



# Meridian Solar Farm

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Volume 4

Compulsory Acquisition

4.1 Statement of Reasons

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## Executive Summary

This Statement of Reasons accompanies an application by Meridian Solar Farm Limited for a Development Consent Order (DCO) under the Planning Act 2008 for the Meridian Solar Farm (the Scheme). The Scheme comprises a generating station of more than 100 MW and the installation of above ground electric lines greater than two kilometres in length and a nominal voltage of 132 kV or greater. The Scheme therefore qualifies as an NSIP under sections 14(1)(a), 14(1)(b), 15(2) and 16 of the Act.

The purpose of this Statement of Reasons is to explain why the Applicant is seeking compulsory acquisition powers, why these powers are necessary, proportionate, and justified, and why there is a compelling case in the public interest for their inclusion in this DCO. It sets out a description of the Scheme and Order Limits, justification for the compulsory acquisition powers, the need for the Scheme, negotiation status, alternatives considered, human rights implications and applicable special land categories. These elements collectively demonstrate how the Scheme fits national energy objectives and why the land and rights sought are essential to deliver it.

Under sections 120 and 122 of the Planning Act 2008, a DCO may include powers enabling the compulsory acquisition of land, rights over land, or the temporary use of land where the Secretary of State is satisfied that the relevant statutory tests are met. Section 120(3) and Schedule 5 expressly permit the acquisition of land, the creation or extinguishment of rights, and other matters ancillary to the authorised development. Powers are sought to acquire freehold interests where essential, acquire new rights, take temporary possession, and extinguish or suspend private rights that would otherwise obstruct construction, operation or maintenance of the Scheme. This document demonstrates compliance with the statutory tests and the Secretary of State's Compulsory Acquisition Guidance (2013), ensuring the powers are necessary, proportionate and justified.

Most of the land within the Solar Development Area is subject to negotiated option agreements, with further agreements anticipated before the end of examination. Nonetheless, compulsory acquisition powers remain necessary as a fallback, ensuring the Scheme can proceed even if final lease agreements are not signed.

Negotiations for the Inter-Array Connections and Grid Connection Route began later, as design refinement was necessary before approaching landowners. As a result, no voluntary agreements are in place at the time of submission, and compulsory acquisition powers are needed to secure the required land and rights, should the ongoing negotiations be unsuccessful.

To avoid delays or the need for future amendments, the Order Limits include a proportionate degree of flexibility. Flexibility is required at the northern end of the

Scheme due to ongoing National Grid design work relating to wider transmission reinforcement projects. The final location of the proposed Weston Marsh B Substation has yet to be fixed. Compulsory acquisition powers would only be exercised over the land ultimately required for the finalised tie-in works.

To review the status of all voluntary land negotiations within the Order Limits, see the **Land Rights Tracker** (Doc Ref 4.4).

The Scheme responds to an urgent national need for new renewable energy infrastructure, as established in National Policy Statements EN-1, EN-3, and EN-5. It will support carbon reduction, energy security, lower-carbon electricity supply and diversification of the UK network. This is outlined further within the **Planning Statement** (Doc Ref 7.1) and summarised in this document. The public benefits delivered by the Scheme significantly outweigh the private loss to affected landowners.

The land sought is the minimum necessary to support construction, operation and decommissioning. The design has reduced unnecessary land-take and captured only that which is essential for operational corridors, access, construction areas and mitigation. The Applicant has a clear understanding of how each parcel will be used and has demonstrated a reasonable prospect of funding through the **Funding Statement** (Doc Ref. 4.2).

The Order Limits include Crown land and a strip of common land. The **Draft DCO** (Doc Ref 3.1) includes standard protective provisions to ensure correct processes are followed. Common land is affected only by temporary possession and limited permanent rights. Access and use will remain no less advantageous, meeting the statutory tests engaged under Section 132 of the Planning Act 2008.

Statutory undertaker land and apparatus are present within the Order Limits. The **Draft DCO** (Doc Ref 3.1) includes protective provisions and the relevant statutory tests under Sections 127 and 138 of the Planning Act 2008 are satisfied to avoid serious detriment.

The Applicant has demonstrated that all statutory conditions for compulsory acquisition under the Planning Act 2008 are met. The land and rights sought are necessary, proportionate, and no more than reasonably required. Given the significant public benefits and national policy support, there is a clear and compelling case in the public interest for granting the compulsory acquisition and temporary possession powers sought.

# 1. Introduction

## 1.1. Overview

- 1.1.1. This Statement of Reasons forms part of an application by Meridian Solar Farm Limited to the Secretary of State under the Planning Act 2008 (the 'Act') for a Development Consent Order (the DCO Application) for the Scheme.
- 1.1.2. The Scheme would comprise the construction, operation (including maintenance) and decommissioning of a solar PV electricity generating station with associated infrastructure, including co-located Battery Energy Storage System (BESS), Inter-Array Connections to link the land parcels that form the Solar Development Areas, and an up to 13km overhead line Grid Connection (with one short undergrounded section) which would run north towards a point of connection (PoC) at the proposed Weston Marsh B National Grid Electricity Transmission (NGET) substation, to the north of Weston.
- 1.1.3. The Solar PV generating station, associated BESS, on-site substations and other associated infrastructure would be located within four land parcels (A, B, C and D) referred to collectively as the Solar Development Area, as shown in **ES Figure 1-1** (Doc Ref. 6.2).
- 1.1.4. The Inter-Arrays would be the areas within which 132kV connection cables (the 'Inter-Array Connections') would link the land parcels of the Solar Development Area. The configuration of the Inter-Array Connections (132kV) would comprise underground cabling between Land Parcels A and B ('the Underground Inter-Array') and an overhead line between Land Parcels C and D ('the Overground Inter-Array').
- 1.1.5. The Grid Connection Route would be the area between the Solar Development Area and the National Grid Weston Marsh B Substation in which a 400kV overhead line (the 'Grid Connection') would be located. There is one section where the Grid Connection would route underground to avoid conflicts with an existing 132kV overhead line. Cable Sealing End Compounds (CSECs) would join the proposed underground cable at that section with the proposed overhead line.
- 1.1.6. The Scheme comprises a generating station of more than 100 MW and the installation of above ground electric lines greater than two kilometres in length. The Scheme therefore qualifies as an NSIP under sections 14(1)(a), 14(1)(b), 15(2) and 16 of the Act.
- 1.1.7. The area subject to the DCO Application (the Order Limits) where the Scheme will be carried out is shown on the **Overall Location Plan** (Doc Ref. 2.1).

- 1.1.8. The location of the Scheme is described in **ES Chapter 1: Introduction** (Doc Ref. 6.1). Further details of the Scheme are provided in **ES Chapter 2: The Scheme** (Doc Ref. 6.1).

## 1.2. Purpose of this Document

- 1.2.1. This statement is one of a number of documents required to support the Application submitted to the Secretary of State and should be read together with those documents.
- 1.2.2. The purpose of this document is to explain why it is necessary, proportionate and justifiable for the Applicant to seek powers of compulsory acquisition within the Application to acquire land, acquire or create rights over land, to extinguish or suspend rights over land, and to temporarily use land for the purposes of the Scheme, and why there is a compelling case in the public interest for the Applicant to be granted these powers.
- 1.2.3. This document has been prepared in accordance with the requirements of section 37(3)(d) of the PA 2008, Regulations 5(2)(h) and 5(2)(n) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations'), and the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG, September 2013) ('the CA Guidance').

## 2. Description of the Scheme

### 2.1. Overview

2.1.1. This section provides further detail on the components of the Scheme. The development to which the Meridian Solar Farm DCO applies is set out at Schedule 1 of the **Draft DCO** (Doc Ref 3.1) and is called the “authorised development” in that document. The “authorised development” is divided into works packages with corresponding works numbers. The **Works Plans** (Doc Ref 2.3) show the areas of land associated with the works packages defined in Schedule 1 of the **Draft DCO** (Doc Ref 3.1).

### 2.2. Works Packages

2.2.1. A detailed description of the Scheme can be found in **ES Chapter 2: The Scheme** (Doc Ref 6.1). The Scheme is split into 16 Work Nos. as follows:

- **Work No. 1** – a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 100 megawatts; and associated development including –
- **Work No. 2** – battery energy storage system;
- **Work No. 3A** – development of onsite 400kV substation and associated works;
- **Work No. 3B** – development of onsite 132kV substation and associated works;
- **Work No. 4** - works to install inter-array electrical connections underground;
- **Work No. 5** – associated works to Works No. 1 to 8;
- **Work No. 6** – works to facilitate access to Work Nos. 1 to 16;
- **Work No. 7** – areas of habitat management and permissive paths;
- **Work No. 8** – works to install 132kV inter-array electric lines;
- **Work No. 9** – overhead transmission electric line from Work No. 3A(c) (the 400kV substation) to Cable Sealing End Compound South;
- **Work No. 10** – Cable Sealing End Compound South;
- **Work No. 11** - Underground transmission electrical cables from the Cable Sealing End Compound South to the Cable Sealing End Compound North;

- **Work No. 12** – Cable Sealing End Compound North;
- **Work No. 13** – overhead transmission electric line from Cable Sealing End Compound North to Work No. 14;
- **Work No. 14** – overhead transmission electric line and/or underground transmission electric cables between Work No. 13 and Work No. 15;
- **Work No. 15** – National Grid Substation Tie-In Works; and
- **Work No. 16** - Grid Connection Corridor Site Compounds.

2.2.2. In addition, Schedule 1 of the **Draft DCO** (Doc Ref. 3.1) lists generic works which may be carried out anywhere within Work Nos. 1 to 16.

## 2.3. The Solar Development Area

2.3.1. The total area for all works within the Solar Development Area would be 1067 ha. The Solar Development Area consists of the following main infrastructure:

- Solar PV Modules (Work No. 1(a));
- Solar PV Module Mounting Structures (Work No. 1(a));
- Solar Stations (Inverters, Transformers and Switchgear) (Work No. 1(b));
- On-Site 400kV Substation and BESS Compound (Work No. 3A and 2);
- On-Site 132kV Substations (Work No. 3B); and
- On-Site Cabling Works (Work No. 5(a)).

2.3.2. Further details of the infrastructure to be provided within the Solar Development Area is set out in **ES Chapter 2: The Scheme** (Doc Ref 6.1) and the design maximum and minimum design parameters that the scheme will be designed and constructed in accordance with are set out in the **Design Parameters** (Doc Ref. 7.4).

## 2.4. Inter-Array Connections

2.4.1. The total area for all works within the Inter-Array Connections would be 61 ha. This comprises an Underground Inter-Array Connection between Land Parcels A and B of 15ha and an Overhead Inter-Array Connection between Land Parcels C and D of 46ha.

- 2.4.2. The Underground Inter-Array Connection (Work No. 4) consists of an underground 132kV cable connection between Land Parcels A and B approximately 1.1km in length.
- 2.4.3. The Overhead Inter-Array Connection (Work. No. 8) comprises a single circuit 132kV overhead line between Land Parcels C and D approximately 3.1km in length.
- 2.4.4. Further details of the infrastructure to be provided within the Inter Array Connections is set out in **ES Chapter 2: The Scheme** (Doc Ref. 6.1) and the maximum and minimum design parameters that the scheme will be designed and constructed in accordance with are set out in the **Design Parameters** (Doc Ref. 7.4).

## 2.5. Grid Connection Route

- 2.5.1. The total area for all works within the Grid Connection Route would be 510ha. The Grid Connection Route consists of the following main infrastructure:
- 400kV Overhead Line (Work Nos. 9, 13, and 14);
  - Cable Sealing End Compounds (Work Nos. 10 and 12);
  - Underground Transmission Electrical Cables between CSECs (Work Nos. 11 and 14); and
  - National Grid Weston Marsh Substation Tie-In Works (Work No. 15).
- 2.5.2. The Grid Connection Route will run toward a point of connection (PoC) at the proposed National Grid Weston Marsh B Substation and comprise an up to 13km 400kV overhead line, and under the current design, at one small section an underground cable to avoid conflicts with an existing 132kV overhead line (noting Work Number 14 retains flexibility for the use of underground cabling where necessary for management of the interface with other infrastructure at the northern end of the Grid Connection Route). Cable Sealing End Compounds (CSECs) would join the underground cabling with the proposed overhead line.
- 2.5.3. Further details of the infrastructure to be provided within the Grid Connection Route is set out in **ES Chapter 2: The Scheme** (Doc Ref 6.1), and the maximum and minimum design parameters that the scheme will be designed and constructed in accordance with are set out in the **Design Parameters** (Doc Ref. 7.4).

## 2.6. Accesses and Other Works

- 2.6.1. The Applicant has identified other works that may take place across the Solar Development Area, Inter-Array Connections and Grid Connection Route, including:
- Surface Water Drainage (Works No. 5(f), 7(c) and associated development (m));
  - Works to Third Party Assets (Work No. 5(l) and associated development (j));
  - Highway Works (Work No. 6) which includes access from the highway network access tracks, and public rights of way;
  - Areas of Habitat Management (Work No. 7); and
  - Permissive Path (Work No. 7).
- 2.6.2. Further details of these works are set out in **ES Chapter 2: The Scheme** (Doc Ref. 6.1) and the **Design Parameters** (Doc Ref. 7.4).

## 2.7. Flexibility

- 2.7.1. The Applicant has undertaken extensive studies and assessments in order to obtain as much certainty as possible, however, a number of elements of detailed design for the Scheme cannot be confirmed until detailed design and the tendering process for the design and construction of the Scheme has been completed. For example, due to the rapid pace of technological development in the solar PV industry, the Scheme could utilise technology which does not currently exist and therefore sufficient flexibility needs to be incorporated into the Application.
- 2.7.2. To address this, a 'Rochdale Envelope' approach is used as set out in **ES Chapter 4: Overview of the EIA Process** (Doc Ref. 6.1). This involves assessing the maximum (and where relevant, the minimum) parameters for the Scheme where flexibility needs to be retained. The principles and justification for this approach are set out in **ES Chapter 4: Overview of the EIA Process** (Doc Ref. 6.1), and the maximum (and minimum) parameters assessed as part of the Rochdale Envelope form the **Design Parameters** (Doc Ref. 7.4).
- 2.7.3. Greater flexibility is sought within the Order Limits near the planned Weston Marsh B Substation to the north of High Road, shown within the area captured under Work No. 14. This is required to overcome any potential design changes relating to either:
- The final siting of the Weston Marsh B Substation.

- The final siting of other electricity network infrastructure promoted by NGET (i.e. Grimsby to Walpole and Weston Marsh to East Leicestershire).

2.7.4. At the time of submission, NGET has carried out public consultations for the above projects, but no applications have been submitted confirming the final siting locations of this infrastructure.

2.7.5. The Order Limits and Work No. 14 have been drafted to provide the Applicant with a proportionate degree of flexibility to complete its detailed design taking into account the potential for further design changes associated with the two aforementioned factors. This includes the flexibility to use either overhead lines and/or underground cabling within this section, should that be necessary to avoid interactions. It also includes two routing options in fields around a central residential property, should there not be sufficient space to co-locate schemes on one of the sides. The Applicant would only exercise its powers of compulsory acquisition over the land necessary to undertake these tie-in works to the Weston Marsh B Substation which will be identified as part of the detailed design process post-consent (i.e. it would not acquire land for both routes).

2.7.6. A similar approach to flexibility in response to uncertainty regarding the final siting of National Grid substations was deemed appropriate by the Secretary of State in its decision for the Outer Dowsing and Five Estuaries DCOs.

2.7.7. This flexibility is essential to ensure the successful delivery of the Scheme.

## 2.8. Timing of Construction

2.8.1. Subject to the DCO being granted, construction is expected to start in 2029, the peak construction year is anticipated to be 2031 for the Solar Development Area and Inter-Array Connections, and 2030 for the Grid Connection Route. with planned operation of the Scheme to commence by 2033. Commencement of commercial operation of the Scheme in 2033 is based on the earliest date that the Scheme could be connected under the previous agreement with National Grid.

2.8.2. The Applicant currently has a Gate 1 offer which indicates a network connection post 2035 but believes the Scheme is a good candidate for a Gate 2 offer in future application rounds, which could enable a connection date of between 2031 and 2035. The Applicant therefore intends to submit an application to NESO at the earliest possibility to achieve a Gate 2 offer. However, as described in **Chapter 4: Overview of the EIA Process** (Doc Ref. 6.1) the ES has assessed the impacts of a construction and operational date of the Scheme later than 2029 and 2031 respectively, in order to reflect the uncertainty remaining as to the exact connection date at this stage. A backstop of 7 years to commence construction post the grant of consent (which, if presuming consent is granted in 2027 in line

with statutory timeframes, would mean commencement of construction in 2034 at the latest) has been applied to appropriately confine that flexibility and is considered reasonably in light of the context set out above. For more information regarding the Scheme's connection please refer to the **Grid Connection Statement** (Doc Ref. 7.5).

- 2.8.3. The construction phase is anticipated to take three to four years to complete. The final programme will be dependent on the final Scheme design and potential environmental constraints on the timing of the construction activities.

## 3. Description of Land within the Order Limits

### 3.1. Overview

- 3.1.1. The land comprising the Scheme includes that required for the Solar PV infrastructure, as well as the associated electrical cabling and infrastructure for connection to the National Grid. There is also land within the Order Limits for associated development, including mitigation works and works to facilitate access to the Scheme from existing streets.
- 3.1.2. The Scheme has undergone several stages of design evolution which has resulted in changes to its layout and the Order Limits. This process of design evolution has been informed by ongoing environmental assessments, engineering and design considerations, engagement with stakeholders and collaboration with the other developers bringing forward solar DCO projects within the area.
- 3.1.3. The maximum area of land required for the construction, operation (including maintenance), and decommissioning of the Scheme is shown on the **Land and Crown Land Plans** (Doc Ref. 2.4). The land take for the Order Limits has been refined as the Scheme design has progressed, taking into account environmental and technical factors, and consultation responses. The land comprising the Order Limits is set out below.
- 3.1.4. The area of land within the Order Limits totals 1,616ha and comprises:
- Solar Development Area - Land Parcel A: approximately 197ha situated north of the village of Crowland. This parcel sits west of the Crowland Airfield and consists of agricultural fields. It is intersected by Clout Drove and is to the west of the A16;
  - Solar Development Area - Land Parcel B: approximately 335ha situated north-west of the village of Crowland. This parcel sits east of Crowland Airfield and east of the A16, with the main access point off Queens Bank. It consists of agricultural fields;
  - Solar Development Area - Land Parcel C: approximately 205ha situated north-west of the small village of Shepeau Stow. The parcel is dissected by Martins Road and lies north of Hull's Drove (B1166). This parcel consists of agricultural fields and features two Scheduled Monuments of which further details are outlined within the **ES Chapter 8: Cultural Heritage** (Doc Ref 6.1);
  - Solar Development Area - Land Parcel D: approximately 330ha situated north of village of Gedney Hill. Langary Gate Road runs vertically through this parcel, with the South Holland Main Drain dissecting it at the northern end. It consists of agricultural fields;

- Underground Inter-Array between Land Parcel A & B: approximately 15ha connects the Solar Development Area's A and B to the other areas (C & D) and the Grid Connection Route. The cable will be required to cross the A16, as well as smaller rural roads;
- Overhead Inter-Array between Land Parcel C & D: 46ha connects the Solar Development Area's C & D to the other areas (A & B) and the Grid Connection Route. The overhead line will be required to cross the B1168, as well as smaller rural roads and drains, the route consists of agricultural fields; and
- Grid Connection Route: approximately 510ha connects the Scheme from the main 400kV Substation to the planned Weston Marsh B Substation. The overhead line will be required to cross the B1357, B1165 and A151, as well as smaller rural roads and drains, crossing largely agricultural fields to the Point of Connection;

**3.1.5.** Further details of the details of the land within the Scheme can be found within **ES Chapter 2: The Scheme** (Doc Ref 6.1)

## 4. Need for the Compulsory Acquisition of Land and Rights

### 4.1. Basis for the Compulsory Acquisition Powers

- 4.1.1. Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- 4.1.2. Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is:
- Required for the development to which the development consent relates
  - Required to facilitate or is incidental to that development, or
  - Is replacement land which is to be given in exchange for the order land under Section 131 or 132.
- 4.1.3. The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Meridian Solar Farm DCO. This is required by Section 122(3).

### 4.2. The Matters for Which the Secretary of State Must Have Regard

- 4.2.1. As noted above, under Section 122 of the PA 2008, a DCO which includes compulsory acquisition powers may be granted only if the conditions in Sections 122(2) and 122(3) are met. The conditions to be met are that:
- The land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development (Section 122(2)) (see paragraph 5.2 onwards below); and
  - There is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (Section 122(3)). The Secretary of State must be persuaded that the public benefits from the compulsory acquisitions will outweigh the private loss suffered by those whose land is to be acquired (see Sections 6 and 7 below).

- 4.2.2. In respect of the Section 122(2) condition, the 'Guidance related to procedures for the compulsory acquisition of land' (at paragraph 11 of the CA Guidance) states that applicants should be able 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 CA Guidance goes on to say that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.
- 4.2.3. In respect of the Section 122(3) condition, the CA Guidance (at paragraph 13) states that 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. At paragraph 14, the CA Guidance states 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.
- 4.2.4. Further, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition. These are as follows:
- That all reasonable alternatives to compulsory acquisition (including modifications to the Scheme) have been explored - see paragraph 5.4 and following, below, in relation to how the Applicant has selected aspects of the Order Limits;
  - That the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see the remainder of this section, and Section 10 below;
  - That the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire - Sections 2 and 3 above describe the Order limits and the Scheme, and this section describes the nature of the interest sought and the purposes for which areas are to be acquired or used;
  - That there is a reasonable prospect of the requisite funds for the acquisition becoming available - see the **Funding Statement** (Doc Ref. 4.2); and
  - That the purposes for which compulsory acquisition of land powers are included in the **Draft DCO** (Doc Ref. 3.1) are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see Section 7 of this Statement.

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

### 4.3. Need for Compulsory Acquisition of Land and Rights (Sections 122(2) and (3))

4.3.1. The Applicant has already negotiated and completed property agreements with most of the freehold owners of the land within the Order Limits of the Solar Development Area. Negotiations remain ongoing with 4 land holdings , and the latest position in this respect is set out in the **Land Rights Tracker** (Doc Ref. 4.4). This is the primary document via which the Applicant shall continue to provide updates as to the status of these negotiations through the examination.

4.3.2. Notwithstanding the position reached in respect of those plots of land within the Solar Development Area over which option agreements are already in place, or are anticipated to be finalised imminently, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the **Draft DCO** (Doc Ref. 3.1) to protect against a scenario whereby the freeholder owners of the land within the Solar Development Area do not grant a lease of the land in accordance with the terms of the completed option agreements. The Applicant also needs powers over that land for which option agreements have not been secured and also to extinguish private rights in the Order Limits to the extent that they would conflict with the Scheme.

4.3.3. To ensure that the Scheme can be built, maintained and operated, and so that the Government's policies are met in relation to the timely provision of new generating capacity and meeting net zero carbon emissions targets for 2050, the Applicant also requires the acquisition of property interests in the Inter Array Connections and Grid Connection Route. It has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over this land. The Applicant is in the process of negotiating property agreements in respect of the land within the Inter Array Connections and Grid Connection Route. Details of the current status of negotiations for the Inter Array Connections and Grid Connection Route are set out in the **Land Rights Tracker** (Doc Ref. 4.4). It is noted that due to the design refinement process for these routes where they were narrowed from wider initial corridors, negotiations commenced later with landowners, in order to avoid wasted efforts where land was not actually required for the final design of the Scheme. It is for this reason that voluntary agreements are not as progressed as for the Solar Development Area, but the Applicant continues to remain committed to progressing these voluntary agreements in the first instance.

4.3.4. There are five categories of land powers included in the **Draft DCO** (Doc Ref. 3.1) – four of these are powers of compulsory acquisition of interests and the fifth is a power to occupy land temporarily. While the **Land and Crown Land Plans** (Doc Ref. 2.4), the **Book of Reference** (Doc Ref. 4.3) and this Statement of Reasons set out the principal class of right sought within the **Draft DCO** (Doc Ref. 3.1), powers are also sought for the use of the subordinate rights to that principal right. This means, for example that where a plot refers to Class 1, powers to obtain all other classes of rights are also sought for that plot. This is to enable the undertaker to seek less extensive rights or interests where appropriate (such as the use of temporary possession powers for construction, or the use of easements or restrictive covenants instead of full acquisition of land).

4.3.5. Each of the five categories of land powers is introduced briefly below, followed by further information on the necessity of the powers sought and the purpose for which the Applicant requires the land. The section also provides information on the status of negotiations to acquire these interests by agreement.

- **Class 1: All interests and rights in land (including freehold)** - the land over which compulsory powers are sought generally (and therefore including the freehold interest) is shown in brown on the **Land and Crown Land Plans** (Doc Ref. 2.4). In summary, the areas in which freehold acquisition is sought are for Work No. 1 (solar PV modules and solar stations), Work No. 2 (the BESS); Work No. 3A (400kV On-Site Substation); Work No. 3B (132kV On-Site Substation); Work No. 5 (associated works); Work No. 7 (areas of habitat management and permissive paths); Work No. 10 (Cable Sealing End Compound South); Work No. 12 (Cable Sealing End Compound North). The Applicant has only included powers to compulsorily acquire the freehold interest in land where other powers (such as to acquire new rights or take temporary possession) would not be sufficient or appropriate to enable the construction, operation or maintenance of the Scheme. Article 21 of the **Draft DCO** (Doc Ref. 3.1) is relied upon in respect of this land.
- **Class 2: Acquisition and creation of new rights related to Overhead Lines and associated infrastructure** - the land over which compulsory powers are sought in respect of the creation of new rights, imposing restrictive covenants and acquiring rights is shown light green. In summary, these are the areas required for Work No. 8 (works to install 132kV inter-array electric lines); Work No. 9 (overhead transmission electric line from Work No. 3A(c) to Cable Sealing End Compound South); Work No. 13 (overhead transmission electric line from Cable Sealing End Compound North to Work No. 14); Work No. 14 (National Grid Substation Tie-In Works); and Work No. 15 (National Grid Substation Tie-In Works) and associated works. Article 24 of the **Draft DCO** (Doc Ref. 3.1) is relied upon in respect of new rights.

- **Class 3: Acquisition and creation of new rights related to the Underground Cable System** - the land over which compulsory powers are sought in respect of the creation of new rights, imposing restrictive covenants and acquiring rights is shown dark green on the on the **Land and Crown Land Plans** (Doc Ref. 2.4). In summary, these are the areas required for Work No. 4 (works to install inter-array electrical connections underground); and Work No. 11 (Underground transmission electrical cables from the Cable Sealing End Compound South to the Cable Sealing End Compound North) and associated works. Article 24 of the **Draft DCO** (Doc Ref. 3.1) is relied upon in respect of new rights.
- **Class 4: Acquisition and creation of permanent access related to Construction, Operation and Decommissioning** - the land over which compulsory powers are sought in respect of creation of new rights, the imposition of restrictions, or the acquisition of existing rights or benefits of existing restrictions shown blue on the **Land and Crown Land Plans** (Doc Ref. 2.4). In summary, these are the areas required for Work No. 6 (works to facilitate access to Work Nos. 1 to 16 including), Work No. 13 (overhead transmission electric line from Cable Sealing End Compound North to Work No. 14), Work No. 14 (connection works between Work No. 13 and Work No. 15) and Work No. 16 (Grid Connection Corridor Site Compounds) and associated works. Article 24 of the Draft DCO (Doc Ref. 3.1) is relied upon in respect of new rights.
- **Class 5: Temporary possession** - the land for which powers of temporary use are sought is shown pink on the **Land and Crown Land Plans** (Doc Ref. 2.4). In summary, these are the areas required for Work No. 6 (works to facilitate access to Work Nos. 1 to 16); and Work No. 16 (Grid Connection Corridor Site Compounds). Articles 31 and 32 of the Draft DCO are relied upon in respect of this land, and as such no compulsory acquisition is sought. Articles 31 and 32 also permit the Applicant to take temporary possession of any other part of the Site where it has not yet exercised powers of compulsory acquisition - this will allow the Applicant (for instance) to initially take temporary possession of the whole width of the corridor for the construction of the Inter Array Connections and Grid Connection Route (Work Nos. 9 to 16) (over which the power to acquire new rights is included in the Draft DCO), and once it has carried out detailed surveys and installed the connections, to acquire new rights (pursuant to the powers set out above) only in respect of the relevant strip within that overall corridor which is necessary for the operation, maintenance and protection of the apparatus. Such an approach has precedent amongst other DCOs, including the Tillbridge Solar Order 2025.

- 4.3.6. In addition, the Applicant has included powers to ensure that easements and other private rights identified as affecting the land are extinguished or suspended, so as to facilitate the construction and operation of the Scheme without hindrance. In addition, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished in order to facilitate the construction and operation of the Scheme. Article 25 and 27 of the **Draft DCO** (Doc Ref. 3.1) are relied upon in respect of those rights.
- 4.3.7. In all cases the plots of land shown on the **Land and Crown Land Plans** (Doc Ref. 2.4) are described in the **Book of Reference** (Doc Ref. 4.3).
- 4.3.8. The Applicant has been seeking to acquire the relevant property interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Scheme. It has successfully achieved this in respect of the majority of plots within the Solar Development Area as outlined earlier and the **Land Rights Tracker** (Doc Ref. 4.4).
- 4.3.9. However, it has not yet been possible to acquire all rights required in the Order land by agreement, particularly where negotiations on the Inter-Array Connections and Grid Connection Route commenced later in time once the routing for these features was confirmed. In addition, the Applicant requires certain matters to be suspended, overridden or extinguished within the Order land so as to ensure there are no impediments to the construction, operation and maintenance of the Scheme.
- 4.3.10. In the absence of powers of compulsory acquisition, the Order land may not be assembled, uncertainty will continue to prevail, and the Applicant considers that its objectives and Government policy objectives would not be achieved.
- 4.3.11. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, as well as secure the removal of matters affecting the Order land that may impede the Scheme, wherever possible. This approach of making the application for powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the CA Guidance.
- 4.3.12. The Applicant's justification for seeking compulsory acquisition powers, in accordance with the provisions of the PA 2008, is to secure land, the temporary use of land, the rights and other interests required to enable them to construct, operate and maintain the Scheme within a reasonable commercial timeframe.
- 4.3.13. The inclusion of powers of compulsory acquisition in the **Draft DCO** (Doc Ref. 3.1) is to ensure that this can be achieved. The relevant powers, and the land and

interests sought together with the land required for temporary use, are no more than is required to facilitate the Scheme, its construction and future maintenance.

#### 4.4. Use of the Order Land and Status of Negotiations

4.4.1. The intended purpose for which land is subject to the proposed powers of compulsory acquisition (Articles 21 and 24) and to possess land temporarily (as per Articles 31 and 32) is summarised in the **Land Rights Tracker** (Doc Ref. 4.4).

4.4.2. The **Land Rights Tracker** (Doc Ref. 4.4) includes all plots in the **Book of Reference** (Doc Ref. 4.3) and land interests where the Applicant has been involved in negotiations to reach voluntary agreement with landowners. For each third party the Applicant is negotiating with, the **Land Rights Tracker** (Doc Ref. 4.4) describes the party's interest by reference to the plot number as referenced in the **Book of Reference** (Doc Ref. 4.3) and **Land Rights Tracker** (Doc Ref. 4.4), with plots grouped together for each interested party. The **Land Rights Tracker** (Doc Ref. 4.4) should be read together with those documents. Some plot numbers appear in more than one row in the **Land Rights Tracker** (Doc Ref. 4.4), indicating that there is more than one interest in the relevant plot (generally a freehold owner and a tenant).

4.4.3. The **Land Rights Tracker** (Doc Ref. 4.4) also sets out the position in terms of the Applicant's negotiations to acquire interests in land or to take possession of land required for the Scheme by agreement. The position in relation to interests in land held by statutory undertakers and in relation to their apparatus within the Order limits is included within the **Land Rights Tracker** (Doc Ref. 4.4) (where the Applicant has been in substantive negotiations with the statutory undertaker) and also summarised in Section 6.3 below.

4.4.4. Option Agreements have been entered into with the relevant landowners for majority of the Solar Development Area – Land Parcel B, C and most of D. The Applicant expects the remaining land in Solar Development Area Parcel A and remainder of Parcel D to be agreed during the examination period

- Crowland Charity Trustees – Plot(s): A1-5
- Christine Elizabeth Branton, Walter David Branton – Plot(s): A1-3, A1-5, A1-7, A1-9, A1-10, A1-11,
- Colin Boor – Plot(s): A9-10, A9-21, A9-22, A9-25, A9-28, A9-33, A9-34, A9-35, A9-39, A9-40, A9-42
- Robert Charles Laming – Plot(s): A12-9, A12-13

4.4.5. The Applicant has commenced discussions with affected parties within the Underground Inter-Array Connection between Parcels A and B and the Overhead

Inter-Array Connection between Parcels C and D, and is committed to reaching voluntary agreements where possible, in respect of the land and new rights required for the Scheme. At this stage, no voluntary agreements have yet been reached at the time of Application. The Applicant had prioritised finalising the Order Limits to minimise the compulsory powers sought and the parties affected by the Scheme, this allowed the Applicant to confirm the land and new rights required and will likely increase the chance of reaching a voluntary agreement with affected parties. For the latest position in respect of agreements, please refer to the **Land Rights Tracker** (Doc Ref. 4.4).

4.4.6. The Applicant has commenced discussions with affected parties within the Grid Connection Route and is committed to reaching voluntary agreement where possible, in respect of land and new rights required for the scheme. However, no voluntary agreements have yet been reached at the time of Application. The Applicant had prioritised finalising the Order Limits to minimise the compulsory powers sought and the parties affected by the Scheme, this allowed the Applicant to confirm the land and new rights required and will likely increase the chance of reaching a voluntary agreement with affected parties. For the latest position in respect of agreements, please refer to the **Land Rights Tracker** (Doc Ref. 4.4).

4.4.7. The Applicant has also begun to contact owners of lesser interests in the Order Limits to progress discussions. The Applicant is not seeking to enter into voluntary agreements with those parties who have been identified as having an ad medium filium or riparian interests (determined under a legal a legal presumption whereby ownership of the subsoil or drain is attributed to the adjoining landowner) as identified in the **Book of Reference** (Doc Ref. 4.3). This is because the impact the Scheme would have on those rights would be negligible and therefore it would not be appropriate for those interests to be acquired.

## 4.5. Alternatives to Compulsory Acquisition

4.5.1. The Applicant has reached agreement with the majority of the freehold owners of the Solar Development Area for a lease, and negotiations are well advanced with the other landowners within the Solar Development Area, such that similar agreement is anticipated to be finalised by the end of the examination for those landowners. The identification of the Order Limits for the location of the Solar Development Area was informed in part by the willingness of landowners to reach voluntary agreement with the Applicant to lease the land for the Scheme amongst other factors, such as environmental considerations. With this land secured, or soon to be secured, by voluntary agreement it means that the amount of land subject to compulsory acquisition will be minimised. It is acknowledged that powers of compulsory acquisition are sought in respect of this land but the reasons for that are further described above.

- 4.5.2. The Scheme does require the acquisition of some land and the acquisition of / creation of rights to secure the land and rights needed to build and operate it. This is primarily centred on the Inter-Array Connections and Grid Connection Route, but also discrete plots within the Solar Development Area which remain under negotiation. There is no alternative but to seek to acquire or create the rights in respect of this land. The Applicant continues to engage with affected land interests within the Inter-Array Connections and Grid Connection Route to negotiate the voluntary acquisition of the necessary rights and without acquiring these rights compulsorily. As noted above, the Applicant had prioritised finalising the Order Limits of these connections (where they narrowed from wider initial corridors) before commencing negotiations. This ensured the Applicant minimised the compulsory powers sought and the parties affected by the Scheme, and allowed the Applicant to have certainty as to the land and new rights required so as not to confuse negotiations.
- 4.5.3. It is considered that the 'Do Nothing' scenario where the Scheme does not proceed at all is not appropriate given the need for the Scheme, the established national need for both power generation and a legally binding target of net zero carbon emissions by 2050. This is described in section 6.2 below and expanded upon in the **Planning Statement** (Doc Ref. 7.1).
- 4.5.4. The site selection process for the Solar Development Area is described in **Appendix D: Site Selection Report** of the **Planning Statement** (Doc Ref. 7.1). In summary the Solar Development Area was selected for a number of reasons including:
- Willingness of landowners to enter into voluntary agreement;
  - Proximity to the Point of Connection (i.e. the planned Weston Marsh Substation); and
  - Irradiance and topography levels in the East of England.
- 4.5.5. The alternatives considered for the Grid Connection Route are outlined in the **ES Chapter 3: Alternatives and Design Evolution** (Doc Ref 6.1) and **Design Approach Document** (Doc Ref. 7.3). As a result of the options appraisal summarised in the aforementioned documents, a single preferred corridor was identified, with Parcel B-5 identified as the only technically feasible and policy-compliant location for the 400kV substation when compared with Parcel D-1, which was discounted due to Flood Zone 3b designation, significant access constraints for transformer delivery, and elevated UXO risk.
- 4.5.6. The Applicant has undertaken a clear process to identify an appropriate Site, and an appropriate form and route for the Inter-Array Connections and Grid Connection Route and has considered alternatives in doing so. None of the

alternatives would provide the compelling benefits that the Scheme will, and/or such alternatives would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations.

- 4.5.7. It has not been possible to acquire the necessary land and rights by agreement in respect of the Inter-Array Connections, Grid Connection Route or all of the Solar Development Area at this stage despite efforts by the Applicant to do so. Whilst the Applicant will continue to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the land required to construct and operate the Scheme, in order to realise its very significant public benefits.

#### 4.6. Availability of Funds for Compensation

- 4.6.1. The **Funding Statement** (Doc Ref. 4.2) confirms that the Applicant has the ability to procure the financial resources required for the Scheme, including the cost of acquiring any land and rights and the payment of compensation, as applicable. The Applicant is not aware of any interests within the Order Limits in respect of which a person may be able to make a blight claim, but if this did occur the Applicant has sufficient funds to meet any compensation due.
- 4.6.2. The Applicant therefore considers that the Secretary of State can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

## 5. Justification for the Use of Powers of Compulsory Acquisition

### 5.1. The Compelling Case

5.1.1. A **Planning Statement** (Doc Ref. 7.1) accompanies the DCO Application. This explains how the Scheme:

- Meets an urgent need for new energy infrastructure;
- Is a form of development that is suitable in its local context;
- Minimises or mitigates adverse impacts to an acceptable degree; and
- Is compliant with the relevant NPSs, being NPS EN-1; EN-3 and EN-5 pursuant to Section 104 of the PA 2008.

5.1.2. The **Planning Statement** (Doc Ref. 7.1) provides an extensive review of these matters which are summarised in the following section.

### 5.2. The Need for the Scheme

5.2.1. The need and policy context for the scheme is set out within the **Planning Statement** (Doc Ref 7.1). The need for the Scheme primarily stems from the two overarching goals set by the UK Government - to achieve net zero and achieve energy security. This Scheme will generate low carbon electricity over a period of approximately 40 years. The need for renewable energy is set out in EN-1, EN-3 and EN-5, which ascribe critical national priority status to electricity generation that does not involve fossil fuel combustion as well as electricity grid infrastructure.

5.2.2. The Scheme will help meet the UK's increasing demand for clean energy and net zero targets. It will assist in the decarbonising the UK power system by 2035, which is one of the key actions required to achieve the net zero target of 2050 based on 1990 levels.

5.2.3. The rise in global energy prices due to a number of factors increased the cost of living in the UK. The UK is still dependant on imported oil and gas which leaves the country vulnerable to price and supply issues. Demand is set to surge in light of the AI revolution with data centre demands expected to quadruple by 2030.

5.2.4. This exposure to energy market and fossil fuel price increases, demand issues and geopolitical uncertainty can be offset by a greater diversification of electricity

generation, including solar, of which only currently made up approximately 5% of the UK's total energy generation in 2024.

- 5.2.5. Low-cost renewables, including solar and wind, can help reduce household bills, through much lower delivery costs and greater diversification of the network reducing exposure to volatile energy prices, solar is a key technology in achieving this.
- 5.2.6. National policy is unequivocal that climate change and energy security are two of the most important issues the UK is facing.
- 5.2.7. Not only does national policy establish an urgent need for new, low carbon energy infrastructure, it specifically identifies solar energy as a core part of its strategy for low-cost decarbonisation. It is essential to move at pace to rapidly deliver between 45-47 GW of solar energy generation by 2030. The Scheme strongly supports all of these ambitions.

## 6. Special Considerations

### 6.1. Crown Land

- 6.1.1. The Crown holds two interests within the Order Limits. These interests are identified in the **Book of Reference** (Doc Ref. 4.3) and the **Land and Crown Land Plans** (Doc Ref. 2.4) under plots [A11-10 and A12-9]. Plot [A11-10] is described in Part 4 of the **Book of Reference** (Doc Ref. 4.3) as Crown mineral rights. Plot [A12-9] is described in Part 4 of the **Book of Reference** (Doc Ref. 4.3) as subsoil up to half width of highway. The plots are owned by The King's Most Excellent Majesty In Right Of His Crown.
- 6.1.2. The Draft DCO includes the standard article providing that the **Draft DCO** (Doc Ref. 3.1) does not prejudicially affect any estate (etc.) of the Crown, and that the undertaker may not enter on or take any Crown land other than with the consent of the appropriate authority (Article 50). Article 22, which permits powers of compulsory acquisition of rights, specifically provides that it is subject to Article 50.
- 6.1.3. The Applicant has approached the Crown Estate to secure the rights necessary to carry out the relevant parts of the authorised development at plots [A11-10 and A12-9] and to obtain the consent of the Crown to the inclusion of provisions applying in relation to Crown land. The Crown Estate has confirmed receipt of our attempt to secure the rights necessary and discussions remain ongoing, further detail can be found within the Land Rights Tracker (Doc Ref. 4.4).

### 6.2. Special Category Land

- 6.2.1. Section 132 of the PA 2008 applies to any land forming part of a common, open space or field garden allotment. It requires that any DCO authorising the compulsory acquisition of rights over land be subject to special parliamentary procedure, unless the Secretary of State is satisfied that that one of subsections (3) to (5) of Section 132 applies.
- 6.2.2. Within the Order Limits there is a strip of common land which runs parallel to Martins Road, beginning at the site of the former Postland Station and finishing where Martin Road meets Queen's Bank. The rights sought by the Applicant over the common land is identified in the **Special Category Land Plans** (Doc Ref. 2.5) under plots [A5-8, A5-9, A5-12 and A5-14]. The **Land and Crown Land Plans** (Doc Ref. 2.4) identify all common including those subject to temporary possession within the Order Limits, these plots are [A5-8, A5-9, A5-12, A5-13, A5-14 and A5-16] and in Part 5 of the **Book of Reference** (Doc Ref. 4.3).

- 6.2.3. The Applicant does not seek to permanently acquire the common land but rather seeks to acquire temporary rights to construct the access, overhead line and underground cabling and permanent rights to ensure access to that infrastructure adjacent to Martins Road. This therefore engages Section 132 of the PA 2008 and the tests set out in subsections (3) to (5).
- 6.2.4. Pursuant to Section 132(3) of the Planning Act 2008, the Applicant is confident that the rights (set out at paragraph 8.2.2 above) that would burden the land will ensure that access and use of the common land is no less advantageous than it was before to a) persons in whom it is vested b) other persons, if any, entitled to rights of common or other rights and c) the public.
- 6.2.5. Users would be entitled to use the common land as they can currently because:
- The presence of overhead and underground cabling would not limit the use of the land as it would be at a height/depth that would not restrict users from walking, cycling or horse riding at those locations.
  - The presence of a new at-grade access would not present a barrier to users from continuing their journey along the strip of common land. The Applicant proposes the erection of signage for vehicles using the access point to ensure right of way is given to users of the common land. It is noted that similar access points already exist at various points across the common land.
- 6.2.6. The Applicant therefore does not propose to provide replacement common land nor is the DCO Application required to be subject to special parliamentary procedure.

### 6.3. Statutory Undertakers' Land and Apparatus

- 6.3.1. The Applicant has identified land or apparatus belonging to statutory undertakers within the Order Limits.
- 6.3.2. The **Draft DCO** (Doc Ref. 3.1) includes protective provisions in respect of relevant types of statutory undertakers (see Article 46 and Schedule 13), and the Applicant is seeking to agree the form of protective provisions with relevant statutory undertakers.
- 6.3.3. The latest status of negotiations with statutory undertakers with land or apparatus within the Order Limits is captured within the **Land Rights Tracker** (Doc Ref. 4.4).
- 6.3.4. Section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that matters set out in section 127(3) are satisfied. Those matters are:

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

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

- The right can be purchased without serious detriment to the carrying on of the undertaking; or
- Any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of the other land belonging to or available for acquisition by them.

6.3.6. Article 34 of the DCO gives the Applicant the authority to acquire land and rights from Statutory Undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 13 which contains protective provisions for their benefit. The protective provisions provide adequate protection for Statutory Undertakers' assets. The Applicant therefore considers that the Statutory Undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition powers sought over the Order land being granted. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.

6.3.7. Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order Limits. Statutory undertakers and other apparatus owners that are known to have equipment on, in or over the Order Limits are included in the **Book of Reference** (Doc Ref. 4.4). Section 138 of the PA 2008 applies if a development consent order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land. The **Draft DCO** (Doc Ref. 3.1) includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Scheme. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 15 to the DCO. The protective provisions are in the process of being agreed with the relevant statutory undertakers and electronic communications apparatus owners and will accordingly set out constraints on the exercise of the powers in the DCO, with a view to safeguarding the statutory undertakers' and electronic communications

apparatus owners' interests, whilst enabling the Scheme (i.e. the development authorised by the DCO) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.

- 6.3.8. With respect to the current status of negotiations with each Statutory Undertaker, the current position is as set out in the **Land Rights Tracker** (Doc Ref. 4.4). The Applicant will continue to seek agreement as to protective provisions with the other parties contacted, and in any event has included standard protective provisions in the DCO for the protection of electricity, gas, water and sewerage undertakers; operators of electronic communications code networks; and drainage authorities, in order to ensure the assets of those parties receive adequate protection under the Meridian Solar Farm DCO.
- 6.3.9. There are no other relevant special considerations in respect of the Order Limits.

## 7. Human Rights

### 7.1. Overview of Relevant Articles of the Convention

- 7.1.1. The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights ('the Convention'). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 7.1.2. The following Articles of the Convention are relevant to the Secretary of State's decision as to whether the Meridian Solar Farm DCO should be made to include powers of compulsory acquisition.

#### Article 1 of the First Protocol to the Convention

- 7.1.3. This provides the right of everyone to the peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles.

#### Article 6

- 7.1.4. This entitles those affected by the powers sought in the Draft DCO to a fair and public hearing of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision-making process.

#### Article 8

- 7.1.5. This protects private and family life, home and correspondence. No public authority can interfere with these rights except in accordance with the law, and so far as is necessary in the interest of national security, public safety or the economic well-being of the country.

### 7.2. Assessment

- 7.2.1. The Secretary of State, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.
- 7.2.2. The **Draft DCO** (Doc Ref. 3.1) has the potential to infringe the human rights of persons who own property or hold interests in the land within the Order limits under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:

- The statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
- The interference with the convention right is proportionate.

7.2.3. In relation to Article 1, in preparing the Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the Meridian Solar Farm DCO and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. The Applicant considers that there would be very significant public benefits arising from the making of the **Draft DCO** (Doc Ref. 3.1) for the Scheme (as set out in the **Planning Statement** (Doc Ref. 7.1)). Those benefits can only be realised if the DCO includes compulsory acquisition powers, and the purpose for which the land is sought (to build and operate the Scheme) is legitimate. The Applicant considers, on balance, that the significant public benefits outweigh the effects on persons who own interests in relevant land or who may be affected by the Scheme. For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code. The **Funding Statement** (Doc Ref. 4.2) confirms the availability of funds to meet these liabilities.

7.2.4. In relation to Article 8, the Order Limits do not include, and the Scheme does not require, the outright acquisition of any residential dwelling-houses. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. If such rights were to be infringed, such interference would be justifiable on the basis that it would be lawful and in the public interest.

7.2.5. In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the PA 2008, the Applicant has consulted with persons set out in the categories contained in Section 44 of the PA 2008, which includes owners of land affected 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. The beneficiaries of rights overridden by the exercise of powers in the Meridian Solar Farm DCO can make claims under Section 10 of the Compulsory Purchase Act 1965.

7.2.6. Following acceptance of the Application, 'relevant representations' can be made in response to the notice which the Applicant is obliged to give pursuant to Section 56 of the PA 2008. These are then considered during the examination of the Application by the examining authority, in any written representations procedure which the examining authority decides to hold or at any compulsory

purchase hearing held under Section 92 of the PA 2008. There are further opportunities for affected persons to be involved in the examination process, including submitting detailed written representations, responding to matters raised by the examining authority and at other types of hearings that may be held.

- 7.2.7. Should the DCO be made, any person aggrieved may challenge the DCO in the High Court if they consider that the grounds for doing so are made out, pursuant to Section 118 of the PA 2008.
- 7.2.8. In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber) to determine the compensation payable.
- 7.2.9. For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the DCO of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Sections 6 and 7 of this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 7.2.10. The Applicant considers that the **Draft DCO** (Doc Ref. 3.1) strikes a fair balance between the public interest in the Scheme going ahead and the interference with the rights that will be affected. The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Meridian Solar Farm DCO, including the compulsory acquisition powers sought.

## 8. Conclusions

- 8.1.1. The Applicant submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the **Draft DCO** (Doc Ref. 3.1) for the purposes of the Scheme meets the conditions of Section 122 of the PA 2008, as well as the considerations in the CA Guidance.
- 8.1.2. The acquisition of land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is no more than is reasonably required to facilitate or is incidental to the Scheme. Furthermore, the land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is proportionate, as is shown in the **Draft DCO** (Doc Ref. 3.1), the **Works Plans** (Doc Ref. 2.3) and other information both in this Statement and in other documents accompanying the DCO application.
- 8.1.3. The need for the Scheme, suitability of the Order Limits and the support for such projects is clearly set out in Sections 6 and 7 of this Statement. It is demonstrated that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 8.1.4. The Applicant has acquired most of the necessary land interests in respect of part of the Solar Development Area only. Where there is agreement, powers of compulsory acquisition in respect of this land are retained as a fall-back position in case the owners do not grant a lease in accordance with the completed option agreements and to ensure that third party private rights across this land can be extinguished to the extent that it is necessary to do so. Compulsory acquisition powers are necessary where agreement has not been reached. It has not been possible to reach agreement for rights to install and maintain the Inter Array Connections and Grid Connection Route and therefore compulsory acquisition powers are necessary for this purpose.
- 8.1.5. All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Scheme and the support for it found in policy, as well as the suitability of the Order Limits (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.
- 8.1.6. The proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose, namely the Scheme, and is necessary and proportionate to that purpose. The Applicant considers that the very substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be suffered by those whose land

or interests are to be acquired and therefore justifies interfering with that land or rights.

- 8.1.7. The Applicant has set out clear and specific proposals for how the land within the Order Limits will be used.
- 8.1.8. The requisite funds are available to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition as described within the **Funding Statement** (Doc Ref. 4.2).

