facilitate access to the Development:

5.2.21.1 Creation of accesses from the public highway;

5.2.21.2 Creation and maintenance of visibility splays;

5.2.21.3 Works to street furniture;

5.2.21.4 Works to widen and surface existing highways;

5.2.21.5 Making and maintaining passing places,

5.2.21.6 Temporary Public Rights of Way diversions (during the construction and decommissioning phases), Permanent Public Rights of Way diversions (during the operational phase and thereafter); and

5.2.21.7 Planting and vegetation management and other mitigation/enhancement measures.

### 5.3 Flexibility

5.3.1 A number of elements of the final design and layout of the development cannot be confirmed until a later stage in the procurement, design and construction of the scheme. The Application includes flexibility to allow for the most efficient technology possible to be utilised by the Development at the point of construction. The rapid improvement of technology in the solar PV and energy storage industry, means that in some cases, the Development could utilise the latest technology which does not currently exist.

5.3.2 To address this, a Rochdale Envelope approach is used which involves assessing parameters describing the maximum, or worst-case (for the purposes of environmental assessment), extents or designs of the proposed infrastructure which will need to remain flexible throughout the evolution of the Development design. The principles and justification for this approach are set out in section 2.2.1 of Chapter 2 of the ES (**EN010162/APP/ 6.2.2**). This flexibility is essential to ensure the successful delivery of the Development.

## 5.4 Alternative connection options to the National Grid

- 5.4.1 The existing National Grid Staythorpe Substation has available capacity for the Development to connect directly into the UK transmission network and the Applicant has an accepted grid connection offer with National Grid for this purpose. The existing substation and proposed connection area is shown coloured aquamarine on Sheet 1 of the Work Plans (**EN010162/APP/2.3A**).
- 5.4.2 Two alternative options are proposed to connect the 400 kV cable to the National Grid Staythorpe Substation:
- 5.4.2.1 Connect via the Consented BESS on land immediately to the west of the existing National Grid Staythorpe Substation; or
- 5.4.2.2 Connect the 400 kV cable directly to the National Grid Staythorpe Substation.
- 5.4.3 The need for these alternative options results from the grid support BESS not having yet been constructed. If this were to be constructed in time for the Development, then connecting via its substation allows for a shared connection, which is resource efficient and cost effective. Alternatively, the 400 kV cable could run directly to the same connection point at the existing National Grid Staythorpe Substation. Both of these options are assessed within the draft DCO to allow for this flexibility.
- 5.4.4 It is not anticipated that any additional external plant or equipment requiring consents will be required to facilitate this connection if the Staythorpe BESS Development is completed as planned. If this situation should change, or if the Staythorpe BESS Development is not constructed or is delayed, any new plant, equipment or buildings will be of a similar design envelope to that already present.

## 5.5 Construction, phasing and programme

- 5.5.1 The construction of the Development is likely to be undertaken in at least five phases:
- 5.5.1.1 Phase one will include the construction of approximately a quarter of the solar area, one intermediate substation, the 400 kV substation, works at the existing National Grid Staythorpe Substation and/or the Consented BESS and cabling in between these;
- 5.5.1.2 Phases two to four will each include the construction of approximately a quarter of the solar area, one intermediate substation and cabling including connection to the 400 kV substation; and
- 5.5.1.3 Phase five will include the construction of the BESS.

- 5.5.2 The construction of the Development is expected to take place over a period 24 months, in accordance with the programme which is provided in Table 5.11 of Chapter 5 – Development Description of the ES (**EN010162/APP/6.2.5**) confirms a 24-month implementation programme for construction of the Development.
- 5.5.3 Detailed consideration has been given to site access arrangements for the developable solar areas, cable route, compounds and BESS area to ensure that they are appropriate to meet the needs of the Development, whilst also giving due consideration to operational safety, environmental impact and minimising disruption to other road users. When defining site access arrangements, the utilisation of existing accesses have been prioritised when seeking suitable locations into the development site from the public highway. Where existing accesses cannot be utilised, or if no existing access is conveniently located to access the areas, new accesses have been proposed.
- 5.5.4 A series of measures will be implemented by the Applicant to mitigate the effects of the construction of the Development. These include the following.
- 5.5.5 Measures to control the environmental impacts of construction activities which will be set out in a Construction Environmental Management Plan (“**CEMP**”). An outline CEMP is included in the Application (**EN010162/APP/6.4.5.3A**). Following consent and final detailed design, a final CEMP will be submitted to NSDC for approval and implementation in accordance with Requirement 12 in Schedule 2 to the DCO.
- 5.5.6 Measures to control construction traffic which will be set out in a Construction Traffic Management Plan (CTMP). An outline CTMP is included in the Application (**EN010162/APP/6.4.5.2A**). Following consent and final detailed design, a final CTMP will be submitted to NSDC for approval and implementation in accordance with Requirement 14 in Schedule 2 to the draft DCO.
- 5.5.7 An Outline Landscape and Ecological Management Plan (“**OLEMP**”) is included in the Application at (**EN010162/APP/6.4.5.1A**). Following consent and final detailed design, a final LEMP will be submitted to NSDC for approval, in accordance with Requirement 8 in Schedule 2 to the DCO, and this will be implemented. The OLEMP describes proposed changes to vegetation, such as where new planting or habitat is proposed, and how those changes will be implemented and overseen, to ensure their successful establishment. The LEMP will cover landscape and biodiversity management through the operational phase as well as the construction phase.

- 5.5.8 Measures to govern the retention and/or diversion of public rights of way, and for the creation and management of new recreational routes, which will be set out in a Recreational Routes Management Plan (“**RRMP**”). An outline RRMP is included in the Application (**EN010162/APP/6.4.18.1A**). Following consent and final detailed design, a final RRMP will be submitted to NSDC for approval and implementation in accordance with Requirement 19 in Schedule 2 to the DCO. In addition, the details and final routing of permissive paths must be submitted to NSDC for approval in accordance with Requirement 18 of Schedule 2 to the DCO prior to construction of the permissive routes. This must include the specification of each permissive path and the proposed maintenance regime for the paths.
- 5.5.9 Measures to ensure that the land quality will not be adversely affected will be set out in a Soil Management Plan (“**SMP**”). An outline SMP is included in the Application (**EN010162/APP/6.4.17.2**). Following consent and final detailed design, a final SMP will be submitted to NSDC for approval and implementation in accordance with Requirement 21 in Schedule 2 to the DCO.

## 5.6 Operation

- 5.6.1 The operational life of the Development is expected to be 40 years. The 40 years would start at the sooner of:
- 5.6.1.1 When full operation (maximum electrical export) is first achieved; or
- 5.6.1.2 Three years (36 months) from when electricity is first exported from the Development.
- 5.6.2 The performance of the Development components will be monitored continually through the operational phase. Should the performance of an individual component fall below standards acceptable for the operation of the Development, they will be removed and, most likely, replaced. Operational and maintenance activities will be undertaken in accordance with an Operational Environmental Management Plan (“**OEMP**”), an outline of which is provided in the ES as TA A5.5 (**EN010162/APP/6.4.5.5A**). Following consent and final detailed design, a final OEMP will be submitted to NSDC for approval and implementation in accordance with Requirement 13 in Schedule 2 to the DCO.
- 5.6.3 The management of the mitigation and enhancement areas will be undertaken in accordance with the Landscape and Ecological Management Plan (“**LEMP**”) (**EN010162/APP/6.4.5.1A**). During operation, the land underneath and around the PV modules could be managed through a combination of sheep grazing and/or hay/silage production to maintain the field vegetation.

## 5.7 Decommissioning

- 5.7.1 At the end of the operational phase, the Development would be decommissioned. A Decommissioning and Restoration Plan (“**DRP**”) will be prepared to describe the activities taking place during this phase and specify any controls required. An Outline **DRP** is included with the ES as TA A5.6 (**EN010162/APP/6.4.5.6A**). Prior to decommissioning commencing, a final **DRP** will be submitted to NSDC for approval and implementation in accordance with Requirement 20 of Schedule 2 to the DCO.
- 5.7.2 Decommissioning is expected to take between 18 and 24 months. The decommissioning is assumed to include the removal of PV arrays, fixed above and below ground infrastructure, and cables. The decision on whether to remove any/all of the substations will be made at decommissioning stage and set out in the **DRP**. Any adversely affected under-field drainage will be repaired, with replacement drainage schemes installed as required. Following decommissioning, the land will be restored and returned to the landowners in a condition suitable for agricultural use.
- 5.7.3 It is assumed that following decommissioning the proposed permissive routes will revert to private land with no public access, and that any P<sub>RoW</sub> that are diverted for the operation phase of the Development will remain diverted following decommissioning. This would be reviewed during the preparation of the final **DRP**. Any landscape structural planting, such as tree planting, hedgerows, scrub created to deliver biodiversity mitigation and enhancement associated with the Development would be left in-situ when the land is handed back to landowners, and it is likely that access tracks and new access points would also be left in situ, though this depends on landowner preferences at that time.

## 6. DESCRIPTION OF THE ORDER LIMITS

- 6.1 The Development would be located to the northwest of Newark, in the Newark and Sherwood district of Nottinghamshire, East Midlands. The Development would be within an area bound by the Order Limits shown on Figure 1.1 Development Location (**EN010162/APP/6.3.1.1**). The Order Land, which is the land within the Order Limits which is subject to powers of compulsory acquisition and or temporary use, is shown on the Land Plans (**EN010162/APP/2.2B**) and is described in the Book of Reference (**EN010162/APP/4.3B**).
- 6.2 The Order Limits are to the west of the A1, north of the A617, east of Eakring, and south of Egmont, to the north and northwest of Staythorpe. The Order Limits are situated within the administrative area of Newark and Sherwood District Council who is the local planning authority. The Order Limits consists of discrete land parcels proposed to be occupied by solar PV panels and connected by cable route areas. The total area of the Order Limits is approximately 1,765 hectares (ha).
- 6.3 The eastern side of the Development runs from the north of North Muskham to Egmont in the north. The western side of the Development runs north-west from Staythorpe Power Station and then splits at Maplebeck, with spurs running to Eakring in the north-west and Kneesall to the north-northeast, then connecting with the eastern side of the Development.
- 6.4 The wider area within and surrounding the Order Limits is generally composed of agricultural land, interspersed by occasional woodlands. Surrounding villages and hamlets are connected by rural roads and public rights of way. Smaller fields and tree cover are more common close to the villages and along water courses, with larger and more open fields set further away.
- 6.5 Topographically, land within the Order Limits ranges from 10m Above Ordnance Datum (AOD) to 60 m AOD, across a gently undulating landscape and is generally lower lying in the east towards the River Trent. Main transport routes in the local area include the A1 and East Coast Main Line railway which run adjacent to and through the eastern edge of the Order Limits, and the A616 and A617 which head northwest from Newark-upon-Trent which lies around 1 km to the southeast of the Order Limits.
- 6.6 The majority of the land within Order Limits is currently used for arable crops or is otherwise down to pasture. The Agricultural land chapter of the ES (**EN010162/APP/6.2.17**) explains that approximately 90% of the agricultural land with Order Limits is classed as 3a (good) or 3b (moderate). None of the agricultural land within Order Limits comprises class 1 (excellent), and there is only very limited class 2 (very good) land.

- 6.7 Much of the agricultural land within Order Limits is owner-occupied, meaning that the landowner, with whom the Applicant has concluded an option agreement, is also the farmer. Where land is occupied by tenant farmers, the tenants have been made aware of the proposals and have negotiated terms with their landlords where necessary. Farm Business Reports are set out in TA A17.3 (**EN010162/APP/6.4.17.3**). Most of the farms are arable farms, and mostly the crops grown are cereals with combinable break crops (i.e., crops that are harvested using a combine harvester). Some farms grow small areas of potatoes or sugar beet and some farms have beef and sheep enterprises across their wider farm holdings. The area for the proposed BESS (Work no. 5a) and the 400 kV Compound (Work no. 5b) forms part of a dairy farm. The cable route involves mostly agricultural land of Subgrade 3a and 3b.

## 7. **NEED FOR AND BENEFITS OF THE DEVELOPMENT, SITE SELECTION AND ALTERNATIVES**

- 7.1 The Development forms a key part of meeting the Government's strategy for achieving targets for renewable energy provision and the reduction in carbon emissions in the UK. The national, regional and local planning policy and guidance relevant to the Development as well as an overview of the legislative framework are set out fully in the Planning Statement (**EN010162/APP/5.4A**) and associated Policy Compliance Tables (**EN010162/APP/5.5**) which accompany the Application.

- 7.2 The Statement of Need (**EN010162/APP/7.2**) provides an overview of the strategic need for renewable energy generation embedded in key relevant Legislation and Government Policy. The Statement outlines how the Development is able to be deployed so that it can contribute to meeting the need for renewable energy generation, set out in National Policy.

### 7.3 **Overview of Key Legislation & Government Policy**

- 7.3.1 The UK Government has legislated to commit the country to achieving net zero carbon emissions by 2050, and de-carbonising electricity by 2035. These commitments mean that the UK urgently needs more renewable forms of electricity to be produced. The reliance on fossil fuels as part of the UK's energy mix will have to be displaced by cleaner and more secure sources of energy, resulting in greatly increased renewable electricity demand. The Climate Change Act 2008, set legally binding carbon budgets, requiring the UK to reduce its greenhouse gas emissions by 100% from 1990 levels, known as 'net zero', by 2050. This makes decarbonisation in the UK a legal requirement and is a matter of global significance. To achieve this, the UK must decarbonise its energy system, electrify heating, industry and transport and there is strong legal, policy and industry evidence in support of the urgent need for decarbonisation.

- 7.3.2 The ‘British Energy Security Strategy’ (April 2022) set out the intention to rely upon wind, solar, hydrogen and nuclear to replace our reliance upon fossil fuels, bring energy costs down and, above all, make our supply of energy secure. In respect of solar, whilst only contributing approximately 2.4% of the UK’s total electricity generation (DESNZ Energy Trends, Table 1.1) a five-fold increase in deployment by 2035 was expected. In 2022, the total installed solar capacity in the UK stood at approximately 14GW – a five-fold increase is approximately 70GW of solar power, meaning another 55GW of new solar was needed, as per the 2022 figures.
- 7.3.3 In ‘Powering Up Britain: Energy Security Plan’ (Updated 2023), security and lowering of energy prices is noted as a priority and reaffirmed the key commitment of achieving 70GW of solar generation by 2035.
- 7.3.4 It was announced at COP24 (Azerbaijan) in November 2024 that there will be new ambitious climate targets for the UK with an aim for an 81% cut in emissions by 2035 (previously 78%), demonstrating the commitment of the current Government to achieving climate change targets. The announcement references both the need for clean energy and the ‘green jobs’ associated with homegrown British energy.
- 7.3.5 The above provides an overview of the key legislative and policy frameworks, which sets out and shapes the compelling and urgent need for clean energy. However, of particular relevance and importance is the Policy Paper – Clean Power 2030 Action Plan (“**Clean Power 2030**”), published in December 2024.
- 7.3.6 Clean Power 2030 sets out a clear pathway to a clean power system by the UK Government. The publication of Clean Power 2030, has already triggered several key actions relevant to NSIPs, including a consultation on an update to the National Policy Statements (NPS), to ensure that Government Policy on the need for renewable energy is fully aligned to support and deliver the actions set out in Clean Power 2030.

## 7.4 National Policy Context

- 7.4.1 In deciding an application for development consent in accordance with Sections 104(2) and 104(3) of the 2008 Act, the Secretary of State (“**SoS**”) must have regard to the relevant National Planning Policy Statements (“**NPS**”). The NPSs contain very clear Policy in respect of the urgent need for renewable forms of energy. The key sections in the NPSs are outlined below.

## National Policy Statement EN-1

- 7.4.2 Following adoption of the revised EN-1 in 2024, this policy statement now explicitly includes solar schemes greater than 50 MW. EN-1 states that large scale renewable energy projects are needed (amongst other types of generation capacity) in order to meet the demand for electricity generation in the United Kingdom (UK), and to reduce greenhouse gas emissions from electricity generation in order to meet the Government's decarbonisation targets. NPS EN-1 sets out that the delivery of a large amount of solar generation capacity is an essential element required for delivery of the Government's energy objectives and legally binding net zero commitments.
- 7.4.3 Section 4 of EN-1 stipulates that there is a Critical National Priority ("CNP") for the provision of nationally significant low carbon infrastructure, which further highlights this urgent need at a strategic scale.

## National Policy Statement EN-3

- 7.4.4 Following adoption of the revised EN-3 in 2024, this policy statement now explicitly includes solar schemes greater than 50 MW. EN-3 further reinforces the urgent need for new electricity capacity to meet our energy objectives.
- 7.4.5 The NPSs explain that the availability of grid connection, suitable irradiance levels and local topography are key inputs to the selection of sites suitable for large-scale solar generation developments. The number of locations within the UK at which large-scale solar generation is suitable is, therefore, likely to be limited, which is a material issue when considering how the UK is to meet the urgent need for low-carbon generation as is set out in the NPSs.
- 7.4.6 Many factors are important in the design of a large-scale solar scheme within the context of a particular location, and EN-3 acknowledges that flexibility in design is important to allow for a scheme to be designed in to optimise its benefits.
- 7.4.7 EN-3 acknowledges there are a range of over-arching positive factors associated with solar generated electricity. These include the following;
- 7.4.7.1 Section 2.10.11 advocates that solar and farming can be complimentary, supporting each other financially and environmentally.
  - 7.4.7.2 Section 2.10.13 solar farms/parks are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation.

- 7.4.7.3 Section 2.10.14 acknowledges that solar farms/parks can be built quickly
- 7.4.7.4 Section 2.10.89 highlights that solar farms/parks have the potential to increase the biodiversity of a site.
- 7.4.7.5 Section 2.10.95 through appropriate land topography and the implementation of effective screening, the zone of visual influence can be appropriately minimised in the case of ground mounted solar development.

### National Policy Statement EN-5

- 7.4.8 NPS EN-5 is primarily concerned with high voltage long distance transmission and distribution infrastructure (400 kilovolts (kV) and 275 kV lines) and lower voltage lines (132 kV to 230 kV) from transmission substations to the end user. Therefore, EN-5 is considered important and relevant due to the inclusion of inverters, transformers, switchgear, cabling and substation within the Development.

## 7.5 Consultation on Updates to NPSs

- 7.5.1 In April 2025 Draft Updates to EN-1, EN-2 and EN-3 were published for consultation, which has now closed. Importantly, the updates are triggered by the publication of Clean Power 2030 in December 2024, which aims to push the Country to Net Zero by 2050 and reflects one of the five missions set out by the government to make Britain a 'Clean Energy Superpower'. The Draft Updates state that the capacity range are achievable, but that: "*we need to see very significant deployment to make this a reality*" and "*deployment at a sharply accelerated scale and pace*".
- 7.5.2 These updates reflect the increasingly urgent need to rapidly increase deployment of all relevant infrastructure to meet the Clean Power 2030 Mission capacity ranges. The publication of Clean Power and the associated draft update to the NPSs highlight the direction of travel of Government Policy, which is a clearly defined pathway to meeting its Net Zero targets, with an increasing emphasis on expediting delivery of low carbon projects.

## 7.6 Need for Solar Generation

- 7.6.1 The compelling need for low carbon developments is firmly established in current relevant national policy as set out above [and in the Planning Statement \(EN010162/APP/5.4A\)](#). The need is urgent and substantial weight is to be afforded to need in decision making terms. There are no limits on need set out in current Policy for low carbon developments, such as solar parks.

7.6.17.6.2 The Clean Power 2030 Action Plan seeks to ensure that clean sources of energy produce at least 95% of Great Britain's electricity generation by 2030.

7.6.3 DESNZ has established a 'Clean Power Capacity Range', which for solar is between 45-47 GW. Table 1 on page 32 of the Clean Power 2030 Action Plan identifies that the Installed Capacity for Solar as of Quarter 2, 2024 was 16.6 GW, with a further 7.2 GW Committed or Under Construction. This leaves a gap of between 21.3-23.3 GW to meet the 2030 DESNZ 'Clean Power Capacity Range by 2030.

7.6.4 In simple terms, the Clean Power 2030 Action Plan requires an additional 28 to 30 GW of solar generation to be connected over the next five years, equivalent to approximately 6 GW per year or more than 100 MW per week.

7.6.5 NESO's advice to Government (Clean Power 2030) and the Government's subsequent Clean Power 2030 Action Plan reiterate the scale and urgency of the national challenge to deliver clean energy by 2030. More specifically, these documents identify the need for a trebling of solar provision and the need for a further scale-up in its delivery.

7.6.6 In essence, accelerating additional solar generation is considered to be critical to reaching clean power by 2030, thereby further strengthening and supporting the case for the Development and the benefits that it will deliver.

7.6.7 In summary, the principal need for large-scale solar projects is centred on the significant contribution they can make to the three important national energy policy aims:

7.6.7.1 Decarbonisation – achieving net zero carbon emissions by 2050, requiring deployment of zero-carbon electricity generation at scale to ensure that clean sources of energy produce at least 95% of Great Britain's electricity generation by 2030 and to decarbonise the power sector by 2035.

7.6.7.2 Security of supply – delivering geographically and technologically diverse energy supplies.

7.6.7.3 Affordability - providing large-scale generation at low cost which will provide an overall reduction in energy costs for end-use consumers.

- 7.6.8 The Development will make a meaningful contribution to the UK's legally binding net zero commitment. Well-designed large-scale solar projects, such as the Development, are a critical part of the development of the UK's portfolio of renewable energy generation required to decarbonise its energy supply quickly and provide secure and affordable energy supplies.
- 7.6.9 Further details of the need for the Development are provided in the **Statement of Need (EN010162/APP/7.2)**. In addition to demonstrating the strategic need for renewable energy generation and storage which is embedded in legislation and national policy, the Statement of Need also explains how the Development is able to be deployed so that it can contribute to meeting this identified need.

~~The challenges that developers face in land assembly, the consenting process, as well as Grid constraints mean this is an ambitious target. In the Applicants' view these targets cannot be achieved by rooftop solar panels and brownfield sites alone. This is supported by the National Policy Statements (NPSs) which confirm that large-scale ground-mounted solar farms have a critical role to play in achieving the Government's aims, and the government has determined that there exists a critical national priority (CNP) for low carbon infrastructure, including large-scale solar farms, because of the decarbonisation, energy security and affordability benefits that solar development delivers. Large-scale solar projects such as the Development, are required in addition to other technologies to diversify the UK's low-carbon portfolio to meet its legal obligations to achieve net zero by 2050, making best use of available Grid connections to help deliver the amount of solar power now required.~~

## 7.7 Need for Energy Storage

- 7.7.1 Both EN-1 and EN-3 acknowledge the importance of storage is in the context of renewable energy generated, by providing efficiencies and stability in the supply. Supply of energy can fluctuate for solar generation and storage helps to balance the supply and meet the requirements of peak demand. Energy storage is accepted as 'Associated Development' in the context of solar development and is typically included in other Developments of a similar scale.
- 7.7.2 As explained in Chapter 5 above, two alternative options are proposed to connect the 400 kV cable serving the Development to the National Grid Staythorpe Substation to provide flexibility:
- 7.7.2.1 Connect via the substation associated with the Consented BESS on land immediately to the west of the existing National Grid Staythorpe Substation; or

7.7.2.2 Connect the 400 kV cable to directly to the National Grid Staythorpe Substation.

7.7.3 The availability of energy storage in the early stages of the Development lifespan, to capture any surplus energy, will help to maximise operational efficiency and stability of supply to the Grid.

7.7.4 A BESS is included in the Application, as associated development. The proposed BESS which is shown coloured yellow on Sheet 2 of the Works Plans ([EN010162/APP/2.3A](#)) is located close to both the source of the energy being generated and to the Staythorpe Substation. The location of the BESS has been selected based on design considerations and to provide operational effectiveness and efficiency. It is included in Phase 5 of the Development and will ensure that appropriate storage provision is available to serve the operational lifespan of the Development.

## 7.8 Benefits of the Development

7.8.1 The Development is designed to spearhead the renewable transformation of UK energy generation. The UK grid is constrained, and the 400 kV overhead line network is being reinforced across the country. This means that in many areas no new generation can be connected until 2032 or later. The Development can be delivered, efficiently and within the timescales set out in the Application to contribute to the accelerated pace of delivery that Clean Power 2030 states is urgently required. The Development benefits from an acceptance of a Grid Connection Offer at Staythorpe Substation, which has capacity to accommodate it.

7.8.2 In summary, as explained in the Planning Statement ([EN010162/APP/5.4A5](#)), the Development, including its provision for energy storage, will make a significant contribution to meeting the clear need established in current Policy ~~by providing generation equivalent to the energy requirements of 400,000 homes~~. Without the Development, the significant and urgent opportunity to develop a large-scale low carbon generation scheme in this location will be lost, together with the Development's contribution to achieving the Government's objectives in Clean Power 2030 and in the NPSs. There is an urgent and compelling need for the Development to proceed.

[7.8.3 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure the Development would provide other significant benefits including:](#)

- 7.8.3.1 A meaningful contribution to the UK's legally binding net zero commitment, with the Development anticipated to have a generating capacity of 800 MW (AC), providing enough electricity to power the equivalent of approximately 400,000 homes (based on the Government estimate of annual average household power consumption of 2,700 kWh per annum). Given that Nottinghamshire has 360,290 domestic properties, the Development would have the capacity to generate enough energy for the entirety of Nottinghamshire's domestic population with energy to spare.
- 7.8.3.2 The Development is projected to result in a net reduction in emissions of 789,292 teCO<sub>2</sub>e, helping contribute to the UK's Net Zero targets.
- 7.8.3.3 An additional source of domestic energy security that reduces the market price of electricity by generating power so that more expensive and more carbon intensive generation (such as gas) are not required to generate as much, reducing the overall cost of electricity to consumers.
- 7.8.3.4 Provision of battery energy storage, co-located with the solar generation which maximises the efficiency of land use and grid capacity and allows the Development to maximise the usable output from intermittent generation, which will reduce the overall amount of generation capacity required whilst also providing the opportunity to deliver grid balancing to the local electricity network.
- 7.8.3.5 Significant tree planting with approximately 64,500 proposed trees creating 31 ha of woodland, as well as 49 km of new hedgerow, hedge and tree belts.
- 7.8.3.6 Significant landscape enhancements comprising approximately 989 ha of Solar PV (diverse) grassland, 405 ha of diverse grassland and 23 ha of ecotone.
- 7.8.3.7 Enhanced public access legacy with the introduction of new public rights of way that will be created to provide new facilities for active travel, recreation and links between communities and developments. A total of 32.6 km of new permissive routes are proposed, comprising 27 new permissive routes (21 permissive footpaths and six bridleways). A circular recreational route would be created around the Order Limits, covering 50.6 km, including 12.5 km of new permissive path.

- 7.8.3.8 Biodiversity and landscape mitigation have been proposed including 555 ha dedicated solely for these purposes and which will contribute to securing biodiversity net gains for habitats, hedgerows and watercourses, which would result in a significant BNG.
- 7.8.3.9 180 direct local full time equivalent ('FTE') construction and manufacturing jobs could be created over the 24-month construction period. The direct construction employment would generate circa £10.4m in Gross Added Value ('GVA') within the regional construction economy (based on average GVA per head in the construction industry).
- 7.8.3.10 It is anticipated that the decommissioning phase would require a similar level of employment and generate a similar scale and character of workforce spending and supply chain effects as the construction phase.
- 7.8.3.11 The operational phase of the Development would support 19 direct local FTE jobs consisting of operational and maintenance roles for the Development's PV panels and other structures, as well as a further 21 jobs in the wider economy.
- 7.8.3.12 Additional social, economic and educational benefits including opportunities for community farming and orchards, skills and training initiatives (apprenticeships; vocational qualifications; STEM education) and supply chain opportunities (local business networking and support; local procurement strategy).
- ~~7.8.2.1 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Development will deliver benefits, which include:~~
- ~~7.8.2.2 Renewable energy;~~
- ~~7.8.2.3 Biodiversity Net Gain;~~
- ~~7.8.2.4 Economic, Educational and Sustainability Benefits;~~
- ~~7.8.2.5 Enhanced Landscape and Public Access legacy; and~~
- ~~Community Benefit Fund.~~

~~7.8.3 The environmental assessment process has revealed significant beneficial opportunities. These opportunities include BNG, areas of ecological enhancement, additional hedgerow and woodland planting, reinforcing landscape character and socio-economic opportunities, having a positive effect on the local economy. Beneficial effects have also been identified during operation relating to recreation, with the creation of new permissive routes. Beneficial effects have been identified for Local Wildlife Sites, habitats and breeding birds during the operation of the Development.~~

~~7.8.4 As explained in the DAD (EN010162/APP/5.8), the environmental benefits will include significant areas of new habitats that respect and enhance features within the landscape, including over 25.83ha of new native woodland comprising 64,500 trees, over 50km of new hedgerows and over 1400 hectares of species rich grassland delivering a Biodiversity Net Gain and improvements in ecological connectivity. The Development would also provide benefits to the local community via an enhanced green infrastructure network including a better connected footpath and bridleway network and access to open space and recreational spaces. These would include the provision of permissive paths and a new community orchard.~~

~~7.8.5~~ 7.8.4 The analysis of planning policy compliance in the Planning Statement (EN010162/APP/5.4A5) demonstrates that the need for the Development is supported by planning policy and other national energy and environmental policy and that the Development addresses relevant national and local planning policies through its design, avoiding and minimising adverse impacts where possible.

~~7.8.6~~ 7.8.5 As described in the Planning Statement (EN010162/APP/5.4A5), some adverse effects are predicted, however, and these have been set out and assessed throughout the ES. These largely relate to effects on landscape and some public rights of way. The adverse effects arising are not in the opinion of the Applicant of a scale or type to prevent a positive decision being made on this application, particularly when weighed against the overarching urgent need for the Development. Mitigation measures, including planting will reduce the effects identified.

~~7.8.7~~ 7.8.6 The Applicant considers that there is a compelling case in the public interest for the Development to proceed.

## 7.9 Alternatives to the Development

7.9.1 There is no reasonable alternative to the Development as this would involve not developing a new electricity generating station connected to the National Grid Staythorpe Substation. This is not considered to be a reasonable alternative as it would not deliver the additional electricity generation and energy storage proposed (with the associated benefits of low carbon, locally produced and low-cost energy).

7.9.2 The Applicant has an accepted grid offer to connect the Development to a 400kV bay at the National Grid at Staythorpe Substation, with export capacity of ~~around~~ 800 MW (AC). The available grid capacity at Staythorpe substation allows the need for solar generation to be met, in an area which can make good use of existing infrastructure capacity. The Development will allow for large scale deployment of solar generation to be delivered by an experienced solar Developer with a proven track record. The Development is capable of being implemented promptly and once operational, will actively contribute to the ambitious renewable energy generation targets set out in Clean Power 2030. There are no known site constraints which would prohibit or delay the delivery of the Development.

7.9.3 Other grid connection locations with similar export capacity potential would be considered as additional development opportunities, rather than as alternatives. NPS EN- (para 4.2.21) is clear that:

*“energy security and decarbonising the power sector to combat climate change ... requires a significant number of deliverable locations for CNP [Critical National Priority] Infrastructure and for each location to maximise its capacity. This NPS imposes no limit on the number of CNP infrastructure projects that may be consented. Therefore, the fact that there are other potential plans or projects deliverable in different locations to meet the need for CNP Infrastructure is unlikely to be treated as an alternative solution.”*

7.9.4 Alternative low-carbon technologies for generating 800 MW (AC) and connecting this at the National Grid Staythorpe Substation, have been considered and discounted, for the reasons explained in paragraph 4.3.3 of Chapter 4 of the ES (**EN010162/APP/6.2.4**). Nor, as explained in paragraph 4.34 of Chapter 4 of the ES (**EN010162/APP/6.2.4**), would a smaller Development with a lower energy generating capacity deliver the same energy benefits as the Development.

## 7.10 Site Selection

7.10.1 The Applicant has undertaken a robust and thorough site selection process which has been informed by topographical and environmental constraints. Section 4.4 of Chapter 4 of the ES (**EN010162/APP/6.2.4**) provides further detailed analysis of the rationale for the site selection, including an appraisal of alternative options considered.

7.10.2 The starting point of the site selection process was the acceptance of the application to connect the Development to the National Grid Staythorpe Substation. From this point an initial target area of land search was identified for areas within a 15km radius of the substation.

- 7.10.3 Once the initial site search area was identified, the project design principles, environmental factors, physical constraints to solar development and developer considerations all informed the site selection process. These factors were primarily based on preliminary desk-based searches using available information provided by various Government Agencies. These factors were consistent with the principles for site selection set out in NPS EN-3, paragraphs 2.10.18 to 2.10.48.
- 7.10.4 The outcome of this process illustrates the way in which those factors combine as a 'heat map' that shows the most suitable areas shaded green, through yellow to orange areas which are the least suitable. Areas shown in white are not suitable. The main factors considered to create this heat map are set out in section 3 of TA A4.1, Design Approach Document (**EN010162/APP/5.68A**), and in summary they included: physical and developer considerations; landscape and visual considerations, heritage considerations, land use considerations; hydrology, ecology and geology considerations; and statutory designations.
- 7.10.5 The ownership of larger parcels of land within the parts of the search area with fewer constraints were identified. The land assembly involved a combination of assessment of landholdings introduced to the Applicant by land agents and land that the Applicant pursued by actively approaching landowners. This process worked outwards from the accepted grid connection point at Staythorpe substation, favouring lower constraint / more suitable areas and with a stronger preference placed on land parcels closer to the substation. This ensured efficiency in terms of the future electrical design and use of materials for the project.
- 7.10.6 The Applicant also considered availability of land as a factor, related to socio-economic effects on farm businesses and to the level of likely local opposition to the Development that would arise from pursuing compulsory purchase because the owners were not willing to enter agreement voluntarily. Whilst the Applicant endeavoured to select the best land in environmental terms, the Applicant also considered the farming businesses and farm livelihoods. This was in keeping with the principle of farm viability, sustainability and diversification, allowing some farming to continue across a land holding, with the remainder being used for solar PV.
- 7.10.7 From a design perspective, the evolution of the design has sought to further advance the scheme and provide the optimum design solution. This is further explained in the Design Approach Document (DAD) (**EN010162/APP/5.68A**).

- 7.10.8 Through the Applicant's consultation and engagement on the Development, the Applicant has also considered direct requests for design changes, and, where appropriate and proportionate, has made changes to the Development in response to landowner and stakeholder feedback. These include:
- 7.10.8.1 reductions in the Order Limits due to ecological considerations;
  - 7.10.8.2 removal of land proposed for solar PV due to flood zone or archaeology constraints;
  - 7.10.8.3 the inclusion of new woodland areas to mitigate visual impacts and enhance the wooded character of the area;
  - 7.10.8.4 the set back of solar PV areas from residential properties;
  - 7.10.8.5 the proposal to establish a landscape scale biodiversity park following engagement with Nottinghamshire Wildlife Trust, the Royal Society for the Protection of Birds, Sherwood Forest Trust, the Trent River Trust, Newark and Sherwood District Council and Natural England;
  - 7.10.8.6 the re-siting of a substation following non-statutory consultation feedback;
  - 7.10.8.7 the addition of new access roads with passing places following public feedback from local villages and optimisation of the access strategy;
  - 7.10.8.8 the removal of a crossing under the East Coast Main Line railway;
  - 7.10.8.9 removal of land belonging to RWE at Staythorpe Power Station following landowner feedback and the consolidation of the transport strategy; and
  - 7.10.8.10 removal of optionality for the cable corridor routes and the identification of a 60m wide corridor.
- 7.10.9 The location and extent of land and rights has therefore been carefully considered and designed to take the minimum amount of land required whilst ensuring that the Development continues to meet the project benefits. All reasonable alternatives have been considered by the Applicant prior to the making of the Application. This has concluded the consideration of factors such as consultee feedback, technical feasibility, economic factors and the minimisation of environmental and visual impacts and land take.

7.10.10 None of the alternatives or modifications considered for the Development would obviate the need for powers of compulsory acquisition powers and temporary possession over the Order land.

## 8. **SCOPE OF THE COMPULSORY ACQUISITION, TEMPORARY POSSESSION AND OTHER RELATED POWERS**

8.1 Section 120 of the 2008 Act prescribes those matters which may be provided for in a DCO. A DCO may impose requirements in connection with the development for which consent is granted. Sections 120(3) and 120(4) go on to provide that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. The matters in respect of which provision may be made include the following matters listed in Schedule 5 to the 2008 Act:

8.1.1 the acquisition of land, compulsorily or by agreement;

8.1.2 the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement; and

8.1.3 the payment of compensation.

8.2 The powers authorising the acquisition of land, or interests in and/or rights and restrictive covenants over land, including powers to temporarily use land during construction, are principally contained in Articles 22, 24, 31 and 32 of the draft DCO (**EN010162/APP/3.1B**).

8.3 The exercise of compulsory acquisition powers pursuant to Article 22 is limited by Article 23 which provides that permanent powers of compulsory acquisition must be exercised within 5 years of the date that the DCO is made. The Applicant considers this to be an appropriate timescale for the exercise of the proposed compulsory acquisition powers owing to the scale and phasing of the Development.

8.4 There are a number of other articles in Part 5 of the draft DCO (**EN010162/APP/3.1B**) (Articles 25 and 28) which would grant the Applicant powers, the exercise of which may result in interference with private rights in land.

8.5 The powers in the draft DCO are being sought in order for the Applicant to be able to construct, operate, maintain and decommission the Development without impediment. The purposes for which the Order Land is required and the primary acquisition powers sought in relation to those land parcels are summarised below. A detailed plot by plot description of the purposes for which the land is required and the type of acquisition powers sought can be found in the schedule at **Appendix 1 ([EN010162/APP/4.1.1A](#))** to this Statement. The works numbers in column 4 of that schedule relate to the works descriptions in Schedule 1 to the draft DCO and reference is made to the plot numbers detailed on the Land Plans (**EN010162/APP/2.2B**) and described in the Book of Reference (**EN010162/APP/4.3B**).

## 8.6 Acquisition of All Interests in Land, including Freehold

- 8.6.1 The areas of the Order Land over which compulsory acquisition powers are sought in respect of all interests (including freehold) pursuant to Article 22 of the draft DCO ([EN010162/APP/3.1B](#)) are shown edged red and shaded pink on the Land Plans ([EN010162/APP/2.2B](#)). This land is described in more detail in the Book of Reference ([EN010162/APP/4.3B](#)). A list of plots over which freehold acquisition is required, with the relevant Work Number, is set out in **Appendix 1** ([EN010162/APP/4.1.1A](#)).
- 8.6.2 The areas in which freehold acquisition is sought are principally for the permanent infrastructure Works 1, 4, 5a and 5b (solar PV arrays, intermediate substations, the BESS and 400KV Compound, including that part of access road thereto which will be gated and controlled by the Applicant). This is land of which the Applicant requires exclusive possession and control for the purposes of the Development, and for which other powers, such as to acquire new rights only or take temporary possession only, would not be sufficient.
- 8.6.3 Freehold acquisition is also sought in relation to Work 3 Mitigation, including land required for woodland, landscape planting areas and recreational permissive routes, which must be secured, monitored and maintained by the Applicant for the lifetime of the Development in accordance with the LEMP and requirement 8 of Schedule 2 to the DCO. Rights over land or temporary possession over land would be insufficient for this purpose.
- 8.6.4 Whilst the Works Plans ([EN010162/APP/2.3A](#)) show areas required for cable infrastructure (Work no 2) within the Solar PV fields, the parameters within which the works may be constructed and the descriptions of the authorised works mean that those land areas may also be required for Work 1 (Solar PV) or Work 3 (Mitigation) for which freehold acquisition is required.
- 8.6.5 The acquisition of all interests in land is also required for land which is required to be dedicated for public rights of way diversions.

## 8.7 Acquisition of new rights and imposition of restrictive covenants

- 8.7.1 The Applicant requires rights in and restrictive covenants over land to construct, operate, maintain and decommission the Development.
- 8.7.2 Article 24 to the draft DCO ([EN010162/APP/3.1B](#)) permits the Applicant to acquire new rights in and impose restrictive covenants over any of the land proposed to be compulsorily acquired, i.e. land shaded pink on the Land Plans ([EN010162/APP/2.2B](#)).

- 8.7.3 Where land is shown coloured blue on the Land Plans (**EN010162/APP/2.2B**), the freehold of that land will not be acquired compulsorily. Rather the nature of the compulsory acquisition powers will be limited to the acquisition of new rights or the imposition of restriction covenants.
- 8.7.4 The rights and restrictive covenants are sought to enable the Applicant and all persons authorised on its behalf to construct, use, maintain and decommission the Development. Those rights have been categorised into Cable Rights, Cable Restrictive Covenants, and Access Rights, details of which can be found Schedule 8 to the draft DCO (**EN010162/APP/3.1B**) which prescribes the purposes for which the rights and restrictive covenants are being sought, namely in relation to Works 2, 6, 7 and 8. Column 3 of the table in **Appendix 1** (**EN010162/APP/4.1.1A**) to this Statement of Reasons also identifies the name of the rights package or packages sought in relation to each plot where applicable.
- 8.7.5 Paragraph 24 of Advice Note 15 (produced by the Planning Inspectorate) concerning the drafting of DCOs 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.
- 8.7.6 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 Article 22 of the Silvertown Tunnel DCO 2018 as an example. The guidance advises that to enable the Secretary of State to consider whether the imposition of restrictive covenants is necessary for the purposes of implementing an NSIP and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.

- 8.7.7 The Applicant has had regard to this guidance in preparing the draft form of DCO. Article 24 includes a power to impose restrictive covenants over land, and the land over which it is proposed acquire restrictive covenants and their purposes are explained in Schedule 8 to the draft DCO (**EN010162/APP/3.1B**). These proposed restrictions are required to protect the operational assets to be constructed as part of the Development. For example, to prevent underground infrastructure from becoming exposed, damaged or built over; preventing operations which may obstruct, interrupt or interfere with the electricity generation and its transfer to the National Grid; ensuring that access for future maintenance can be facilitated and ensuring that land requirements are minimised so far as possible. In the absence of a power to impose the necessary restrictive covenants, the Applicant would need to acquire a greater extent of freehold land on a permanent basis to safeguard its operations and infrastructure.
- 8.7.8 The Applicant considers the imposition of such restrictive covenants to be justified and proportionate in the circumstances of this case, to protect and preserve the integrity of the Development.

## 8.8 Temporary use of land

- 8.8.1 Powers for the temporary use of land pursuant to Articles 31 and 32 of the draft DCO (**EN010162/APP/3.1B**) are required to facilitate the use of land by the Applicant and all persons authorised on its behalf during the construction of the Development and thereafter for essential maintenance purposes.
- 8.8.2 There is no land which required solely for temporary use. As explained in section 5 above it cannot yet be confirmed precisely within the 60m wide cable corridor where the cable trench will be laid, or where temporary possession powers for construction purposes only might be sufficient. The precise alignment of the cable will be determined following the detailed design of the Development, after ground investigations and surveys have been conducted.
- 8.8.3 Land which is proposed to be used for construction access during the installation of the Development will also be required for use as an access when the Development is decommissioned. Accordingly, permanent access rights are required for these purposes.

- 8.8.4 Where the Applicant is seeking to acquire land, new rights or restrictions over land, the power for temporary use of such land is also sought (this is provided for in Articles 31 and 32 of the draft DCO). These parcels are shown shaded pink or blue on the Land Plans (**EN010162/APP/2.2B**). These powers enable the Applicant to enter on to land for construction purposes in advance of the acquisition of the relevant permanent land or land rights. This enables the Applicant to take a proportionate approach to permanent acquisition so as to only compulsorily acquire the minimum amount of permanent land and rights/restrictions over land required to construct, operate and maintain the Development.
- 8.8.5 It is envisaged that this approach will be used principally in connection with the temporary and permanent land rights required for the cable route for which a wider corridor of land will be required during the construction of those works (of circa 30m) but the final area for the permanent new rights and restrictive covenants for the laid cables will cover an approximately 12m wide trench.
- 8.8.6 Land which is not required permanently once the temporary use powers have been used to construct the Development will be reinstated in accordance with the SMP (**EN010162/APP/6.4.17.2**). Before giving up temporary possession of the land for which temporary possession powers have been exercised the Applicant would be required to remove all temporary works and restore the land to the satisfaction of the owner in accordance with the provisions of Article 31 of the draft DCO (**EN010162/APP/3.1B**).

## 8.9 **Power to extinguish, suspend or override rights and easements**

- 8.9.1 Article 25 (Private Rights over Land) ensures that the construction and operation of the Development is not impeded by any existing private rights within the Order Land. Such rights will be extinguished over land which the Applicant acquires permanently (whether by agreement or compulsion). In relation to land over which it is proposed to acquire new rights and restrictive covenants, private rights will only be extinguished to the extent that their continuance would be inconsistent with the exercise of the new right or compliance with the restrictive covenants. Private rights will be suspended over land where the Applicant exercises powers to temporarily use the land under Articles 31 and 32 of the DCO for so long as the Applicant remains in lawful possession.

- 8.9.2 Article 25 provides for a mechanism for the Applicant to direct that existing private rights shall continue if the Applicant decides that the powers of compulsory purchase of land, new rights and restrictions, or the temporary use of land, can be exercised without interruption, making extinguishment or suspension unnecessary. The Applicant may therefore permit the continued use of private farm tracks and driveways as appropriate through the Order Land, in accordance with its commitments to landowners in option agreements. The Applicant has also committed in the CTMP ([EN010162/APP/6.4.5.2A](#)), OEMP ([EN010162/APP/6.4.5.5A](#)), and DRP ([EN010162/APP/6.4.5.6A](#)) to maintain access to dwellings and farms during the construction, operation and decommissioning of the Development.
- 8.9.3 Article 28 of the draft DCO ([EN010162/APP/3.1B](#)) provides the power to override private rights and easements, where the exercise of powers under the draft DCO or the carrying out of the Development or use of land interferes with or breaches those private rights.
- 8.9.4 Articles 25 and 28 apply to all of the Order Land and are necessary to ensure that the construction, operation, maintenance and decommissioning of the Development is not prejudiced by the existence of private rights. Land which is shown coloured Yellow on the Land Plans is subject only to these powers and is not otherwise permitted to be compulsorily acquired or used. This land comprises public adopted highway for which it is not necessary for the Applicant to acquire new rights. It also includes the land within the Staythorpe National Grid Substation where the Applicant proposed to connect to the National Grid. The powers in Article 25 and 28 of the draft DCO are retained in relation to the yellow land to ensure that there are not any private rights which could impede the Applicant's works to or use of that land.
- 8.9.5 Persons whose private rights are interfered with subject to the powers in these articles may be entitled to claim compensation for losses suffered.
- 8.9.6 Article 33 (Statutory Undertakers) authorises the Applicant to acquire land and new rights in land belonging to statutory undertakers within the Order Land. It further provides for the extinguishment of rights and the removal or relocation of apparatus belonging to statutory undertakers over or within the Order Land. The exercise of this power is subject to the protective provisions set out in Schedule 13 to the draft DCO ([EN010162/APP/3.1B](#)).

- 8.9.7 All known private rights which are proposed to be extinguished, suspended or interfered with in the Order Land, and which were identified through diligent enquiry are detailed in the Book of Reference (**EN010162/APP/4.3B**) accompanying the Application. Unknown interests which were not identified through such measures are still subject to the provisions of the draft DCO, including Articles 25 and 28 to enable the Development to be delivered without impediment.

## 8.10 The Mining Code

- 8.10.1 The Order Land includes subsurface land ownerships of mines and minerals and related rights for the purposes of the extraction of mines and minerals. The owners of the mines and minerals, and minerals rights, are in many cases unknown therefore the Applicant has not been able to conclude agreements with such parties.
- 8.10.2 Article 36 of the draft DCO (**EN010162/APP/3.1B**) incorporates provisions commonly referred to as the Mining Code, which (in summary) permits the Applicant to prevent the working of mines and minerals in the event that an owner serves notice upon the Applicant of its intention to do so. This is necessary to ensure that the Development is not prejudiced by the excavation of land or the exercise of minerals rights. Compensation is payable to the landowners in these circumstances.

## 9. IDENTIFYING AFFECTED PARTIES AND ENGAGEMENT WITH THEM

### 9.1 Identifying persons with an interest in land

- 9.1.1 The Applicant has carried out diligent inquiries to identify all persons with an interest in land within the Order Limits in accordance with section 44 of the 2008 Act. Such persons are listed in the Book of Reference (**EN010162/APP/4.3B**) and have been consulted in respect of the Application in accordance with section 42 of the 2008 Act. This is further explained in the Consultation Report (**EN010162/APP/5.1**). Diligent inquiries to identify persons with an interest in land and those with a potential claim were undertaken by the Applicant's land referencing supplier, Carter Jonas LLP.
- 9.1.2 **Appendix 2** (**EN010162/APP/4.1.2**) of this Statement provides details of the land referencing methodology, including the process of diligent inquiry undertaken to identify and contact persons and entities with interests in land in respect of each Category of persons as defined by section 44 of the 2008 Act.

- 9.1.3 **Appendix 3** ([EN010162/APP/4.1.3](#)) of this Statement provides details of the methodology used to identify Category 3 persons who may be able to make a claim for compensation arising from the construction or operation of the Development. As explained in that methodology the Applicant has not identified any persons other than those who are already identified in Part 1 of the Book of Reference whom it believes are likely to be entitled to make a relevant claim. Accordingly, no persons are listed in Part 2 of the Book of Reference ([EN010162/APP/4.3B](#))

## 9.2 Unknown interests

- 9.2.1 There are a number of interests identified in the Book of Reference ([EN010162/APP/4.3B](#)) where it has not been possible to identify ownership. The statement “Unknown” is given in the Book of Reference when diligent inquiry has been carried out and it has still not been possible to obtain ownership information. The Applicant has carried out searches and enquiries with the Land Registry, site visits and notices have been erected on site to seek to identify unknown landowners or persons with an interest in the land.
- 9.2.2 No responses to notices were received where the land or interests were identified as unknown. Where responses were received, due diligence has been carried out and the details of the owners and occupiers noted in the Book of Reference accompanying the Application.

## 9.3 Summary of engagement with landowners

- 9.3.1 All relevant landowners, lessees, tenants and occupiers identified by diligent inquiry have been notified about the Development and included in the consultation process.
- 9.3.2 The Consultation Report ([EN010162/APP/5.1](#)) explains the main consultation activities that have been undertaken during the design and evolution of the Development. These include:
- 9.3.2.1 Phase One (non-statutory) consultation which ran for six weeks, from Tuesday 16 January 2024 to Tuesday 27 February 2024. A series of public information events were held during this period.
- 9.3.2.2 Phase two (statutory) consultation which ran for 6 weeks, from Thursday 9 January 2025 to Thursday 20 February 2025. A series of public information events were held during this period. The feedback received informed the ongoing Development design process between late January and March 2025.

- 9.3.2.3 A targeted consultation which was held between Thursday 8 May 2025 and Friday 6 June 2025. Following the Phase Two (statutory) consultation described above, and in response to the ongoing Development design process, consultation feedback and the findings of research into certain land titles, minor additions (as well as reductions) were made to the Order Limits. These were to facilitate construction-phase access to the development site, principally along two routes that had not been proposed in the Stage 2 consultation (east along Ossington Lane from Sutton-on-Trent, and west/south from Great North Road along Weston Road and Moorhouse Road).
- 9.3.3 Each landowner has been contacted with a view to entering into negotiations to acquire land or rights over the Order Land as necessary. This process has included an explanation of the way in which the affected persons' land will be required for the Development. The [Pre-application](#) Land and Rights Negotiations Tracker ([EN010162/APP/4.4A](#)) provides details of the current status of the negotiations, and it can be seen that option agreements have completed with the majority of landowners affected by the Development. Heads of terms are agreed with several other parties and the Applicant expects to conclude legal agreements with these parties shortly. Heads of terms are yet to be agreed with one party, who owns mines and minerals in the Order Land.
- 9.3.4 The [Pre-application](#) Land and Rights Negotiations Tracker ([EN010162/APP/4.4A](#)) will be updated during the examination of the Application. The number of green and amber entries on the tracker demonstrates that the Applicant has taken a proactive, fair and proportionate approach to its land acquisition strategy.
- 9.3.5 As explained in section 6 above the identification of available land, some of which was introduced to the Applicant by land agents acting for landowners, was a key factor which influenced the siting and layout of the Development. It is anticipated that the Applicant's ability to secure voluntary option agreements with so many affected parties will mitigate the need to exercise compulsory acquisition powers in due course.
- 9.3.6 Negotiations are still ongoing with remaining parties and the Applicant remains willing to progress voluntary discussions with all parties with an interest in land within the Order Land. Despite the number of option agreements which have been signed, it is necessary for the Applicant to seek compulsory acquisition powers to ensure that the Development can proceed. The Order Land includes interests in land which are not secured by voluntary agreement, such as:
- 9.3.6.1 Unregistered land;

- 9.3.6.2 Mines and minerals interests, many of which are in unknown ownership;
- 9.3.6.3 Encumbrances rights, restrictions, easements or servitudes affecting that land which also need to be overridden, removed and/or extinguished to facilitate the construction and operation of the Development without hindrance.
- 9.3.7 All land required for the Development has therefore been included in the Order Land, including land for which option agreements have been secured. This will ensure that the ability for the Applicant to draw down and enter into the leases and easements to which those option agreements relate is not frustrated, and to ensure that any third-party interests or encumbrances affecting the land do not prejudice the delivery of the Development. When concluded, the options to purchase that have been entered into make express provision for the limited circumstances in which compulsory acquisition powers may still be exercised over that land, and it is acknowledged by the landowners in those option agreements that powers of compulsory acquisition may be sought over their land to the extent necessary for the installation, operation, maintenance and decommissioning of the Development.
- 9.3.8 The Applicant will continue to pursue the acquisition of remaining land, rights and restrictive covenants, and arrangements for the temporary use of land by agreement wherever possible and will seek to secure the voluntary removal of rights affecting the Order Land that may impede the Development.
- 9.3.9 However, the Applicant considers that it is necessary to seek the proposed compulsory acquisition and temporary possession powers in the draft DCO (**EN010162/APP/3.1B**) to ensure that the Development can be built, operated, maintained and decommissioned and so that the Government's policy in relation to the timely provision of new generating capacity is met within a reasonable timescale. In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the Order Land, leading to uncertainty over deliverability of the Development and giving rise to a significant risk that Applicant's objectives and those of Government policy would not be achieved.

## 10. NEED FOR COMPULSORY ACQUISITION POWERS

### 10.1 Compulsory acquisition powers and guidance

- 10.1.1 Section 120 and Part 1 of Schedule 5 of the 2008 Act prescribe those matters which may be included in a DCO. A DCO may impose requirements in connection with the development for which consent is granted, and in particular these include:
- 10.1.1.1 the acquisition of land, compulsorily or by agreement; and
  - 10.1.1.2 the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- 10.1.2 Sections 122(1) of the 2008 Act provides that a DCO which includes powers of compulsory acquisition may only be granted if the conditions in sections 122(2) and 122(3) of the 2008 Act are met. These conditions are set out below.
- 10.1.3 Under section 122(2), that the land is:
- (a) required for the development to which the development consent relates;
  - (b) required to facilitate or is incidental to that development; or
  - (c) is replacement land to be given in exchange for commons, open spaces etc.
- 10.1.4 Section 122(3) of the 2008 Act requires that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 10.1.5 The Compulsory Acquisition Guidance explains, at paragraphs 6 and 7, that before any compulsory acquisition can be authorised, the decision maker must be satisfied that one of the section 122(2) conditions is met and the applicant must therefore be prepared to justify its proposals for the compulsory acquisition of any land to the satisfaction of the Secretary of State.
- 10.1.6 With regard to the condition in section 122(2)(a) – that the land is required for the development to which the development consent relates – the Compulsory Acquisition Guidance (paragraph 11) requires the applicant to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State should be satisfied, in this regard, that the land to be acquired is no more than is reasonably required for the purposes of the development.

- 10.1.7 With regard to section 122(2)(b) – that the land is required to facilitate or is incidental to the proposed development – the Compulsory Acquisition Guidance (paragraph 11) requires the Secretary of State to be satisfied that the land to be taken is no more than is reasonably necessary for that purpose and is proportionate.
- 10.1.8 The condition in section 122(2)(c) relating to exchange land does not arise in relation to the draft DCO (**EN010162/APP/3.1B**) as it is not proposed to compulsorily acquire special category land comprising of open space, commons or allotments so as to give rise to a requirement to provide exchange land and therefore no such exchange land is provided for in the draft DCO.
- 10.1.9 In relation to the condition in section 122(3), the Compulsory Acquisition Guidance requires (paragraphs 12 and 13) the Secretary of State to be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily. For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss.
- 10.1.10 The Compulsory Acquisition Guidance goes on to explain some of the general considerations which the Secretary of State will have regard to in deciding whether or not to include a provision authorising the compulsory acquisition of land in a DCO:
- 10.1.10.1 that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored (paragraph 8 of the Compulsory Acquisition Guidance);
  - 10.1.10.2 that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, is necessary and is proportionate (paragraph 8);
  - 10.1.10.3 that the applicant has a clear idea of how the land will be used (paragraph 9);
  - 10.1.10.4 that there is a reasonable prospect of the requisite funds for acquisition becoming available (paragraph 9); and

10.1.10.5 that the purposes for which compulsory acquisition powers are sought are legitimate and sufficiently justifying interfering with the human rights of those with an interest in the affected land. In particular that Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and (in the case of acquisition of a dwelling), Article 8 of the ECHR have been considered (paragraph 10).

10.1.11 In addition, applicants will need to be able to demonstrate that (paragraph 19): any potential risks or impediments to the implementation of the scheme have been properly managed, and that they have taken account of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents which may apply to the type of development for which they seek development consent.

10.1.12 For the reasons set out in this Statement of Reasons, the Applicant considers that the conditions of section 122 of the 2008 Act have been met.

## 10.2 Justification for the Compulsory Acquisition Powers Sought

10.2.1 Each plot of land described in the Book of Reference ([EN010162/APP/4.3B](#)) and shown on the Land Plans ([EN010162/APP/2.2B](#)) is required either for the purposes of the Development, or is needed to facilitate, or is incidental to the Development.

10.2.2 The acquisition of the land or rights over land or imposition of restrictions sought by the Applicant (as explained in section 8 above) are required for the construction, operation, maintenance and decommissioning of the Development.

10.2.3 The power to compulsorily acquire such land and rights and restrictive covenants over land is required to ensure there is no impediment to the delivery of the Development. A list showing the Parcel Numbers (as shown on the Land Plans, type of acquisition and Works Number (as shown on the Works Plans) for which the land, right or restrictive covenant is required can be found at **Appendix 1** ([EN010162/APP/4.1.1A](#)) to this Statement which sets out why each parcel of land is required. Section 5 of this Statement further explains the proposed works and use of the land.

- 10.2.4 As explained in the Chapter 4 of the ES (**EN010162/APP/6.2.4**) a staged site selection process, which included the consideration of available land and the prospect of being able to secure negotiated agreements, was conducted to determine the most suitable location for the various elements of the Development. The location and extent of land has been carefully considered and designed to take the minimum amount of land possible.
- 10.2.5 Whilst the Applicant has concluded an option agreement with the owners of the vast majority of the Order Land, there are a limited number of parties with whom agreement has yet to be reached, including the owners of unregistered land and mines and minerals interests.
- 10.2.6 Furthermore, the Applicant has sought a proportionate approach to acquisition and is seeking a combination of freehold title, permanent rights and restrictive covenants, which limits the acquisition of all interests in freehold land to where it is absolutely necessary, namely for the solar array, substation, BESS and mitigation areas, including permissive paths and diverted PROW, to ensure that the Applicant has the necessary exclusive possession and control of the land for the safe construction, operation, maintenance and decommissioning of the infrastructure.
- 10.2.7 In addition, as explained in section 8 above, the Applicant will seek to minimise the extent of land over which permanent rights and restrictive covenants are acquired for the underground cable corridor where practicable by first taking temporary possession of the land required for construction and then acquiring permanent rights and restrictions over a lesser area when the final location of the infrastructure is known.
- 10.2.8 Whilst, as explained in section 9 above the Applicant continues to seek to acquire all the land and rights required for the Development by agreement, it is clear that it will not be possible to secure all outstanding interests and rights by agreement in a reasonable timescale, if at all, especially as there are unknown owners of interests in land for which it has not been possible to establish the identity of the owners despite making reasonable and diligent inquiry.

- 10.2.9 The Applicant is committed to securing the necessary land and rights required for the Development by voluntary agreement if possible, and has made determined, persistent and very successful efforts to engage and negotiate with landowners as set out in the [Pre-application—Land and Rights Negotiations Tracker \(EN010162/APP/4.4A\)](#). However, to provide certainty that all the land and rights required for Development can be secured, it is therefore necessary for the Applicant to seek temporary possession and compulsory acquisition powers in the draft DCO [\(EN010162/APP/3.1B\)](#) in parallel with continuing private treaty negotiations.
- 10.2.10 Developments of the scale and complexity of the Development, require the co-ordination of a number of stakeholders, contractors and workstreams, and the commitment of significant resources. The lead-in process to develop and construct a nationally significant infrastructure project is lengthy, as it involves site assembly, planning, engineering, design, funding and procurement of contractors. The certainty of having control of the necessary land and rights within the Order Land is therefore vital to the delivery of the Development so the Applicant may ensure that it comes forward in a timely, efficient and co-ordinated manner.
- 10.2.11 All of the Order Land will be retained in the draft DCO [\(EN010162/APP/3.1B\)](#) even where option agreements have been concluded with landowners. This is to ensure that the Development is not impeded by the subsequent discovery (despite diligent enquiries) of any interests or private rights in that land, or by the inability to exercise the option agreements that have been secured for any reason. The reasoning for including land in the DCO even where agreement has been reached has been explained to landowners and is addressed in the option agreements.
- 10.2.12 As explained in Planning Statement [\(EN010162/APP/5.4A\)](#), and in section 7 of this Statement, the making of the DCO and the delivery of the Development will facilitate significant public benefits. There is no certainty that these can be achieved without the authorisation of compulsory acquisition powers in the draft DCO. The Applicant does not consider these objectives could be achieved by any other means such as any alternative proposals put forward by owners of the land. Nor are there any alternative locations which are suitable for the purpose for which the land and new rights are being acquired. As explained in the Chapter 4 of the ES [\(EN010162/APP/6.2.4\)](#) and in section 7 above of this Statement, alternative locations and layouts were considered as part of the development of the Development, and the reasons for rejecting these have been reported.

- 10.2.13 Furthermore, as explained above in Section 7 of this Statement and in the Consultation Report (**EN010162/APP/5.1**), where landowners have made requests to vary elements of the Development as it affects their landholding, the Applicant has given proper consideration to these requests and sought to accommodate landowner change requests where practicable.
- 10.2.14 The Applicant therefore considers that the conditions in section 122 of the 2008 Act are met and 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 restrictive covenants) to be included in the draft DCO.

### 10.3 Funding and compensation

- 10.3.1 The Funding Statement (**EN010162/APP/4.2**) accompanying the Application explains how it is expected that the construction of the Development, as well as the acquisition of land and interests, will be funded.
- 10.3.2 Where the powers of compulsory acquisition and other powers included in the DCO are exercised, owners of the relevant land or rights in land may be entitled to compensation. Claims for compensation will be assessed in accordance with the body of statutory provisions and caselaw known as the Compensation Code. This requires the Applicant to compensate landowners for the acquisition of their land at a fair, open market value that is unaffected by the Development. Additional payments for disturbance, severance and injurious affection, and statutory loss payments may be payable in some circumstances.
- 10.3.3 Claimants will have the right to refer a dispute in respect of the compensation payable for determination by the Lands Chamber of the Upper Tribunal. The same also applies to valid claims made by any Category 3 persons and to persons who suffer loss arising from the temporary use of land. Where appropriate, the Applicant will seek to resolve disputed compensation claims by means of Alternative Dispute Resolution.
- 10.3.4 The Funding Statement demonstrates that the compensation arising from the exercise of compulsory acquisition powers pursuant to the DCO will be met by the Applicant, including any blight claims (however unlikely). The possibility of the Applicant being unable to meet its financial commitments in respect of land assembly is extremely remote.

- 10.3.5 The Applicant has included in Article 46 of the draft DCO (**EN010162/APP/3.1B**) a provision which prevents the Applicant exercising the powers of compulsory acquisition granted by the DCO until guarantees or alternative forms of security in respect of the liability of the undertakers to pay compensation are in place. The form of guarantee or security and the amount of these must be approved by the Secretary of State.
- 10.3.6 The Funding Statement also explains that no funding shortfalls are anticipated. Accordingly, were the Secretary of State to grant the compulsory acquisition powers sought in the draft DCO, the proposed development can be undertaken and will not be prevented due to difficulties in sourcing and securing the necessary funding.

#### 10.4 Deliverability

- 10.4.1 The Applicant is an experienced renewable energy developer with the expertise to deliver the Development within the timescales envisaged in the Application.
- 10.4.2 The existing National Grid Staythorpe Sub-station has available capacity and can comfortably accommodate the additional power being generated by the Development. The Applicant has secured and accepted a Grid Connection Offer to connect the Development to the National Electricity Transmission System (NETS) with a connection date of 2029, which provides further certainty on the implementation of the Development. Further details are provided in the Grid Connection Statement (**EN010162/APP/7.15A5.3**).
- 10.4.3 The Applicant is confident in its ability to deliver against the accelerated Government targets for clean power energy generation, set out in Clean Power 2030, and that the Development will make a significant contribution to the compelling need for low carbon energy generation, as set out in National Policy.

## 11. SPECIAL CONSIDERATIONS

11.1 The Order Land does not contain any Crown Land for the purposes of section 135 of the 2008 Act, nor any special category land for the purposes of sections 130, 131 or 132 of the 2008 Act.

### 11.2 Statutory Undertakers Land and Apparatus

11.2.1 Statutory undertakers' land is afforded protection from compulsory acquisition under section 127 of the 2008 Act if the land has been acquired by the undertaker for the purposes of its undertaking, and the undertaker makes and does not withdraw a representation about the proposed DCO.

11.2.2 Section 127(2) of the 2008 Act states that a DCO may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that:

11.2.2.1 the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or

11.2.2.2 the land can be replaced by other land belonging to or available for acquisition by the undertaker(s) without serious detriment to the carrying on of the undertaking.

11.2.3 Section 127(5) of the 2008 Act states that a DCO may only include provision authorising the compulsory acquisition of a right over statutory undertakers' land, by the creation of a new right, to the extent that:

11.2.3.1 the right can be purchased without serious detriment to the carrying on of the undertaking; or

11.2.3.2 any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertaker(s) by the use of other land belonging to or available for acquisition by them.

11.2.4 The Order Land includes land owned by National Grid Electricity Transmission Plc ("**NGET**") (Plots 1/9, 1/10, 1/11) at its Staythorpe substation. The Applicant has concluded an Option for Easement with NGET for the land rights it requires to access and to connect its cable infrastructure to the substation (Works 8 and 6 respectively on Sheet 1 of the Works Plans (**EN010162/APP/2.3A**)).

11.2.5 The Applicant seeks packages of new rights over land owned by NGET as follows:

11.2.5.1 Cable Rights, and Cable Restrictive Covenant - Plot 1/9;

11.2.5.2 Access Rights – Plot 1/11.

- 11.2.6 Notwithstanding the concluded option agreement, the land is retained in the draft DCO and compulsory acquisition powers are sought over it to enable the Applicant to overcome any third party interests in the land.
- 11.2.7 No compulsory acquisition or temporary possession powers are sought over Plot 1/10 which is within the fenced NGET substation compound. This is the proposed location of the Development's connection to the National Grid for which the Applicant has an accepted Grid Connection offer.
- 11.2.8 Protection for NGET is included within the terms of the option agreement and the protective provisions in Part 48 of Schedule 13 to the draft DCO. The Applicant does not consider that NGET will suffer serious detriment to the carrying on of its undertaking as a result of the compulsory acquisition of rights and restrictive covenants over land or powers of temporary possession. The test set out in section 127(6) of the 2008 Act is therefore satisfied.
- 11.2.9 Section 138 of the 2008 Act, which provides for the extinguishment of 'relevant rights', and the removal of 'relevant apparatus' of, statutory undertakers, is engaged by Article 33 of the DCO.
- 11.2.10 "Relevant right" means "*a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, which—*
- 11.2.10.1 *is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking, or*
  - 11.2.10.2 *is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network*".
- 11.2.11 "Relevant apparatus" means:
- 11.2.11.1 *"(a) apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or*
  - 11.2.11.2 *electronic communications apparatus kept installed for the purposes of an electronic communications code network*".

11.2.12 Article 33 will permit the Applicant to extinguish the relevant rights or relocate the relevant apparatus of statutory undertakers. This power is needed to ensure that the Development can proceed. However, the operation of Article 33 is subject to the provisions of Schedule 13 which contain protective provisions for the benefit of statutory undertakers' assets. The Applicant therefore considers that the statutory undertaker and electronic communications apparatus owners' interests will be safeguarded and that the test in section 138 of the 2008 Act is satisfied.

11.2.13 Various statutory undertakers and owners of electronic communications apparatus have equipment or apparatus on in or over the Order Land in connection with their undertaking, and/or they have rights over land which may comprise relevant rights. Such parties are included in the Book of Reference (**EN010162/APP/4.3B**) and they include the following:

11.2.13.1 NGET;

11.2.13.2 National Grid Electricity Distribution;

11.2.13.3 RWE Generation UK Plc;

11.2.13.4 Severn Trent Water Limited;

11.2.13.5 BT/Open Reach;

11.2.13.6 Vodaphone;

11.2.13.7 National Gas Transmission;

11.2.13.8 Cadent Gas Ltd.

11.2.14 The Applicant is in discussions with these parties to agree the form of protective provisions where required. Bespoke protective provisions are included in Schedule 13 to the draft DCO for Cadent (Part 7) [and NGET \(Part 8\)](#). Parts 1 and 2 of Schedule 13 to the draft DCO include standard protective provisions for the protection of electricity, gas, water, and sewerage undertakers (including [NGET](#), NGED, NGT, RWE Generation UK Plc, and Severn Trent) and for the protection of operators of electronic communications code networks (including BT Open Reach, and Vodaphone) to ensure that the assets of those parties are adequately protected.

## 12. OTHER CONSENTS AND LICENCES

12.1 The draft DCO will grant consent for the construction, operation, maintenance and decommissioning of the Development.

- 12.2 As explained in section 4 above, the Applicant has recently applied for an electricity generation licence pursuant to section 6(1)(a) of the Electricity Act 1989 which is expected to be granted during the course of the examination of the draft DCO.
- 12.3 Other consents are or may be required from bodies such as the Health and Safety Executive, Natural England and the Environment Agency in order to construct and operate the Development
- 12.4 These additional consents and licences [which may be required](#) are listed in Table 1 of the Consents and Licences Required Under Other Legislation (**EN010162/APP/7.3A**) accompanying the Application, and they include:
- 12.4.1 Temporary Road Traffic orders;
  - 12.4.2 Health and Safety at Work Act 1974 consents;
  - 12.4.3 Section 61 Control of Pollution Act 1974 consents;
  - 12.4.4 European protected species mitigation licences;
  - 12.4.5 Specific protected species licences;
  - 12.4.6 Water abstraction licences;
  - 12.4.7 Hazardous substance consents
- 12.5 The Applicant is not aware of any reason why the other consents and licences listed in the Consents and Licences Required Under Other Legislation (**EN010162/APP/7.3A**) accompanying the Application, will not be granted/forthcoming.

## 13. HUMAN RIGHTS AND EQUALITY CONSIDERATIONS

### 13.1 Human Rights

13.1.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“**the ECHR**”). The ECHR includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

13.1.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the ECHR. The position is summarised in paragraph 13 of the Compulsory Acquisition Guidance, which states that compulsory acquisition powers should only be authorised where the Secretary of State is:

*“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”.*

13.1.3 Paragraph 14 goes on to explain that:

*“in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition”.*

13.1.4 The Secretary of State, as the decision maker, is therefore under a duty to consider whether the exercise of powers interacts with the rights protected by the ECHR.

13.1.5 The following Articles of the ECHR are relevant to the decision as to whether the draft DCO should be made including powers of compulsory acquisition.

13.1.6 Article 1 of the First Protocol to the ECHR:

*“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”*

13.1.7 Article 6 of the ECHR states:

*“In the determination of his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”*

13.1.8 Article 8 of the ECHR states:

*“Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”*

13.1.9 The inclusion of compulsory acquisition powers in the draft DCO has the potential to infringe the Article 1 rights of persons who hold interests in the Order Land by enabling the Applicant to deprive them of their property/interest. Such an infringement can be authorised by law provided that:

13.1.9.1 The appropriate statutory procedures for making the DCO are followed and a compelling case in the public interest for the compulsory acquisition/ interference with the convention right is made out; and

13.1.9.2 the interference with the convention right is proportionate.

13.1.10 In preparing the Application, the Applicant has considered Article 1 and the potential infringement of the ECHR 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. The purpose for which the Order Land is required, namely, to build and operate the Development, is legitimate. The Applicant considers that there would be a very significant public benefit arising from the grant of the draft DCO. The benefit is only realised if the draft DCO is accompanied by the grant of powers of compulsory acquisition.

13.1.11 The Applicant has concluded that on balance 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 Compensation Code. The Applicant considers that the draft DCO will therefore strike the right balance between the public interest in the delivery of the Development and those private rights that will be affected by the draft DCO.

- 13.1.12 With regards to Article 8, whilst there are some residential dwellings in proximity to the Order Land, those residents will not be displaced by the powers of compulsory acquisition sought under the draft DCO. No residential dwellings are proposed to be acquired or demolished for the purposes of the Development, and access to residential properties will be maintained. Consequently, it is not anticipated that the ECHR 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.
- 13.1.13 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. As explained in the Consultation Report (**EN010162/APP/5.1**) the Development has been extensively publicised and consultation has taken place with the community, affected landowners and occupiers, and key stakeholders.
- 13.1.14 In accordance with Part 5 of the 2008 Act, the Applicant has consulted with persons set out in the categories contained in section 44 of the 2008 Act, which includes owners of land within the Order Land and those who may be able to make claims either under sections 7 and 10 of the Compulsory Purchase Act 1965 in respect of injurious affection or under Part 1 of the Land Compensation Act 1973. Also, the beneficiaries of rights overridden by the exercise of powers in the draft DCO would be capable of making claims under section 10 of the Compulsory Purchase Act 1965.
- 13.1.15 Furthermore, representations can also be made in response to notice given under section 56 of the 2008 Act 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 2008 Act.
- 13.1.16 Should the draft 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 2008 Act. Such statutory processes are in compliance with Article 6 of the ECHR.
- 13.1.17 Those whose interests are acquired under the draft DCO will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the ECHR. Affected persons will also have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body to determine the compensation payable.

- 13.1.18 For the above reasons, any infringement of the ECHR rights of those whose interests are affected by the inclusion in the DCO of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with the law.
- 13.1.19 For the reasons set out in this Statement of Reasons, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 13.1.20 The Applicant has sought to keep any interference with the rights of those with interests in the Order Land to a minimum. The Order Land has been limited to the minimum required for the Development to be constructed, operated, maintained and decommissioned free from interference. Furthermore, the site selection and design process has ensured that the impact on land use and neighbouring properties is minimised in so far as possible.
- 13.1.21 The requirements of the Human Rights Act 1998 and the ECHR, particularly the rights of landowners, have therefore been fully taken into account.
- 13.1.22 The Applicant considers that the draft DCO strikes a fair balance between the public interest in the Development going ahead and the interference with the private rights of those that will be affected by it.
- 13.1.23 The Applicant considers that there is a compelling case in the public interest for the DCO to be made including powers of compulsory acquisition, and that the interference with the private rights of those with an interest in Order Land as a result of the exercise of compulsory acquisition powers conferred by the DCO would be lawful, justified and proportionate.

## 13.2 The Equality Act 2010

- 13.2.1 The public sector equality duty (“**PSED**”) set out in section 149(1) of the Equality Act 2010 applies to the Secretary of State who will determine the application for the DCO. Whilst the PSED does not apply to the Applicant, the Applicant has had regard to the PSED in promoting the Development.
- 13.2.2 The Applicant has carried out an Equalities Act Impact Assessment (**EN010162/APP/7.6**) which considers the interests of people who share any of the nine protected characteristics, as defined by the Equality Act 2010. The assessment considers the potential effects of the Development in relation to:
- 13.2.2.1 Community infrastructure and open spaces;
  - 13.2.2.2 Employment and business;
  - 13.2.2.3 Traffic, transport and physical accessibility;

- 13.2.2.4 Noise, and other environmental effects;
- 13.2.2.5 Crime, safety and personal security; and
- 13.2.2.6 Health related equality effects.
- 13.2.3 This concludes that no disproportionate or differential effects on groups of persons who share protected characteristics as expected as a result of the Development.
- 13.2.4 The Applicant has had regard to the PSED throughout the evolution of the Development. The Applicant has undertaken a landowner engagement exercise as detailed in the Consultation Report (**EN010162/APP/5.1**).
- 13.2.5 It has also taken account of and considered relevant receptors and effects on those receptors through its environmental assessment processes for the Development as detailed in the Environmental Statement accompanying the Application (**EN010162/APP/6.1**). Furthermore, the site selection and design evolution of the Development has considered potential social impacts.
- 13.2.6 The Applicant will ensure that ongoing discussions with the local community are maintained throughout the entirety of the Development. Communication lines for this purpose are set out in the Outline Construction Environmental Management Plan (“**oCEMP**”) (**EN010162/APP/6.4.5.3A**) and in the outline Operation Environmental Management Plan (“**oOEMP**”) (**EN010162/APP/6.4.5.5A**).
- 13.2.7 The Applicant does not currently consider that the Development will give rise to any impacts or differential impacts on persons who share a relevant protected characteristic as defined in the Equality Act, or upon persons who do not share such relevant protected characteristic. However, the engagement process is ongoing, and the Applicant will continue to monitor the position. Should any persons be identified, who may be adversely impacted by the Development, the Applicant will consider what assistance measures may be put in place if reasonably required to mitigate so far as practicable any identified activity that may have an adverse impact on these individuals.

## 14. FURTHER INFORMATION

### 14.1 Proposed Development

- 14.1.1 Further information about the Application can be found on the Applicant's Development website – [www.gnrsolarpark.co.uk](http://www.gnrsolarpark.co.uk)

## 14.2 Negotiations

- 14.2.1 Owners and occupiers of property located within the Order Land and affected by the Development who wish to negotiate a voluntary agreement for land/rights and/or discuss matters of compensation should contact [Charles Llewellyn Jones](#) ~~Mark Noone~~, [Senior Head of Development](#) ~~Manager~~ ~~UK~~, Elements Green at [mcn@elementsgreen.com](mailto:mcn@elementsgreen.com) ~~clj@elementsgreen.com~~.

## 14.3 Compensation

- 14.3.1 Provision is made by statute with regard to compensation for the compulsory acquisition of land and rights over land and the depreciation in value of properties. Further information is given in the series of booklets published by the Ministry of Housing, Communities and Local Government entitled “Compulsory Purchase and Compensation” listed below which are available to download for free:

### **Compulsory purchase and compensation: guide 1 – procedure**

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-1-procedure>

### **Compulsory purchase and compensation: guide 2 – compensation to business owners and occupiers**

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-2-compensation-to-business-owners-and-occupiers>

### **Compulsory purchase and compensation: guide 3 – compensation to agricultural owners and occupiers**

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-3-compensation-to-agricultural-owners-and-occupiers>

### **Compulsory purchase and compensation: guide 4 – compensation to residential owners and occupiers**

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-4-compensation-to-residential-owners-and-occupiers>

## 15. CONCLUSION

- 15.1 This Statement demonstrates that the inclusion of compulsory acquisition powers within the draft DCO meets the requirements of Section 122 of the 2008 Act and the Compulsory Acquisition Guidance.

- 15.2 This Statement and its Appendices set explain that all of the Order Land, including the proposed new rights and restrictive covenants over the Order Land are required for the purposes of the Development, to facilitate the Development, or are incidental to, the Development. All of the land subject to compulsory acquisition is necessary to construct, operate, maintain and decommission the Development. The extent of land within the Order Limits is reasonable and proportionate and is no more than is reasonably necessary.
- 15.3 There is a clear need and policy support for the Development and a compelling case in the public interest for the DCO to include compulsory acquisition powers given the significant public benefits that the Development will deliver.
- 15.4 The Applicant has set out clear and specific proposals for how the Order Land will be used and the land and rights over land sought are no more than is reasonably required for the Development.
- 15.5 All reasonable alternatives to compulsory acquisition have been explored.
- 15.6 A proportionate approach to acquisition is being taken so that the freehold of land is only being sought where the Applicant requires exclusive possession and control of the land, such as for the solar PV array areas, the substation, the BESS, and land required for mitigation which must remain in place for the lifetime of the Development. Freehold acquisition is also sought for PROW diversions and the creation of permissive paths, which require the landowner to dedicate land for those purposes. Where land is required solely for cable infrastructure or for access rights, bespoke ‘packages’ of permanent rights and restrictive covenants will be acquired for the construction, operation, maintenance and decommissioning of the Development. It is envisaged that temporary possession powers will be utilised where appropriate during construction so as to further minimise the extent of land over which those rights are acquired.
- 15.7 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose and is necessary and proportionate to that purpose.
- 15.8 The Applicant is committed to securing the necessary land and rights required for the Development by voluntary agreement if at all possible and has made determined and persistent efforts to engage and negotiate with landowners. This has resulted in the successful securing option agreements over the vast majority of the Order Land, as explained in the [Pre-application Land and Rights Negotiations Tracker \(EN010162/APP/4.4A\)](#). The Applicant is continuing to progress negotiations with remaining land interests in the Order Land, and it remains committed to securing the necessary land and rights by agreement where possible.
- 15.9 Notwithstanding the Applicant’s success with private treaty negotiations, it remains necessary to seek compulsory acquisition and temporary possession powers over the Order Land to provide certainty that all the land and rights required for Development can be secured within a reasonable timescale to enable the Development to proceed.

- 15.10 Requisite funding is available to meet the costs of constructing the paying compensation in respect of the compulsory acquisition of land and rights/restrictive covenants over land, and the temporary possession of land, required for the Development, as and when required (including any advance payments of compensation and blight claims).
- 15.11 The Applicant has an accepted grid connection offer, and it is not aware of any reason why the other consents and licences listed in the Consents and Other Permits Register (**EN010162/APP/7.3A**) accompanying the Application, will not be granted/forthcoming.
- 15.12 The Applicant therefore believes the inclusion of powers of compulsory acquisition in the draft DCO for the Development meets the conditions of section 122 of the 2008 Act and the Guidance and submits that the DCO should be made including them.