

16 January 2026

Our Ref: DD/DD/430129

Your Ref: EN010162

Email: [REDACTED]@bbslaw.co.uk

FAO: The Examining Authority  
Planning Inspectorate  
c/o QUADIENT  
69 Buckingham Avenue  
Slough  
SL1 4PN

### Deadline 2 Submission

Dear Sir / Madam

**Great North Road Solar and Biodiversity Park (EN010162)  
Response to Examining Authority's First Written Questions (ExQ1)  
Submitted on behalf of: Richard Gill and Drone Defence Services Ltd**

We act for Mr Richard Gill, Mrs Lisa Gill and Drone Defence Services Limited (DDS).

Further to the Examining Authority's First Written Questions (ExQ1), issued pursuant to the Rule 8 Letter please see our clients' responses below.

In accordance with the Examining Authority's instructions, each response is identified by its ExQ1 reference number and answers the question directly, with supporting references to the Examination Library where appropriate.

#### Responses to ExQ1

##### ExQ1 10.1.1 - concerns regarding legitimacy, proportionality and necessity of CA/TP powers

1. Our clients, Richard Gill, Lisa Gill and Drone Defence Services Ltd (DDS), maintain concerns regarding the legitimacy, proportionality and necessity of the compulsory acquisition powers sought over Plots 15/16, 15/17 and 16/1 (Land Plans [REP1-004]). The Applicant has demonstrated flexibility elsewhere by removing land from the Order Limits yet continues to include Plots 15/16, 15/17 and 16/1 (a discretionary spur) despite their direct conflict with registered easements benefiting [REDACTED] and DDS. In our clients' view, the retention of Plots 15/16, 15/17 and particularly 16/1

London Office: 80 Coleman Street, London EC2R 5BJ T: 0204 505 8080

Manchester Office: First Floor, The Edge, Clowes Street, Manchester M3 5NA T: 0161 832 2500

Finchley Office: 2<sup>nd</sup> Floor, Winston House, 2 Dollis Park, London, N3 1HR T: 0208 349 0321

mail@bbslaw.co.uk | www.bbslaw.co.uk | Fax: 0161 834 4826

fails the statutory tests set out by section 122 of the Planning Act 2008 ("PA 2008") because:

- a. The land is not essential to deliver the scheme;
- b. Reasonable alternatives exist, which the Applicant has already applied in other areas; and
- c. The interference with private rights is disproportionate, given the severe operational and amenity impacts which will result from the overriding of easements exercisable by owners and occupiers.

2. The Environmental Statement, Chapter 4: Alternatives [APP-047], shows that the scheme has already undergone substantial refinement, including the removal of multiple areas from the Order Limits where technical, environmental or land-rights constraints made solar infrastructure unsuitable or unnecessary. Entire blocks were removed in the Cromwell, Kelham and Moorhouse areas on grounds of flood risk, archaeology and land availability. The Design Approach Document [REP1-018] confirms that the layout reflects iterative reduction rather than any fixed necessity for specific parcels. Plots 15/16, 15/17 and 16/1, described only as a minor discretionary spur with mitigation and host no scheme-critical infrastructure, therefore cannot be characterised as "required" for the scheme. Removal of similar parcels elsewhere has not compromised the development's 800MW generating capacity, demonstrating that inclusion of these plots is discretionary, not necessary, for the purposes of s122 PA2008.
3. These concerns have been raised in previous representations, but we emphasise that the Applicant has not provided a compelling case for including Plots 15/16, 15/17 and 16/1 when weighed against the harm to our clients' interests.

#### ExQ1 10.1.3 – Accuracy of the Book of Reference (BoR)

1. DDS proprietary easement interests have not been consistently recorded:
  - a. DDS occupation and easement interests require BoR correction on Plots 15/16, 15/17 and 16/1 (Land Plans [REP1-004]). DDS lawfully occupies [REDACTED] [REDACTED] under a Licence to Occupy dated 1 May 2023 permitting business use for R&D, testing, installation, operation of equipment/infrastructure and associated administrative functions on a periodic basis. DDS is therefore an "occupier" for BoR/PA2008 category purposes. In addition, by virtue of the First Schedule to the Transfer dated 30 September 1998, the "owners and occupiers for the time being of lot 4" [REDACTED] benefit from:
    - i. free passage and running of water, soil, gas, electricity and other services through Service Media on/under/through the burdened land within an 80-year perpetuity period; and
    - ii. rights of entry to lay/construct Service Installations on/under/through the property.

DDS, as occupier of [REDACTED] benefits from these express easements.

- b. DDS are not identified in the BoR for Plots 15/16, 15/17 and 16/1 as Category 2 (persons with an interest in land), nor as Category 3 despite the fact that Articles 25 and 28 of dDCO [APP-015] may override or interfere with easements

rights from which DDS benefits. The BoR should be updated to include DDS against Plots 15/16, 15/17 and 16/1.

- c. The Applicant proposes to install circa. 11 acres of panels as a spur within the 42 acre field abutting [REDACTED]. This minor design spur, which is not indispensable to the scheme, creates a direct conflict with registered easements and DDS operations. Accurate BoR recording is essential to reflect these interests and inform ExA's consideration of Articles 22–28 and CA necessity and proportionality.
- d. ES Chapter 4 [APP-047] confirms that land selection was guided by identification of lower-constraint areas, and parcels with greater conflict – whether environmental, technical or relating to rights – were removed during design evolution. The Design Approach Document [REP1-018] shows numerous parcels eliminated without affecting the Project's ability to achieve 800MW capacity. Against that background, inclusion of Plots 15/16, 15/17 and 16/1 despite existing express easements departs from the Applicant's stated design principles. Consistency with the Applicant's approach to remove parcels requires that easement corridors from which DDS benefits be treated in the same way.
- e. For completeness, the Applicant's proposed development on Plot 15/16 and the proposed mitigation on Plots 15/17 and 16/1 also overlap or burden parts of the same easement network benefiting DDS. These impacts reinforce the need for all three plots to be accurately reflected in the BoR under both Category 2 and Category 3.
- f. Accordingly, DDS seek the amendment to the BoR to record DDS on Plots 15/16, 15/17 and 16/1 as within Category 2 and Category 3. Clarity is also sought by way of dDCO response as to how Articles 25 and 28 would treat these easements in light of ExQ1 queries on the drafting of Articles 22–28.

#### ExQ1 10.1.4 – DDS Interests, Category Classification and Effects of the Development

##### 1. Plots of interest:

- a. DDS is the licenced occupier of [REDACTED] and by virtue of the Transfer dated 30 September 1998 benefits from easement rights. These easement rights engage the field south of [REDACTED] registered as Title NT332979 and identified on the Land Plans as Plot 16/1 (EN010162/APP/2.2B, sheet 16), as well as easement rights over Plots 15/16, 15/17. DDS relies upon its easement rights over the land to enable connections from [REDACTED] to sensors and infrastructure located on adjacent land outside the Order Limits and these rights are integral to the continued operation of the business. The proposed PV placement and PRoW changes in and around this plot will directly impacts easements rights which allow for connections to services and sensor nodes. For example, Solar block W18.3 (Landscape Masterplan [APP-030]), which lies within Title NT332979, would materially interfere with the practical exercisability of those easement rights by introducing permanent solar infrastructure within the corridor required for service and data connections. The effect would be to materially limit DDS ability to connect to land beyond the Order Limits, notwithstanding that such land is not required for the development itself.

2. Category 2/ Category 3 status:

- a. DDS holds a Category 2 interest within the meaning of section 57 of the PA 2008, because it holds proprietary rights over land within the Order limits by virtue of express easements granted to the 'owners and occupiers for the time being' of [REDACTED] per the Transfer dated 30 September 1998. DDS is the lawful occupier under a Licence to Occupy dated 1 May 2023, and those easements are exercisable by DDS in that capacity. Further, Articles 25 and 28 of the dDCO contemplate the extinguishment/overriding of private rights. If granted, DDS may be entitled to make a relevant claim (per s57(4) PA 2008) and, therefore, also falls within Category 3.

3. How rights would be affected by proposed development:

- a. PV arrays/compounds/fencing on Plot 15/16 would materially interfere with the practical exercisability of the granted easement rights by introducing permanent solar infrastructure within the corridor required for service and data connections. The effect would be to add disproportionate costs to DDS ability to connect to land beyond the Order Limits, notwithstanding that such land is not required for the development itself.
- b. Additionally, Solar block W18.1, despite not sitting within Title NT332979 and not directly interfering with the easement rights to which DDS benefit, lies within DDS established operational flight volume and would introduce industrial infrastructure that triggers a 150-metre separation buffer under applicable Civil Aviation Authority operational requirements. This would materially reduce the available lawful flight volume required for DDS activities. Solar block W18.1 may also adversely affect sensitive detection and monitoring systems by altering the local electromagnetic and reflective environment through the introduction of large-scale metallic surfaces, inverter stations and associated power cabling. DDS operates an evolving suite of sensors as part of an active research and development programme and relies on the preservation of a low-interference baseline environment. These effects are site-specific and cumulative and cannot be assumed to be mitigated through generic measures.
- c. Both the Design Approach Document [REP1-018] and ES Chapter 4 [APP-047] confirm that the design has been repeatedly refined to remove parcels where conflict with operational requirements or existing uses made development unsuitable. Plots 15/16, 15/17 and 16/1 are not identified anywhere as hosting required substations, BESS infrastructure, or essential cable routing. Solar block W18.3 is a non-essential extension into an area where neighbouring parcels have already been removed for heritage and technical reasons. The Applicant's evidence shows that the scheme can be materially reduced without undermining its 800MW capacity. Interference with easements benefiting DDS is therefore not justified by necessity.

ExQ1 10.1.9 – Impact of proposed development on services at [REDACTED]

1. [REDACTED] is a wholly off-grid residential property with no existing physical connections to electricity, telecommunications, water, sewerage or other utility networks. While services are presently provided independently on site, the lawful long-term residential viability of the property is expressly safeguarded by the easement rights granted by the Transfer dated 15 April 1998. Those rights benefit the owners and occupiers for the time being of Lot 4 and burden adjoining land. They exist specifically

to ensure that [REDACTED] is not rendered functionally isolated by its rural location and retains the ability, to connect to external power, data and communications infrastructure should existing arrangements become unsustainable, inadequate or require augmentation.

2. The Applicant seeks to acquire the freehold and compulsory acquisition powers over land comprising Title Number NT332979, including Plot 15/16 (Land Plans [REP1-004], where approximately circa. 11 acres of ground-mounted solar PV panels are proposed, and Plots 15/17 and 16/1, where approximately circa. 30 acres of mitigation are proposed. The proposed development would materially interfere with the future exercisability of long-standing express easement rights across that land. That interference goes to the core functionality and lawful occupation of an existing dwelling and therefore directly engages the statutory tests for compulsory acquisition under section 122 of the PA 2008.
3. The Applicant's Environmental Statement (Chapter 4 – Alternatives) [APP-047] demonstrates that alternatives have been considered at a strategic and technological level. However, it does not demonstrate that reasonable alternatives to the compulsory acquisition of land and rights have been explored in respect of this specific parcels. In particular, there is no parcel-level assessment of whether solar infrastructure could be relocated, omitted or redistributed within the wider site, nor whether mitigation land could be re-sited, so as to avoid interference with established third-party easement rights benefiting an existing dwelling. This is a material omission given that the land in question is proposed to accommodate only modular, non-site-specific solar PV infrastructure and associated mitigation, rather than scheme-critical or location-dependent works.
4. This omission is particularly striking given that the Applicant has demonstrated design flexibility elsewhere in the scheme. Solar panel blocks SR32 and SR33 have been reduced or removed for precautionary and unverified archaeological reasons, and Order Limits have been reduced in locations such as OR49 and OR53, which could have accommodated mitigation land. These are not isolated examples, but illustrative of a broader pattern of iterative scheme refinement and selective avoidance of constraints across the application site. They confirm that the scheme is capable of adaptation where constraints are acknowledged. No equivalent parcel-specific alternatives or avoidance exercise has been undertaken in respect of the Plots surrounding [REDACTED] despite known express easement rights, known residential sensitivity, and repeated pre-application representations.
5. The Design Approach Document [REP1-018] and Environmental Statement (Chapter 4 – Alternatives) show that numerous parcels have already been removed where constraints arose, without impairing the Development's ability to achieve its generating capacity. At no point do these documents identify Plots 15/16, 15/17 or 16/1 as essential to the Development or necessary to secure the contracted export capacity. Redesign and removal of parcels has been repeatedly undertaken elsewhere without prejudice to scheme viability. The inclusion of these plots therefore represents a discretionary design preference rather than an unavoidable land requirement.
6. The Applicant has failed to demonstrate that compulsory acquisition of Plots 15/16, 15/17 and 16/1 is necessary, or that avoidance or modification has been exhausted such that compulsory acquisition represents a last-resort measure, as required by section 122 of the PA 2008.
7. This failure is compounded by the cumulative impacts arising from the retention of this land within the Order Limits. These include severe residential visual impacts as

assessed in the RVAA [APP-213], harm to the setting of [REDACTED] as a non-designated heritage asset, loss of privacy and outlook, and interference with the established residential enjoyment of the property. When taken together with the extinguishment of service easement rights, the cumulative effect on the use and long-term viability of [REDACTED] is substantial.

8. In these circumstances, offers of mitigation or alternative provision cannot cure the Applicant's failure to satisfy the statutory tests. Compulsory acquisition powers cannot lawfully be justified by compensation or post-hoc accommodation where necessity and last resort have not been demonstrated. To permit compulsory acquisition in these circumstances would convert absolute proprietary rights into discretionary benefits contingent on the Applicant's future performance, which is inconsistent with the structure and purpose of PA 2008. It would also materially weaken the statutory safeguard in s122 by lowering the effective threshold for compulsory acquisition of land subject to established private rights, thereby normalising the use of compulsory powers for discretionary scheme design choices rather than unavoidable development requirements.
9. Neither the Statement of Need [APP-323] nor the Clean Power 2030 Action Plan ties the urgent national need for low-carbon energy to acquisition of any particular land parcel. The need case is strategic, not plot-specific. ES Chapter 4 confirms that scheme capacity is achieved through distributed solar areas across the Order Limits and is not contingent on acquisition of Plots 15/16, 15/17 and 16/1 or adjoining land. No evidence is provided that these plots are required to meet generation targets, grid efficiency or operational feasibility.

### **Closing**

We trust these responses assist the Examining Authority in its consideration of the issues raised. Should further detail or clarification be required, we will be pleased to provide supplementary submissions.

Yours sincerely,

[REDACTED]

**BBS LAW**