Light Valley Solar

Written Summary of Oral Submissions at Compulsory Acquisition Hearing 1

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Light Valley Solar

Deadline 1 Submission

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1. INTRODUCTION

1.1.1. This note summarises the oral submissions made by the Applicant at Compulsory Acquisition Hearing 1 held on 28 July 2026 in relation to the Applicant's application for development consent for the Light Valley Solar Project ("the Proposed Development").

1.1.2. Where the Examining Authority (the "ExA") requested further information from the Applicant on specified matters (including in its published Action Points), or the Applicant undertook to provide further information during the course of CAH1 for Deadline 1, that further information is set out in this or signposted as appropriate.

1.1.3. This note does not purport to summarise the oral submissions of other parties, and summaries of submissions made by other parties are only included where necessary to give context to the Applicant's submissions.

1.1.4. The structure of this note follows the order of the items listed in the detailed agenda for CAH1, focussing on the items where substantive submissions were made by the Applicant.

2. Written Summary of Applicant's Oral Submissions at CAH1

#	Agenda Item	Written Summary of the Applicant's Oral Submissions
3.1	**The Applicant's case for, and approach to compulsory acquisition (CA) and temporary possession (TP)**	***General approach*** The ExA sought clarification on the strategy and the criteria for determining whether to seek powers for compulsory acquisition of land, compulsory acquisition of rights and temporary possession of land. Ms Dablin, of Pinsent Masons LLP, on behalf of the Applicant stated that the **draft Development Consent Order (DCO) [APP-017]** contains powers to enable the acquisition of land, new rights over land and the imposition of restrictive covenants. These are required to construct, operate, maintain and decommission the Proposed Development (Part 5 – article 21 (CA) and 24 (rights)). In addition, the **draft DCO** contains powers sought for the possession and use of land on a temporary basis to facilitate the construction of the Proposed Development (Article 31). Where the necessary land and rights over land cannot be acquired by agreement with the relevant landowners and occupiers, the draft DCO enables the acquisition of land and rights necessary to implement the Proposed Development. The powers in the draft DCO to permanently acquire land and rights relate to the land defined as the 'Order Land' in the DCO which is shown on the **Land, Crown Land and Special Category Land Plans [APP-007]** as pink and blue land. Temporary Possession

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		on the other hand applies to all of the 'Order limits' including the yellow land shown on those plans. The Applicant has been seeking to acquire the relevant land interests and other rights over land required by agreement. This approach of making the application for powers of compulsory acquisition in the Applicant and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Department for Communities and Local Government Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (2013) ('**the Guidance'**). Where an agreement has been reached, it remains necessary for the Applicant to be granted the compulsory acquisition powers included in the **DCO**. This is to protect against a scenario whereby contracts are not adhered to, for example if a landowner does not grant a lease in accordance with the option agreements; or if a landowner dies or becomes insolvent. In those circumstances, it would be in the public interest for the Proposed Development through the compulsory acquisition of the land required to proceed and the interests in question effectively converted into a claim for compensation. The Applicant also needs powers to suspend rights and override easements and other rights within the Order Limits to the extent that they would conflict with the Proposed Development so that they do not impede delivery of the projects (article 25 (private rights) and article 27 (override easements)). The justification for these powers is set out in the **Statement of Reasons [APP-020].** In summary, the compulsory acquisition powers in the **draft DCO** will enable the Applicant to construct, operate, maintain, protect and decommission the Proposed Development; to mitigate impacts of the Proposed Development where necessary; and to ensure that access could be taken as necessary to facilitate the construction, operation and maintenance of the Proposed Development.

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		The powers of compulsory acquisition are required for the main elements of the Proposed Development, and this includes Work Nos. 1 (solar), 2 (BESS), 3 (substations), 6 (ancillary works), 9 (Green Infrastructure), and 10 (permissive paths), as described in Schedule 1 of the **draft DCO**. Outside of those core components, the Applicant is seeking acquisition of rights in relation to the cable corridor and for access. In response to queries from the ExA, Ms Dablin explained that the power of temporary possession can be exercised over the entire Order Limits. Ms Dablin explained that the DCO is structured on the basis of a layered approach, where temporary possession powers can be used over all land shown on the **Land, Crown Land and Special Category Land Plans**. Such powers would be used to enable construction of the scheme to take place (and in some cases following on from first having undertaken surveys pursuant to the power in article 20 of the **draft DCO**) before then using compulsory powers to reflect the final design of the Proposed Development. By way of example, the Cable Route Corridor is typically a 50-metre strip but the survey works may show that temporary possession can be exercised over 25 meters of the Order Limits. The cable can then be installed with the final permanent easement being taken over the final cable alignment. This layered approach intends to minimise the effect of both temporary possession and the exercise of permanent rights. ***<u>Test of necessity</u>*** The ExA queried whether this approach generally satisfies s.122 of the Planning Act and being able to demonstrate that all land subject to compulsory powers is required for the authorised development.

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		Ms Dablin responded that it is typical of Nationally Significant Infrastructure Projects (NSIPs) that the land requirements for a project are developed following the application of the Rochdale Envelope principles, which allows for flexibility in how schemes are developed, cognisant of the fact that a DCO does not seek to authorise a detailed design, and that the detailed design will need to take account of both known unknowns (e.g. geotechnical conditions) and unknown unknowns (e.g. unexpected obstructions). Following receipt of consent, survey and the detailed design process would inform the precise location of a project component. Mr Fox, also of Pinsent Masons LLP, on behalf of the Applicant also noted Article 21 of the **draft DCO**. This article ensures that, the exercise of acquisition powers, would be subject to challenge if it cannot be justified that the powers are required for the Proposed Development in line with Article 21(1)(a). He noted that this article, and the general approach taken by the Applicant, is consistent with the approach with all DCOs to date – for solar schemes, but also other energy and transport schemes across the UK, on the basis of the same principles set out here. ***Post-hearing Note:*** *Following on from the submissions made at the Hearing, the Applicant also makes the following points:* *Article 31 provides for the Applicant to take temporary possession of the Order Land (being the land over which the Applicant may acquire the freehold or acquire rights and impose restrictive covenants) and the land specified in Schedule 11. It provides expressly that the Applicant may construct the works mentioned in Schedule 1 to the draft DCO on the land (article 31(1)(e)). Following the period of temporary possession, the Applicant must restore the land to the satisfaction of the landowner (article 31(5)). This approach enables all land required to construct the Scheme to be utilised without the need to acquire permanent rights. It further enables the permanent acquisition of rights to take place only once the exact alignment of the cable, within the cable route corridor, is known.*

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		It is a proportionate approach which allows a lesser interference with private land rights, and reduces the extent to which permanent acquisition is sought to the minimum area required for operation and maintenance of the Proposed Development. *The inclusion of the power to compulsorily acquire the rights is required over the full width of the cable route corridor as the cable could be located at any point within that width. The power to acquire rights is justified on the basis that: a) a permanent easement for the cable will be required for the Scheme to become operational; b) the cable easement must be located along the final alignment of the cable following installation; c) the final alignment will not be known until detailed design and construction has been carried out; d) the refinement of the cable route corridor prior to the submission of the DCO Application represents a proportionate approach to minimising the land that will be subject to compulsory acquisition powers and may be subject to a permanent easement; and e) the grant of compulsory acquisition must be contained within the development consent order, which is granted for an outline design that permits the cable to be constructed within the area shown on the Works Plans.* *The inclusion of compulsory acquisition powers over the locations where it is known that cable infrastructure will be located, but where the exact location cannot yet be known, is the accepted approach for nationally significant infrastructure projects. The Secretary of State has consistently confirmed that the approach of granting compulsory acquisition powers over a wider area is proportionate and justified due to the public interest in the Scheme being brought forward and that flexibility as to the exact location of permanent easements is needed in order for the Scheme to be capable of implementation. This approach is precedented across made DCOs, including the recent Springwell Solar Farm Order 2026, which was made by the Secretary of State on 8 April 2026.* ***<u>Order Land and Order Limits</u>***

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		The ExA queried whether yellow land has been excluded from the definition of Order Land. Ms Dablin confirmed that this was the case – Order Land specifically refers to land where only compulsory acquisition of permanent rights or of the land itself is proposed. Yellow, temporary possession land has been omitted from this definition because it would not be appropriate to be referencing the yellow land where that term is used in the **draft DCO**. The ExA sought clarification on the definition of Order Land. Ms Dablin noted by way of example that Article 21 is the main operative provision granting compulsory acquisition powers and it shows that the Applicant may acquire 'Order Land' as is required. The usage of Order Land in this case specifically limits the power to pink and blue land. This approach therefore shows that the temporary land cannot be acquired compulsorily. ***Post Hearing Note*** *(and in part answer to* ***Action Point CAH1-1****) – By way of further examples:* • *article 24 controls where the compulsory acquisition of rights can take place. By using the definition 'Order land', it ensures that such powers cannot be used over yellow land, that has been specifically identified as only being able to be used for temporary possession purposes, or the land at the point of connection over which no powers of temporary possession or compulsory acquisition are sought; and* • *the temporary possession article (31) itself refers, in paragraph (1)(a) to land in Schedule 11, which is yellow land, and then separately, the 'Order land', being the rest of the land within the boundary of the Proposed Development. This enables the Applicant to take temporary possession of all of the land required for construction whilst ensuring that the power to acquire permanent interests in land is strictly limited to the areas where this is required. It would therefore be erroneous for article 31(1)(a)(ii) to refer to the 'Order limits' in these circumstances.*

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		The draft DCO makes careful use of 'Order land' in a number of provisions in order to make it entirely clear where the powers in the DCO apply. In article 21, it confirms that the power to compulsorily acquire land only applies to the Order land, being that shown in pink or blue on the land plans. Article 24 confirms that rights may be acquired over all of the Order land, but only rights may be acquired to the land listed in Schedule 9, again ensuring the power is not extended beyond what is intended and required. Article 31 provides that temporary possession may be taken of the yellow land listed in Schedule 11 and the Order land, applying that power across the Order limits save for those areas where no land powers are sought at the point of connection. Finally, article 33 confirms that the compulsory acquisition powers apply in relation to statutory undertakers, confirming too that this applies only within the Order land, ensuring clarity over the extent of these powers. *This approach of clearly defining Order land as the land over which permanent powers may be exercised is seen in numerous DCOs. This approach has been adopted for the draft DCO as it is considered to accurately and clearly define the extent of compulsory acquisition powers, notwithstanding that other solar DCOs may use a different approach to these terms. Examples where this approach is utilised can be found in The A66 Northern Trans-Pennine Development Consent Order 2024, The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, the Silvertown Tunnel Order 2018, and in a solar context, the Mallard Pass Solar Farm Order 2024.* ***<u>Requirement for Compulsory Acquisition Powers for Solar Development Sites</u>*** The ExA asked why permanent acquisition is necessary for freehold land rather than permanent rights or temporary possession. Ms Dablin responded that it is not possible to compulsorily acquire a leasehold interest therefore; to deliver the Proposed Development, it would be necessary to acquire the freehold interest of these plots, in

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		circumstances where a landowner does not grant a lease in accordance with the option agreements; or if a landowner dies or becomes insolvent. The ExA then asked why the Applicant pursued a leasehold. Ms Dablin responded that the Proposed Development is temporary and therefore, it is appropriate that a leasehold interest is entered into, where it is able to be entered into voluntarily. A leasehold interest enables the Applicant to take on the land with full control and use it for the uses permitted by the lease to the exclusion of other parties (including the landlord), unless through methods agreed by the Applicant. The ExA sought further clarification on why the Applicant pursued both a leasehold agreement and compulsory acquisition powers. Ms Dablin responded that this is consistent with the Guidance in that the Applicant is seeking to enter agreements with all the relevant landowners for the type of land rights required to deliver the Proposed Development. In relation to the Solar Developments, those agreements are already obtained, and the Applicant holds option agreements whereby a lease will be granted when the option is called upon. It is not possible to deliver the Proposed Development where the Applicant only has the rights to acquire the land – it also needs the leasehold or a freehold interest. Mr Fox expanded on this and stated that this is the case in the context that the nature of the land would be changing from being agricultural to being a solar development site. The Applicant would need full control of the land to build the Proposed Development, operate it and decommission it. This is different to some elements of the Development such as underground cable where the Applicant only needs to maintain it at certain points of the Proposed Development's lifespan. Principally, in bringing forward the character of the land will change and the Applicant would be fundamentally depriving the landowner of the ability to enjoy his land. It would not be appropriate to acquire a right which fundamentally changes the character and use of the land in such a way.

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		Post Hearing Note *(and in response to* ***Action Point CAH1-2****):* *Further to the oral submissions, in respect of the query of why the compulsory acquisition of a right would not be appropriate, the Applicant also notes:* • *the nature of the development requires complete occupation of the land forming the Solar Development sites. This is exclusive occupation for the entire operational period of up to 60 years. An easement cannot confer exclusive possession; it is, by nature, an addition to the land and consistent with the continued use and enjoyment of the land by the granter, albeit in a manner restricted or controlled by the easement. This principle was established in Copeland v Greenhalf (1952 Ch 488), and confirms that the right claimed would amount to the easement beneficiary effectively becoming joint user of the land – something that cannot be implied as a right;* • *it is not possible to compulsorily acquire a lease of the land. Accordingly, as an easement would not provide the Applicant with the exclusive use of the land required for the Scheme, only acquisition of the freehold is capable of providing the control of the land required;* • *in order to ensure compliance with the Requirements, it is necessary for the Applicant to have proper possession and control of the land during the operational period to ensure it is not in breach of the DCO (e.g. in respect of landscaping and ecological provision). In this context, it is noted that it is not legally possible to compulsorily acquire positive covenants (i.e. to require a landowner to also comply with the DCO Requirements) as such full acquisition is the only way the Applicant can ensure that compliance with the Requirements is maintained;* • *the DCO is for the benefit of the Applicant by virtue of article 36 of the draft DCO, not the landowner. In the absence of an agreement, if the freehold was not acquired, the landowner would be entitled to seek to carry out incompatible development unless the Applicant then sought to control this through also*

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		imposing any associated restrictive covenants. In such a situation, the Applicant would then be imposing easements of a joint nature and imposing restrictive covenants that would render the landowner unable to enjoy his/her land in anyway. This ; • *rights acquired in land are permanent and can only be removed with the agreement of the landowner. Accordingly, at decommissioning, the only way of removing the permanent fettering of the use of the land would be by agreement with the landowner, something with the potential to be administratively complicated and challenging. By contrast, the freehold of the land can, following decommissioning, be sold to the original or a new landowner for agricultural use, unfettered by rights that are no longer required.* *In respect of temporary possession powers, these are not appropriate as:* • *they are powers primarily focussed on the construction phase of the Proposed Development, as noted by Schedule 11 and the ambit of the powers discuss in paragraph (1) of article 31 which are focussed on construction;* • *possessing land for the lifetime of a scheme could not be properly considered to be 'temporary' possession; and* • *paragraph (4) of article 31, in an approach common to DCOs, only enables the power to be used up to a year from the date of final commissioning.* *In contrast, it is appropriate for the cable route corridor to be subject to the acquisition of rights as the cable is to be located underground, meaning the existing agricultural land use can continue. There is no question of the Applicant becoming joint user of the land. The restrictions are limited in scope and apply to the use of the subsoil and the land immediately above the cable. There is no need for the freehold to be acquired and, accordingly, the lesser power of compulsory acquisition of rights must be used in*

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		accordance with the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land. ***<u>Use of Powers in Context of Negotiated Options</u>*** The ExA further queried on why the agreements with the current landowners are not being relied on and why the powers of compulsory acquisition of freehold and rights is being sought. Ms Dablin noted that the circumstances which were mentioned are not ones that can be contracted out of (for example, intestacy and insolvency). This restricts how the land is dealt with. In each of these circumstances, the compulsory acquisition powers act as a fallback position in cases where an Agreement has been entered into, but it is not possible for the Applicant to obtain the land. This is to allow the Proposed Development to proceed in the public interest. Where the agreements are made, the ExA asked how the Applicant demonstrated that compulsory acquisition remains necessary in cases where sufficient rights have been secured through a lease. Ms Dablin answered that Article 21 of the **draft DCO** regulates the use of compulsory acquisition powers and this is only used where it is required for the Authorised Development to facilitate it or is incidental to it. This directly transposes the test from s.122 of the Planning Act and means that where it is not necessary (due to the Option Agreement and the subsequent lease) then the compulsory acquisition powers could not lawfully be used under the **draft DCO**. Mr Fox added that these powers would be used where the agreements have been breached. The Applicant has already passed the test of trying to reach the agreements at this stage and so when it comes to implementation, the Applicant would not be able to rely on an agreement where there has been a breach. In those instances, the Proposed Development would not progress as there would be no powers to progress the Development. Mr Fox emphasised that the powers of compulsory acquisition would be regulated and controlled by the **draft DCO**.

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		More broadly, the vast majority of solar DCOs adopted the approach of having compulsory acquisition powers as a fallback position to agreed options and this has been found to be an acceptable approach in terms of addressing the statutory tests by the Secretary of State. The logic applied in those cases is the same as for the Proposed Development. As such there is nothing special about the Proposed Development in taking this approach as opposed to any one of those other schemes. It is an approach-in-principle that has been deemed acceptable and there is no reason specific to the Proposed Development to consider why a different approach should be taken here. ***<u>Proportionality of compulsory acquisition powers</u>*** The ExA questioned how the Applicant has considered the proportionality of compulsory acquisition powers where voluntary agreements already exist - particularly in relation to Article 1 of the First Protocol of the European Convention on Human Rights. The ExA also asked what internal governance or decision-making process is there before deciding to exercise the compulsory acquisition powers where voluntary rights exist or whether this would be addressed after the DCO is made. The ExA also asked whether landowners would be disadvantaged if compulsory acquisition powers are exercised and how did the Applicant ensure that the landowner is not disadvantaged if the voluntary agreement is not honoured. Moreover, the ExA queried whether the compensation reflects the commercial terms that have otherwise been agreed Ms Dablin noted that moving straight to exercising compulsory acquisition powers could be challenged by the landowner on the basis that exercising compulsory acquisition powers is *ultra vires* as it goes beyond what is authorised by the Order, as the use of the

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		powers would not be required because the Option Agreement exists. Mr Fox noted that in general terms the landowners will not be disadvantaged as the Option Agreement fundamentally operates as a contract and so, there would be a range of remedies available to the landowners. Mr Fox and Ms Dablin committed to respond to this in post-Hearing submissions. ***Post Hearing Note*** *in response to* ***Action Point CAH1-3:*** *Although the precise nature of the commercial position is confidential, the Applicant can confirm that the provisions of the Option Agreements put in place controls over how and if compulsory acquisition powers are utilised and ensure that landowners who have signed up to the Agreement are not commercially disadvantaged for having signed up to an Option if compulsory acquisition powers are utilised. The Option Agreements regulate the position with landowners, which in turn means they frame the decision-making process for how the powers would be able to be exercised.* *The Applicant considers that in the circumstances where an Option is breached, that the Applicant has made efforts to agree with a landowner, an interference with their Convention rights is proportionate, particularly in the context of the public benefits of the Proposed Development, and that even in such circumstances, the landowners would still be able to be compensated.* ***<u>Optionality – CRC 1-4 and CRC1-4A</u>*** The ExA sought clarification on whether CRC 1-4A is intended to be constructed in addition to (or as an alternative to) CRC1-4. Moreover, the ExA asked to what extent is the proposed acquisition of rights over this land driven by the need to retain flexibility (within a Rochdale Envelope) rather than a defined, reasonable and certain scheme at this stage. Ms Dablin introduced Mr Gabb (Associate Director at ACOM) who has explained the reasons for optionality in this location.

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		The final electrical design will depend on the components selected for the onsite substations and the location of components within the Order Limits; interconnecting cables may be routed from Solar Development Site 1 to Solar Development Site 4 via Solar Development Site 2 (CRC 1-4A) or directly from Solar Development Site 1 to Solar Development Site 4 (CRC1-4), depending on the location of on-site substations. The ExA sought clarification on the location of the substations. Mr Gabb further elaborated that the location of the components is within the substations contained in Solar Development Site 2 or Solar Development Site 4. The ExA then asked what the determining factor in terms of design is and why this has not been confirmed at this stage. Mr Gabb answered that the electrical design requires consideration of all the inputs including panel specification as well as appropriate electrical equipment design and locations within the substations – all matters need to be considered together, which would then ultimately determine the position on Interconnecting Cables. Mr Fox noted that this overall approach is reflected in the flexibility sought between fixed and tracker panel technology types which will depend on a variety of factors as is set out in ES Chapter 3 [**APP-041**]**.** The ExA asked how the necessity test in section 122 is satisfied when considering that the extent of permanent rights and the ultimate requirement for them is dependent on information, investigations or design developments that would only be available after the development consent order has been made, in this case the electrical design determining which cable corridor routing is taken. Ms Dablin responded that the authorised development is one which has optionality in electrical design and the optionality pertaining to the cable routes in this location is needed to facilitate this, i.e. it is an inherent part of the Proposed Development. The necessity for the right comes from the need to deliver the benefits of the Proposed Development, which requires the flexibility to account for detailed design. Mr Fox also

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		noted that this again ties back to Article 21 in the **draft DCO** – specifically, where the cable route is necessary in a specific location then the other option would not be able to be used as it would not be 'required' for the authorised development. ***Post Hearing Note:*** *see also the submissions earlier in this document in respect of the necessity test.* In response to when the landowners would be informed that their land is being required and how this complies with human rights considerations, Ms Dablin stated that the **draft DCO** provides these powers for a limited period. Once a decision has been taken and the detailed design is confirmed, then the landowners would be notified on whether the option is being exercised or would be subject to the exercise of the powers of the DCO. This in turn would let them know that the land is being acquired. The ExA noted that that this could lead to a prolonged period of uncertainty for landowners over whether their land is required and queried if provision needed to be made to avoid this uncertainty. The ExA also noted that, following the discussion at the Hearing there was an error in Chapter 3 of the Environmental Statement **[EN0110012/APP/LVS/06.01.03]**. Specifically, paragraph 3.5.15 show an error in how it describes CRC1-4. Ms Dablin confirmed that the Applicant will rectify this for Deadline 2. ***Post Hearing Note*** *(and in response to **Action Point CAH1-4**): The Applicant is considering this and will make further submissions at Deadline 2 on this point, in line with the deadline given in the ExA's Actions. This would form part of the same 'note on Optionality' as is referred to in respect of **Action Point CAH1-6** discussed below.* *The Applicant also notes the optionality at this point relates to the operational phase. During construction, a portion of CRC1-4a would be needed regardless of cable routing because Cable Construction Compound 4 within field CR304 would be accessed from Fox Lane via CA28 and east along CRC1-4a.*

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		<u>Optionality – CRC 3-4 and CRC3-4A</u> The ExA then asked the Applicant to provide an update on whether CRC3-4A would be required in context of the other development proposed on the same land. The current Chapter suggests that CRC3- 4A would only be used if the development received consent. Mr Gabb noted that cables may be routed either through Solar Development Site 3 and Solar Development Site 4 and this is dependent on whether the field adjacent to these sites would be used by another solar development. Mr Gabb and Mr Fox noted that, although that other development has now obtained consent, the position remains the same as the Applicant is unsure of whether the other solar farm will progress before or after the Proposed Development – and that timing will dictate which route is used. Mr Fox acknowledged that Chapter 3 would need to be updated to account for the above, and would be at Deadline 2. ***Post Hearing Note*** *(and in response to **Action Point CAH1-5**): The Applicant will make further submissions at Deadline 2 to explain further which route would be taken depending on which scheme comes forward first and why, in line with the deadline given in the ExA's Actions. This would form part of the same 'note on Optionality' as is referred to in respect of **Action Point CAH1-6** discussed below.* ***<u>Optionality – Site 8 Access</u>*** The ExA asked the Applicant to confirm whether all three accesses would be used that are currently proposed for Site 8. Mr Gabb responded that Section 2.5 of **Chapter 2: The Proposed Development [APP-040]** sets out that Solar Development Site 8 is bordered to the south by a railway line. The current access to site 8 is through a level crossing of that railway line from Phillip Lane in the South. This access is included within the Order

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		Limits referred to as access 1 in **Environmental Statement Volume 2 - Figure 14.4 Construction Routing [APP-113]** but this would require routing HGVSs over the level crossing. Network Rail has indicated that using this level crossing may be acceptable, but the Applicant is conscious that the railway is an operational asset and it may not be available when work is undertaken. Therefore, alternative accesses for Solar Development Site 8 have been included to ensure that access can be always taken. Access 2 is via the existing access point from Common Lane to the Southeast of Site 8. This route also requires a level crossing – although this interacts with a different railway line the same concern arises. Access 3 is through an existing access point from Scalm Lane to the North. This route includes crossing at Selby Dam via an existing crossing if practicable – and Habholme Dike via a new crossing. The route is constrained by archaeological assets. Therefore, the Order Limits for Access 3 allow sufficient space to enable micro siting for the route during the detailed design. This micro siting will be informed by environmental work to date; pre-construction surveys and technical surveys; and engineering work completed to inform the detailed design should development consent be granted. The ExA subsequently sought clarification on why three accesses would be necessary and whether the Proposed Development could be achieved with less than 3 accesses. Mr Gabb responded that three accesses were to enable access to be taken to the site even if the two rail crossings are inaccessible during the lifetime of the Proposed Development. The ExA then asked about north access and whether it would be possible to only use that access. Mr Gabb noted that the northern access is constrained and the Applicant may in that case use the access in the south, noting that the southern access is the Proposed Development's preference. Therefore, this is the reason why optionality exists. Moreover, Ms Dablin added that the northern access significantly uses more land so the preference for the Applicant is to be able to utilise the southern access (with which one dependent on the level crossing being available). Therefore, the access from the north has been included as this would always be available irrespective of the availability

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		of the crossing of the railway - albeit it would be significantly longer and would have more land take. Mr Fox went on to make the definitive statement that the Applicant is seeking to have the powers to ensure that three accesses would be able to be used during the course of the lifetime of the Proposed Development, even if they were not used all at the same time during any one phase, as the availability of each or both of the southern accesses could change both within the construction period; or at different times during the operational period. Rights powers are sought over all three accesses to enable all of them to be used, when necessary, across the construction and operational period, in that context. Ms Dablin further added, by way of an example, that the access from the north may be needed for where there are HGVs involved and Network Rail has not allowed for HGVs crossing, but may be more comfortable with LGV traffic. In response to questions, Mr Fox noted that the northern access involves more land take to allow for the design of a route that could cater for the appropriate route for watercourse crossings and avoiding archaeological assets. In response to a question about whether the powers sought are necessary for all three access points, Mr Fox responded that what is being applied for is the optionality to be able to use one of those access points when another is not permitted by Network Rail, in both the construction and operational phases. Mr Fox further clarified that the power exercised would have a time limit (5 years) but the right itself exists beyond this. Mr Fox agreed with the ExA that given the discussion at the CAH, the Applicant would at Deadline 2 provide a note setting out the land plots and rights sought that are affected by each option discussed in this Agenda item, alongside an explanation of why that optionality is needed.

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		He noted that the Site 8 Access Options are a different kind of optionality to the CRC options in that, unlike the CRC optionality, there would not be an option that could 'fall away' pending detailed design. However, he agreed to the ExA's request that the Site 8 Access Options would be considered as part of this Deadline 2 deliverable. This will be presented as a note on optionality and submitted at Deadline 2 as a response to **Action Point CAH1-6.**
3.2	**Site specific issues by affected persons**	Sandra Picking on behalf of Wendy Tomlinson raised concerns on how the access routes to the Cable Route Corridor have been chosen in the location of Field House. Moreover, general concerns were raised about the engagement process, the increase in construction traffic, impacts to utility provision and security concerns. Against this, Ms Tomlinson questioned whether the routes are necessary in plots 03-008, 03-008a, 03-009 and 03-010, and whether there was an appropriate assessment of alternative routes. More broadly, Ms Tomlinson's key concern is whether compulsory acquisition powers over the access adjacent to Field House Farm meet the relevant statutory and Guidance tests. In response, Ms Dablin on behalf of the Applicant noted that Field House Farm is located approximately 420 meters away from the closest boundary of the Cable Route Corridor – therefore, in terms of where the Order Limits are closest to the property, this is purely for access to the Cable Route Corridor, and that there would be minimal impacts from cable construction itself to the property, given the distance and intervening vegetation. She also noted that the field corner has been included to facilitate access to abnormal indivisible loads associated with the cable route. Mr Gabb on behalf of the Applicant went on to explain the reasons for why this track has been chosen to access the Cable Route Corridor in this location.

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		Primarily, the Applicant's approach has consisted of using existing field accesses to access the Cable Route Corridors and then using the corridor itself to gain access to the rest of the corridor. However, parts of the corridor are constrained by physical features (i.e. river crossings and rail crossings) which would prevent them being able to be accessed without an additional access route being used. The access track adjacent to Field House Farm is an example of where this is the case (noting it is also required during the construction phase too). Mr Gabb went on to say that, with regards to plots 3-009 and 03-010, there are trees and fences in those plots – the Applicant retained the flexibility to enable the design of the access through that area, and this includes potential removal of the fence posts and trimming those trees. This is why the Order Limits extend into this area. At the Hearing, Mr Fox explained that the Applicant would provide in post Hearing submissions an explanation of why this access route was chosen over alternatives to access this part of the Cable Route Corridor. ***Post Hearing Note*** *and in response to* ***Action Point CAH1-7:*** *The Applicant has provided a Technical Note on this available at Appendix A to this document.* Mr Fox added on the utilities point that the Applicant has conducted the utilities searches in the common way by engaging with utility companies. However, the Applicant welcomes conversations with Ms Tomlinson to ensure all utilities are identified, and that their apparatus are covered by the Protective Provisions within the DCO. Mr Fox introduced Elizabeth Hall (Associate at Dalcour Maclaren) to elaborate on the engagement process. Ms Hall on behalf of the confirmed that the Applicant had been engaging with Ms Tomlinson's agent since August 2025 and has offered meetings to discuss draft documentation issued in June 2026.

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		Ms Dablin added that the Applicant was considering if any amendments need to be made to its Management Plans in response to the environmental concerns raised by Ms Tomlinson, in time for Deadline 2. The ExA asked what assessment has been made for this individual affected person, specifically the private loss which would arise from the exercise of compulsory acquisition of powers and where assessment was set out. Mr Fox responded that this is found in **Appendix 13.1: Socio economic Receptors Impact Assessment [EN0110012/APP/LVS/06.03.13.01] [APP-177].** Based on this assessment and more generally, the Applicant submitted the responses to Ms Tomlinson's Relevant Representation to Ms Tomlinson directly, so she had them before the Hearing. Mr Fox emphasised that the **Outline Construction Environmental Management Plan (CEMP) [APP-192]** detailed commitments to ongoing engagement and community liaison offices to make sure that these kinds of impacts are managed where the Applicant has access. Therefore, the dialogue between different stakeholders would continue after the examination. In response to later questioning by the ExA, Mr Fox explained that Appendix 13.1 was referenced, as this dealt with the impacts to Field House Farm as a business, which was the primary potential loss that would be experienced by Ms Tomlinson.
3.3	**The purpose for which land is sought**	***Justification on a plot-by-plot basis*** The ExA asked the Applicant to justify the extent of the land requested in the Order on a plot-by-plot basis. Ms Dablin on behalf of the Applicant referred to the **Land and Rights Negotiations Tracker (the tracker) [APP-023]** which sets out the purposes for which each plot of land is required. This is because within the Order Limits, each plot of land is linked to specific works shown on the **Works Plan [AS-004]**, which identify the area within which Work No. may be carried out. In turn, the rights or land acquisition required,

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		as set out in the tracker, correspond to the work numbers which are located within that location. On the extent point, Mr Fox on behalf of the Applicant answered that the starting point is establishing what is necessary to deliver the Proposed Development and its different components. This defines the limits of deviation for each work number and from there, the land requirement sits within the various limits of deviation. Therefore, the tracker shows the work numbers as justification for why land is required. In respect of areas of solar development, there are multiple work numbers as there are overlapping requirements within the same space and this will depend on the different phases. This is informed by the Rochdale Envelope approach which seeks to minimise the land taken – but ultimately the starting point is what is necessary and this is defined by the works and environmental requirements of the scheme. The ExA questioned that the extent of the land which is required for the cable route corridor will change on a plot-by-plot basis but there is no justification as to why the extent of the plots are different in each case. Moreover, where the Applicant seeks to pursue the powers of compulsory acquisition then it needs to be justified why the extent is required. Ms Dablin on behalf of the Applicant noted that the various documents need to be read in conjunction with each other. For example, the tracker signposts the work numbers within a specific area and from this, the Environmental Statement provides further detail on why the general parameters have been applied. Ms Dablin asked whether the key concern related to the cable route corridor and where it is broader than 50 meters. The ExA emphasised that the request for the powers to acquire the land and the rights is dependent on the extent of the land for each plot, and that justification is required for the size of each plot. Between them Ms Dablin and Mr Fox made the following comments:

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		• for the Solar Development Sites, the Applicant's approach is as is set out above – the extent of land within the various areas of the sites is defined by the extent of land needed for each works number in order to deliver the scheme, and that is then reflected on the tracker for each plot. ***Post Hearing Note****: On top of this the Applicant also notes that the size of each plot is defined by the fact that the plots are split on the basis of there being different land interests identified, not on the basis of Works Numbers. By way of example, on Solar Development Site 1, plots 01-013 and 01-017, have similar work numbers identified, but are separated because Northern Powergrid have interests in the latter plot, but not the former. As such, the Applicant submits that the question of justification on the extent of the Solar Development Sites rests on the need for the different parts of the Proposed Development needed to build a solar and BESS development, accounting for overplanting (with the Applicant's proposals being within the ratios allowed for by the NPS), the need for flexibility to allow detailed design to take place (i.e. the Rochdale Envelope approach) and providing mitigation and good design for the Proposed Development. The plots are simply a land interest-based subdivision of that need playing out within each Solar Development Site;* • for the Cable Route Corridor, the starting point is a 50-metre wide corridor, unless practical or environmental constraints require a wider corridor to enable those constraints to be overcome. ***Post Hearing Note****: The point on plot sizes made above also applies here – the plot size is delineated on the basis of differing land interests. As such, the justification for each plot cannot be considered separately from the need for the land within which the plots sit more generally, which will either be within the 50-metre corridor, or that the plots are located within an exception to that*; • for the access provision and Highways Improvement Areas, the Order limits have encapsulated the reasonable minimum required to facilitate these works. ***Post***

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		Hearing Note: T*he Applicant notes the general approach that where land is within the highway boundary then temporary powers would be sought to reflect that any change to the layout of the highway would remain within the highway/access can be taken over public highways, but where land is outside a highway boundary, permanent rights are required to allow vehicles to pass over that land and to implement appropriate hard standing/vegetation removal*; and • in all cases, each plot is justified by reference to the limits of deviation on the Works Plans, so there are no plots that are required for anything other than what is described for each Works No, as evidenced by the tracker. Further to the discussion at the CAH on this point, the Applicant agreed to produce a note on this point for Deadline 2. This has been provided in **Action Point CAH1-9.** ***Post Hearing Note:*** *In light of the commentary above and noting that the Applicant is not aware of precedent for a promoter needing to justify the size of every individual plot within a scheme, the Applicant proposes in the note to focus on justifying the size of the access provision and Highways Improvement Area plots, and explaining the exceptions to the 50m corridor approach in the Cable Route Corridor* The ExA then referred to Table 14-23 of **Chapter 14: Traffic and Movement of the Environmental Statement** [**APP-052].** This identifies the proposed cable route corridor access locations and whether they would be required for the construction phase or an operation phase (or both). The ExA asked the Applicant to explain why permanent compulsory acquisition rights are being sought where this document indicates that the proposed access is for the construction phase only. Mr Fox suggested in response to this and given the discussion on earlier items in the Agena, that the Applicant would create a version of the table with an additional column

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		explaining the approach to the powers sought. This will include checking consistency within the application documentation. ***Post-hearing Note**: This has become **Action Point CAH1-10** and will be submitted at Deadline 2.* ***<u>Special Category Land</u>*** In response to queries from the ExA querying consistency between the application documentation Ms Dablin and Mr Fox confirmed that the pre-amble to the **draft DCO** and the **Statement of Reasons** would be updated at Deadline 2 to confirm that compulsory acquisition of rights powers are not sought over the special category land within the Order limits, and that in fact only temporary possession powers are required. As a result, section 132 of the Planning Act 2008 will not need to be engaged.
3.4	**Demonstration of a compelling case in the public interest**	***<u>Human Rights Compliance</u>*** The ExA referred to Section 9 of the **Statement of Reasons** which explains the Applicant's compliance with human rights relevant to the determination of the application. The ExA asked what assessment has been done in respect of individual persons and the private loss which would arise in the case where compulsory powers are exercised. Ms Dablin on behalf of the Applicant responded that the assessment is reflected in the value of compensation which has been based on allowance and the area of the scheme, as set out in the **Funding Statement [APP-021]**. Moreover, the quantum of compensation payable to a particular affected person is not a matter for Examination – and the Applicant only needs to satisfy the Secretary of State that the Proposed Development can be funded and there will be funds available to pay the compulsory acquisition compensation as set out in the **Funding Statement** .

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		Subsequently, the ExA queried that in absence of a detailed assessment on a case-by-case basis, how could the Applicant demonstrate the assessment pertaining to affected individuals. Ms Dablin, supplemented by Mr Fox following questions by the ExA, made the following points: • the private loss that is caused by the exercise of compulsory acquisition powers is via the loss of enjoyment of land. In the context that no residential properties are being acquired by the scheme, the private losses that will arise are losses that can be adequately compensated (e.g. crop loss, disturbance, injurious affection, loss of the agricultural value of the land if powers were used over the Solar Development Sites) in accordance with the Compensation Code. As such, whilst the Applicant could attempt to try and suggest what type of claim any individual land interest could seek to make, that is not considered appropriate as in each case, there is a remedy, and that is compensation; • the question of whether individuals/businesses may be affected by the <u>consequences</u> of those powers being used (i.e. by the construction and operation of the Proposed Development taking place) on any land retained by the landowner is an environmental question, and whether the Applicant has put in place appropriate management measures to manage that impact.; and • where parties may be affected by the use of other powers in the DCO, such as temporary possession , compensation is provided for by the DCO. As such, there can be no quantification of 'private loss' that does not involve seeking to calculate compensation when considering the use of compulsory acquisition powers over rights or land. It is also notable that the Applicant is not aware of any precedent within

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		CPOs, DCOs or other statutory authorisations where a promoter has sought to undertake analysis of individual private loss in this way. In the context that this is not a matter for Examination, the balancing exercise has to be undertaken on the basis of considering whether the public benefit outweighs that, conceptually, Affected Persons may have claims for compensation that are able to be made, and paid out. It is not appropriate to set out what that compensation could be in each case, but the fact that there could be private loss, eligible for compensation under the relevant heads of compensation under the Compensation Code, in general terms, for all Affected Persons, can be weighed in the balance. ***Post Hearing Note*** *and in response to* ***Action Point CAH1-11*** *asking for further submissions on this point:* *The Scheme includes the power to compulsorily acquire land and to compulsorily acquire rights in land and impose restrictive covenants. The land that is subject to freehold acquisition constitutes the main solar development sites, whilst the cable route corridor and a number of permanent accesses is subject to acquisition of rights.* *In respect of the solar development sites, the Applicant has entered into option agreements with the relevant landowners for the use of the land for the Scheme. The compulsory acquisition powers would only be utilised in the event the Option agreement could not be utilised, for example in the event of the death, divorce or insolvency of the landowner. The rationale for acquiring the freehold of this land, as opposed to only acquiring rights over this land, is set out above in response to Action Point 2. In this context any private loss is either captured by the payments due under the Options agreed between the parties, or in the event that compulsory acquisition powers had to be used, they would be compensated for the value of their land under the Compensation Code.*

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		In respect of the cable route corridor, following construction of the cable, permanent rights would be acquired for the cable easement, affecting a 10m width along the alignment of the installed cable. The rights that would be acquired and restrictive covenants imposed along this 10m width are as set out in Schedule 9 (Land in which only new rights etc. may be acquired). In the area of the easement, the landowner will continue to be able to carry out regular agricultural activities, such as crop planting and grazing animals. Intrusive works such as drainage would also not be prohibited but would require the consent of the undertaker to ensure that the cable is not damaged. *During the period of temporary possession to install the cable, which represents the practical impact on the landowner's use of the land, compensation would be payable. This would cover the use of the land as well as other costs such as for the loss of crops or the cost of moving animals to other land. Compensation would also be payable for the permanent cable easement in accordance with the Compensation Code.* *In the context of the permanent acquisition of rights of access, the Applicant does not envisage these needing to be used solely by the Applicant and to the exclusion of all other parties, given the nature of the access. To the extent that this was required, compensation would be payable in accordance with the Compensation Code. The Applicant may use the powers of temporary possession to take access in common with the existing users of the access during construction.* *Through its engagement with landowners, the Applicant has sought to identify any landowners whose use of the land would result in the construction of the cable having a greater impact than would typically be anticipated. The Applicant has discussed with landowners any concerns relating to future development of land and cable depth, with most concerns relating to drainage. The Applicant has not been made aware of any use of the land that would be incompatible with its cabling works or where cabling works could not be micro-sited so to as avoid any incompatibility.*

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		The exercise of compulsory acquisition of land and rights for the Proposed Development gives rise to a right to claim compensation for the loss occasioned by the exercise of those powers. The Applicant is confident that all such losses are ones for which monetary compensation is available and provides an effective remedy. Separately, the potential for the construction and operation of the Proposed Development to cause environmental impacts has been assessed through the environmental statement. Where such impacts are identified, appropriate mitigation is secured in the suite of management plans to avoid and minimise those impacts. *The assessment of environmental impacts and the compensation regime for the exercise of compulsory acquisition powers are distinct matters, albeit there may be overlap between them. For example, a development may result in noise impacts that are assessed in the Environmental Statement but that may also lead to a diminution in the value of land. The adoption of embedded or additional mitigation measures to reduce any likely significant noise effects from an EIA perspective are also likely to reduce the amount of compensation payable as the diminution in value will be less.* *In this context, it is noted that the Applicant has developed the design of the Proposed Scheme accounting for the need to take account of the potential for local impacts and the need to apply the mitigation hierarchy, notwithstanding the existence of compensation remedies for matters that could trigger the Compensation Code. This approach is explained in the* ***Design Approach Document** [**APP-216]*** *and demonstrated by the commitments set out in the* ***Design Parameters and Commitments Document [APP-217]*** *and the various Management Plans.* **<u>Temporary Possession Compensation</u>** The ExA asked whether the Applicant has assessed the impact on landowners who are subject to temporary possession and subsequently permanent acquisition. Ms Dablin

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		responded that the **draft DCO** provides compensation which is available for temporary possession. Where this is not agreed then this would be determined by the Lands Tribunal. The use of temporary possession powers is a mechanism by which the permanent interference with land rights is reduced and therefore, it is ultimately seen as a preferable mechanism as it reduces the overall interference with land rights. The ExA asked whether the **draft DCO** would allow compensation in both instances – to which Ms Dablin responded in the affirmative.
3.5	**Progress on negotiations with affected persons**	The ExA asked for a brief update on progress of negotiations with affected persons including any concluded negotiations and statutory undertakers and Crown interests. Mr Fox on behalf of the Applicant noted the following discussions. **<u>Statutory Undertakers</u>** Mr Fox noted that Protective Provisions are agreed with the Environment Agency, Canal & River Trust, and the Internal Drainage Boards. It was noted that the Canal & River Trust's Protective Provisions are not in the current **draft DCO** but they will be in the DCO that will be submitted at Deadline 2. Moreover, there are minor amends to the IDB Protective Provisions to account for agreement being reached with both of them. **National Grid Electricity Transmission (NGET) and National Gas Transmission (NGT)** The Applicant is seeking to take a common approach to discussions with NGET and NGT in the context of its wider portfolio of projects. The parent company of the Applicant is developing solar projects across the country, so the Applicant is trying to take a common approach to the commercial issues. On those other projects, negotiations are nearing completion (or the points of agreeing to disagree which would equally apply here are becoming known) so that would enable the agreed approach to be carried across to this

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		project easily. The Applicant is confident that final positions on these will be able to be reached before the completion of Examination. **Northern Gas Network (NGN) and Northern Power Grid (NPG)** There is progress in negotiations and there is no reason to consider that matters will not be concluded. Mr Fox noted that the Applicant is currently waiting to hear back on some matters. The Applicant acknowledges that NPG was not in the **draft DCO** at submission but will be added at Deadline 2. At this stage, the draft DCO will reflect the Applicant's preferred drafting whilst discussions continue. **Network Rail (NR)** Mr Fox noted that Protective Provisions with NR are in the current **draft DCO** and the parties are seeking to finalise the position. The current position is that only two clauses remain to be negotiated but the Applicant is confident that agreement will be reached in short order. **Yorkshire Water (YW)** The Applicant has proposed amends to Part 1 of Schedule 15 of the **draft DCO** to deal with YW's concerns. This consists of adding a couple of clauses bespoke to this undertaker. This is consistent with the approach that was agreed in the Drax Biogenic Carbon Capture Storage Plant DCO. The Applicant is awaiting response on this approach from YW. **National Highways (NH)** The Applicant is currently in early discussions with NH pertaining to the scope of Protective Provisions. Mr Fox noted that NH's Relevant Representation shows a concern

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		about the impacts to NH's interests in the SRN, but that the Proposed Development does not affect the SRN physically. This is therefore affecting discussions on the the starting point of the Protective Provisions and how they are drafted. The Applicant will continue to liaise with NH to seek to make progress. **SSE and Hydrogen Development Project** The Applicant understands that SSE is seeking protective provisions on the face of the **draft DCO.** There are still discussions as to whether this is necessary. However, the relevant documentation is progressing between the parties, and the Applicant notes there is generally agreement on key principles. **Noventum** The Applicant will progress a commercial agreement with Noventum rather than Protective Provisions. The draft of this will be with Noventum shortly. This reflects longstanding discussions that the Applicant has been having with the promoter of the project. **<u>Land Interests</u>** Ms Hall on behalf of the Applicant noted the following: There are 92 interests across the Proposed Development as listed in Part 1 of the **Land and Rights Negotiations Tracker [APP-023].** All interests have been issued with either heads of terms for the rights being sought or the licence agreement where temporary rights have been sought. Of the 92 interests, the 9 landowners in the solar PV areas

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		have signed options in place. For the interconnecting cable, one landowner has a signed the option in place. 22 landowners have signed heads of terms, and 2 landowners have signed the licence agreement in place. This equates to 37% of landowners having either a signed option, signed heads of terms or an assigned licence in place. The Applicant understands that a further two sets of heads of terms are in agreed format and are with the respective landowners for signatures. 56 Agreements remain outstanding including those which are in the process of being signed. Of the 56 outstanding agreements, 6 interests are represented and the remaining have agent representation. 13 interests are represented by one agent firm, and the heads of terms are due to be reissued shortly following revisions being made after positive negotiations. Some of the outstanding points of difference where negotiations were ongoing relate to drainage, commercial considerations (both regarding diminution of land value and agent fees) and the location of option area. The Applicant remains confident that the outstanding points of difference are not insurmountable and is hopeful that negotiations will conclude positively over the coming months. The Applicant's preference and intention is to agree as many heads of terms as possible and that the use of compulsory acquisition powers will always be a last resort. For all outstanding agreements, the Applicant remains willing to engage with the parties on those heads of terms and will continue to offer meetings and dialogue with those parties. **Crown Land** Mr Fox on behalf of the Applicant noted that s135 consent will be sought. Ms Hall on behalf of the Applicant additionally stated that positive negotiations were progressing with agents of the Crown Estate and that it is only commercial matters which are outstanding in respect of that agreement. The ExA sought clarification on any anticipated dates – to which Ms Hall stated that they are awaiting responses from the agent in relation to

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		commercial matters. The Applicant will inform the ExA when they receive a response. Mr Fox noted also the Applicant is eager to complete negotiations but fundamentally, the Applicant cannot control how quickly respective parties will respond. The ExA asked whether there are any objections from Category Two parties on any land rights and whether the Applicant can confirm the current position. Mr Fox answered that they can confirm this in writing. The ExA questioned whether this can be included in the **Land and Rights Negotiations Tracker [APP-023]** updates going forward. Mr Fox stated that where relevant representations have been submitted then this can be added to the tracker to ensure that the tracker isn't overloaded. ***Post-hearing Note:*** *This will be provided for in the next iteration of the tracker at Deadline 2, and in so doing respond to* ***Action Point CAH1-12.*** Ms Hall noted that the Applicant is pursuing voluntary agreement with the freehold owners of the land and is engaging with the landowners to understand or establish if there are any rights holders on the land and the nature of those rights. Discussions with landowners will need to conclude first before any agreement is issued to ensure that any discussion with Category 2 interests do not conflict with what is being agreed with the freehold owner. The ExA noted that it would be useful for the tracker to show which plots have a signed agreement, heads of terms or an objection rather than this being framed in general terms for each landowner. Mr Fox responded that the Applicant could progress this and that the Applicant will make the tracker clear to show where an option is agreed with regards to plots. ***Post-hearing Note:*** *This will be provided for in the next iteration of the tracker at Deadline 2, and in so doing respond to* ***Action Point CAH1-13.***

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		<u>Category 3 parties</u> The ExA sought clarification on the Applicant's approach to negotiating with Category 3 parties and how this group has been captured within the submitted documentation. Mr Fox responded that the key point is that at this stage, the exact nature of the claim that Category 3 interests could make (and thus be the starting point for negotiations) is not yet identifiable – the nature of compensation will only crystallise at the point that the impact is caused. Therefore, unlike Category 1 and 2 interests where the parties are negotiated with to make sure compulsory powers are not used, Category 3 interest arises because of the exercise of the power. At this point in time, and given the nature of the Proposed Development, it is not possible to quantify the value of the compensation (e.g. due to loss of value due to noise impacts), as it will be dependent on the final design and construction methodology of the Proposed Development. The ExA sought clarification on how the Applicant assessed those instances where an individual has proximity to the development. Mr Fox responded that this is broadly a question of ensuring that sufficient mechanisms are in place to make sure that the Applicant is engaging with people during the construction phase to manage those impacts. However, any impacts which are capable of quantification and compensation would not crystallise until the relevant events have occurred and have given rise to a compensable event. The ExA questioned whether the relevant measures in place are in the management plans and Mr Fox confirmed this to be the case. ***Post Hearing Note:*** *The Applicant would also add:* *The categories of persons required to be included in the Book of Reference are prescribed by section 57 of the Planning Act 2008. A Category 1 person is an owner,*

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		lessee, tenant or occupier of the land. A Category 2 person is a person that is interested in the land or, has the power to sell and convey the land or to release the land; such persons would typically include those benefitting from a right of access over the land, or mortgagees. *Category 3 persons are defined by section 57(4) as those whom the Applicant thinks would or might be entitled to make a “relevant claim” if the Order sought were made and fully implemented. A “relevant claim” comprises: (a) a claim under section 10 of the Compulsory Purchase Act 1965 for injurious affection to land not acquired; (b) a claim under Part 1 of the Land Compensation Act 1973 for depreciation of land value caused by physical factors arising from the use of public works; or (c) a claim under section 152(3) of the Planning Act 2008, which provides for compensation where a person's right to claim in nuisance is excluded by virtue of the Applicant having a statutory defence to such claims as a result of section 158 of the Act or by the provisions of the development consent order itself.* *Each head of "relevant claim” provides a statutory right to compensation for loss in the value of land caused by interference with that land, in circumstances where the Applicant benefits from a defence of statutory authority to civil or criminal proceedings that might otherwise have been available to the landowner.* *Where it is known that an interest will be extinguished, this has been included in discussions. For example, a wind turbine located within Solar Development Site 1 may need to be removed for the Scheme. The option to remove this has been included within the agreement entered into with the landowner, with the extinguishment of the cable rights factored into the negotiations.* *At this time, save for very limited exceptions such as that noted above, it is not known whether the interests listed in Part 2 of the Book of Reference will need to be extinguished, suspended or interfered with or if there will be a consequential diminution*

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		of value of land not subject to compulsory acquisition powers; it is anticipated that the rights required for the Proposed Development will be capable of co-existing with the existing rights in land. For those interests listed outside of the Order Limits, it is also not anticipated that any nuisance would arise from the operation of the Proposed Development that would give rise to a claim under Part 1 of the Land Compensation Act 1973 – see the conclusions of the ***Statutory Nuisance Statement [APP-219]****. The interests in Part 2 are therefore listed on a precautionary basis as it cannot yet be ruled out that an interference with these interests will occur. As a result, at this point in time and in the absence of any intended acquisition or extinguishment of an interest, there is nothing capable of being the subject of negotiation.*

Appendix A Technical Note on Access to Cable Route Corridor in the Vicinity of Field House Farm

A.1. Introduction

A.1.1. The Examining Authority has requested that the Applicant make clear the options that have been considered for access to the Cable Route Corridor south of Site 1 and to set out why access point and route CA2 (refer to **Environmental Statement (ES) Volume 2, Figure 14.4 - Construction Routing [APP-113]**) has been chosen.

A.1.2. As set out within Section 2.5 of **ES Volume 1, Chapter 2 - The Proposed Development [APP-040]** wherever practicable, existing field accesses have been used to access to the Order Limits. Where a suitable field access does not exist, new access would be constructed.

A.1.3. The Cable Route Corridor is constrained in the section south of Site 1 as it passes between two Sites of Importance for Nature Conservation (SINC) (Common Wood SINC to the north and Nightingale Wood SINC to the south) (refer to **ES Volume 2, Figure 6.4 Non-Statutory Designated Sites 2 km - Technical Assessment [APP-075]**). The Cable Route Corridor also crosses a number of drainage ditches, including two Internal Drainage Board (IDB) ditches (Hopney Stable Dyke and Ricall Dam) which the Applicant has committed to cross using trenchless solutions (refer to **ES Volume 2, Figure 2.5 - Avoidance Areas [APP-062]**), along with one drainage ditch where a trenchless or non-trenchless techniques may be implemented (refer to **ES Volume 2, Figure 2.8 - HDD Sensitivity Testing [APP-065]**). A water main (refer **ES, Volume 2 - Figure 2.7 Utilities [APP-064]**) is also required to be crossed.

A.1.4. Access to this section of the Cable Route Corridor (hereafter referred to as 'the Cable Route Corridor Section') for construction and maintenance by traveling along it from access locations from the north or south is limited by these constraints (refer to Plate A-1). Therefore, the Order Limits allows for access to be taken from Skipwith Road, to facilitate Heavy Goods Vehicles (HGVs) and Abnormal Indivisible Loads (AIL) movements.

Alternate Routes

A.1.5. As set out within **ES Volume 1, Chapter 3 - Alternatives and Design Iteration [APP-041]**, Cable Corridor Access points were developed taking into account environmental constraints.

A.1.6. Common with the strategy for access to the Solar Development Sites and as set out in **Appendix B of the Written Summary of Applicant's Oral Submissions (Issue Specific Hearing 1) [EN0110012/APP/LVS/08.08]**, criteria for access routes to Site included directness from the Strategic Road

Network, suitability of the local highway network, ability to serve the relevant access points, interaction with local communities and sensitive receptors, existing highway constraints and restrictions, requirement for additional highway works or traffic management, and consistency with the wider construction traffic strategy.

A.1.7. The routes the Applicant considered to access this part of the Cable Route Corridor comprise (north to south) the following routes, which are also labelled together on **Error! Reference source not found.**:Plate A-1.

1) Route 1: from Skipwith Road via an existing access track near Narrow Lane (north);
2) Route 2: from Skipwith Road via an existing access track (CA2 within the Application);
3) Route 3: from Skipwith Road via an existing access track opposite Narrow Lane (south);
4) Route 4: from Skipwith Road via an existing access track (CA3 within the Application), then north through Nightingale Wood SINC;
5) Route 5: from Skipwith Road via an existing access track (CA3 within the Application) and Glade Road (CA4 within the Application), then north to the Cable Route Corridor;
6) Route 6: from Skipwith Road via an existing access track (CA3 within the Application) and Glade Road (CA4 within the Application) then west to the Cable Route Corridor.

Plate A-1 Environmental Constraints and Access Routes 1 to 6

A.1.8. All routes considered use existing field access and existing field access tracks as far as practicable to avoid environmental impacts associated with entirely new construction. Therefore, new accesses points and routes from the highway were not considered.

A.1.9. The Applicant is aware that temporary culverts were used in IDB ditches to enable the construction of the Yorkshire Water mains which reduced accesses into this area, however, the proposals developed by the Applicant have accounted for Ouse and Derwent Internal Drainage Board position that open cut crossings and new culverts over any IDB watercourses are not acceptable. As such, use of the access CA1 off Skipwith Road to directly access the Cable Route Corridor Section was not considered as an alternative as it would require a new culvert be installed over Ricall Dam and was discounted without further evaluation.

A.2. Parameters

A.2.1. The following parameters were considered when identifying accesses to the Cable Route Corridor:

1) Use of existing field accesses only and existing tracks where practicable.
2) A maximum 3.5 m wide (6 m at passing places) track constructed of a granular material would typically be required to facilitate access to the Cable Route Corridor, noting that a greater width would be required locally at sharp bends to enable access for abnormal indivisible loads (AILs).
3) The access points from the public highway may comprise reinforced concrete or asphalt.

Route 1

A.2.2. Access would be taken along an existing farm track from Skipwith Road, immediately south of and adjacent to a tree line, west of the woodland, across an existing culvert over a drainage channel, and into the Order Limits and the Cable Route Corridor Section.

A.2.3. The route would be approximately 604m. The route is entirely outside the Order Limits.

Plate A-2 Route 1

Route 2

A.2.4. Access would be taken along the existing farm access track, north of Field House Farm, south of the woodland identified in Route 1, and across an existing culvert into the Cable Route Corridor Section. This is the route currently provided for in the DCO Application for access to the Cable Route Corridor at this location.

A.2.5. The route would be approximately 770m. The route is entirely within the Order Limits.

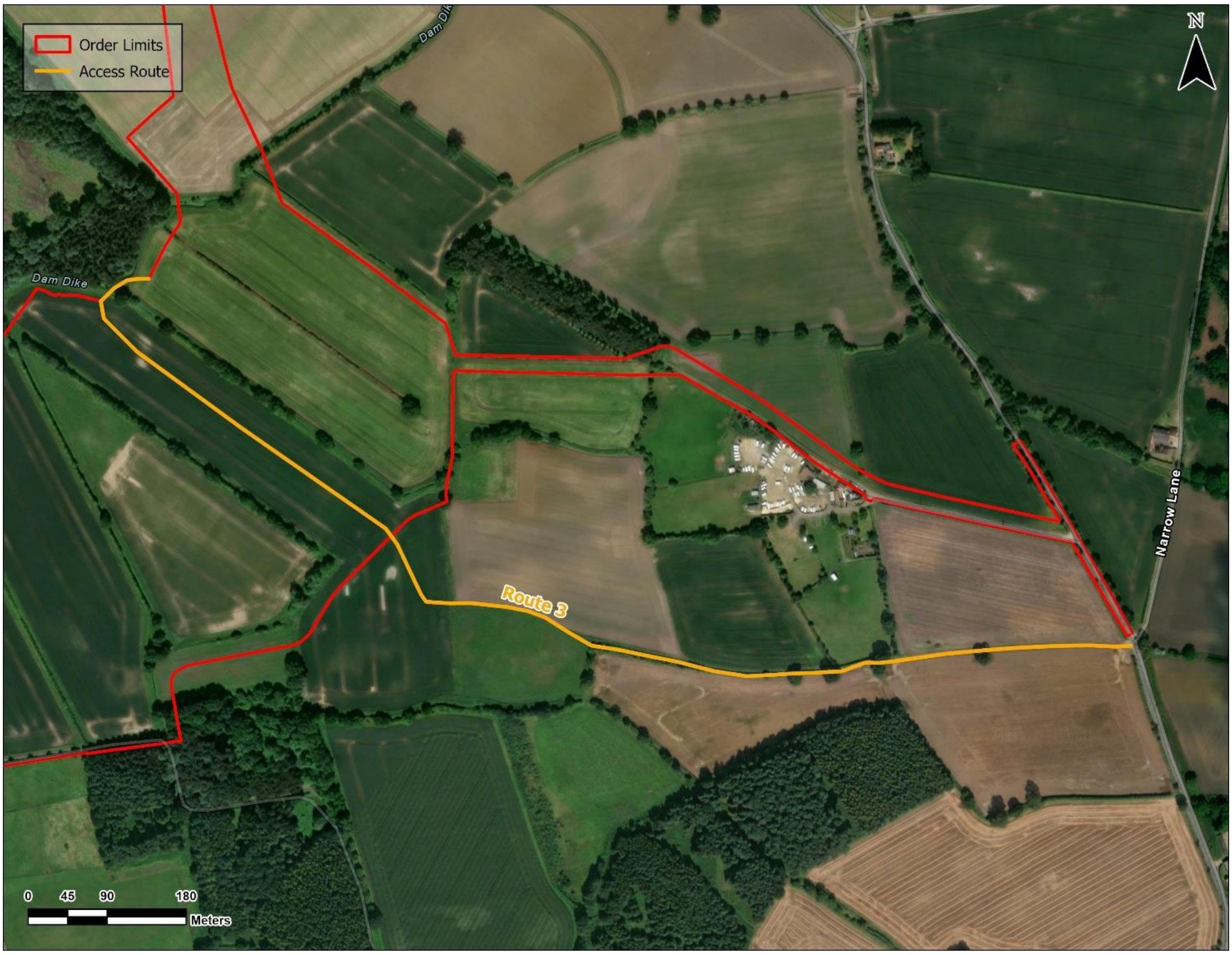
Plate A-3 Route 2

Route 3

A.2.6. Access would be taken along the existing farm access track, adjacent to and south of Field House Farm, between hedgerows and trees, across open fields for approximately 900m. The route then enters the Order Limits for approximately 500m, and continues over open fields across an existing culvert into the Cable Route Corridor Section.

A.2.7. The route would be approximately 1.4km, with 900m outside of the Order Limits.

Plate A-4 Route 3



Route 4

A.2.8. Access would be taken along the existing farm access track, for approximately 625m along the access route from CA3 (currently provided for in the DCO Application for access to the Cable Route Corridor at this location), close to residential receptors. The route then turns north along another existing access track, through Nightingale Wood SINC, over an existing culvert of Hopney Stable Dyke for approximately 920m before re-enter the Order Limits. The route is then taken over approximately 555m of open fields and across an existing culvert into the Cable Route Corridor Section.

A.2.9. The route would be approximately 2.1km with approximately 920m outside the Order Limits.

Plate A-5 Route 4

Route 5

A.2.10. Access would be taken along the existing farm access track, for approximately 1.1km along the access route from CA3 (currently provided for in the DCO Application for access to the Cable Route Corridor at this location), past residential receptors, then along Glade Road to CA4 (also currently provided for in the DCO Application for access to the Cable Route Corridor at this location). The route would then exit the Order Limits north along an existing road for approximately 800m and past Charity Farm. Here the route re-enters the Order Limits for approximately 1.2km, through Nightingale Wood SINC, over an existing culvert of Hopney Stable Dyke, over open fields, and across an existing culvert into the relevant section of the Cable Route Corridor.

A.2.11. The route would be approximately 3.1km, with approximately 800m outside the Order Limits.

Plate A-6 Route 5

Route 6

A.2.12. Access would be taken along the existing farm access track, along the access route from CA3 (currently provided for in the DCO Application for access to the Cable Route Corridor at this location), past several residential receptors, then along Glade Road to CA4 (also currently provided for in the DCO Application for access to the Cable Route Corridor at this location), along the existing road to the west road past a residential property, along the Cable Route Corridor, through Nightingale Wood SINC, over an existing culvert of Hopney Stable Dyke, over open fields and across an existing culvert into the relevant section of the Cable Route Corridor.

A.2.13. The route would be approximately 3.9km. The route is entirely within the Order Limits.

Plate A-7 Route 6

A.3. Route Selection

A.3.1. The access route to the Cable Route Corridor Section has been chosen in order to minimise potential impacts on the following constraints:

1) Agricultural land and soils.
2) Biodiversity: watercourses, vegetation and designated sites.
3) Arboriculture: woodland, individual trees and hedgerows.
4) Cultural Heritage: conservation areas, listed buildings, scheduled monuments and records of undesignated assets.
5) Landscape and Visual: Public Rights of Way (PRoW) and residential receptors.
6) Noise and Vibration: residential receptors, PRoW and non-residential receptors.
7) Water Resources and Flood Risk: fluvial flood risk areas and watercourses.
8) Traffic and Movement: potential access locations, safety considerations and disturbance on local roads.

9) Socioeconomics: PRoW and local business premises.

10) Engineering constraints: use of culverted crossings, and length of new track required for construction.

Route 5 and Route 6

A.3.2. Route 5 and 6 would initially utilise CA3 and CA4 to access the Cable Route Corridor and proposed haul road which avoids the need for a separate access from the public highway to the Cable Route Corridor Section. Route 5 would likely require the upgrade and installation of new sections of access track to link CA4 to the haul road within the Cable Route Corridor Section.

A.3.3. Route 5 and 6 are the second longest and longest route options respectively and therefore represent the most inefficient ways to access the Cable Route Corridor Section during construction, which does not meet the overarching strategy for directness of access to the Strategic Road Network.

A.3.4. Route 5 is also constrained at Charity Farm as it enters the Cable Route Corridor where existing buildings and vegetation make the route narrow and very difficult to navigate by construction vehicles without significant engineering works to extend the track into a small area of woodland to allow for vehicle turning circles.

A.3.5. Both routes enter Flood Zone 2 from north of Glade Road and Flood Zone 1 within the Cable Route Corridor.

A.3.6. There are no designated heritage assets or other known heritage assets within the footprint of, or adjacent to proposed Route 5 or 6. The route runs in close proximity to the former site of Skipwith Great Hall as well as two sand pits and two ponds recorded on the North Yorkshire Historic Environment Record (NYHER). These assets, including Skipwith Great Hall are no longer extant but construction works could interact with or remove remains associated with these features, if present.

A.3.7. Both routes would result in additional construction traffic movements via CA3 and CA4 and so additional use within the construction phase. Using Route 5 and 6 to access the Cable Route Corridor Section would result in additional 7 HGV deliveries and 5 van / car one way movements per day (refer to Table 2-3 of the **Outline Construction Traffic Management Plan [APP-201]**) being routed to CA3 (and on to CA4) rather than using CA2. In addition, Route 6 may also result in a greater number of AIL movements through Skipwith to CA4 (depending on the detailed design of the Interconnecting Cables).

A.3.8. CA3 has good visibility allowing construction vehicles to access Routes 5 and 6 with safety being adequately managed with visibility splays and standard construction traffic management measures (to be agreed with North Yorkshire Council). CA4 is not a turning from a road so represents minimal safety concerns.

A.3.9. Additional construction traffic movements would likely result in noise / visual impacts for residential receptors (Route 5 = eight receptors and Route 6 = ten receptors) within 50m of the proposed routes on Skipwith Road / Bonby Lane, along Glade Road, and at Charity Farm. There is also a an Office/Work Studio within Charity Farm which may also be impacted by construction traffic noise and movements, affecting the functioning of the business which uses it. Users of one PRoW (reference 35.58/U793/50) located to the south of the Route 5 and parallel to part of Route 6 may also be impacted by additional construction traffic noise and movements.

A.3.10. Route 5 and 6 would also result in more construction traffic being routed past Scarrow Green Pond, Little Skipwith SINC (known to support GCN) and Common Wood SINC. More construction traffic would also be routed through Nightingale Wood SINC and across existing culverts of Hopney Stable Dyke and unnamed drains.

A.3.11. Route 6 would not change the arboricultural impacts as it set out within Environmental Statement **Volume 3, Appendix 16.2: Arboricultural Impact Assessment [APP-184]**. Route 5 would likely result in additional tree loss or work south Charity Farm and additional tree loss north of Charity Farm to facilitate construction access. Removal of trees or hedgerow also have the potential to result in ecological and landscape impacts.

A.3.12. Therefore, given the inefficiencies in access, the additional construction requirements with associated ecological and arboricultural impacts (Route 5), additional impact to residential and socio-economic receptors, overall, Route 5 and Route 6 were discounted.

Route 4

A.3.13. Route 4 would initially use the access route proposed from CA3 before being routed north towards the Cable Route Corridor Section.

A.3.14. Route 4 is also an inefficient way to access the Cable Route Corridor Section, being the third longest route. From CA3 to approximately 300m north of Glade Road, the route follows existing tracks that are relatively well established gravel, which become intermittent with unmade mud tracks through Nightingale Wood SINC, and unmade mud tracks or directly over fields onwards to the Cable Route Corridor Section. The majority of the length would require construction activities and materials would be required to improve the existing access track or create new sections of access track to facilitate access.

A.3.15. As for Routes 5 and 6 (refer to paragraph A.3.7), Route 4 would result in additional construction traffic construction traffic movements via CA3 and may also result in a greater number of AIL movements through Skipwith to CA4 (depending on the detailed design of the Interconnecting Cables).

A.3.16. CA3 has good visibility allowing construction vehicles to access Route 4 from Skipwith Road with safety being adequately managed with visibility splays and standard construction traffic management measures (to be agreed with North Yorkshire Council).

A.3.17. The additional construction traffic movements would likely result in noise / visual impacts for residential receptors within 50m of the proposed route on Skipwith Road / Bonby Lane and north of Glade Road. There is also one PRoW (reference 35.58/U793/50) is located to the south of the route, adjacent to Little Skipwith which may also be impacted by additional construction traffic movements.

A.3.18. Route 4 would also result in more construction traffic being routed through Nightingale Wood SINC and past Common Wood SINC over a culvert of an unnamed drain. Construction traffic would also be routed across an additional existing culvert of Hopney Stable Dyke which may require re-enforcement work.

A.3.19. Route 4 enters Flood Zone 2 from Nightingale Wood SINC and Flood Zone 1 within the Cable Route Corridor.

A.3.20. There are no designated heritage assets or other known heritage assets within the footprint of, or adjacent to proposed Route 4. The NYHER and early OS mapping record a quarry pit and drainage dyke immediately adjacent to the Route 4 proposed alignment. These assets are no longer extant but construction works could interact with or remove remains associated with this feature, if present.

A.3.21. It is anticipated that access works would require tree loss and / or management work for the approximate 300m of Route 4 within Nightingale Wood SINC, as well as where the access route abuts woodland north of Little Skipwith, potentially resulting in arboricultural, ecological and landscape impacts. Other arboricultural impacts would be as set out within Environmental Statement **Volume 3, Appendix 16.2: Arboricultural Impact Assessment [APP-184]** for CA3.

A.3.22. Therefore, given the inefficiencies in access, the additional construction requirements with associated ecological and arboricultural impacts, additional impacts to residential and socio-economic receptors, overall, Route 4 was discounted.

Route 3

A.3.23. Route 3 would initially use an existing access track from Skipwith Road. The existing access track from Skipwith Road is well established for approximately 265m, but then deteriorates over the next approximate 300m, before the route goes over open fields and joins the Cable Route Corridor. This would require construction activities and materials to facilitate access over this length.

A.3.24. The land crossed by Route 3 where there is no existing access track is mapped as having sandy soils which are of low sensitivity and is classified as BMV quality in Subgrade 3a.

A.3.25. The works would require the vegetation management of 350m of hedgerow (on one side of the route) and four mature trees to enable construction traffic and AILs to pass. Removal of trees or hedgerow have the potential to result in arboricultural, ecological and landscape impacts.

A.3.26. Route 3 abuts the southern boundary of Field House Farm for approximately 70m, although arial imagery suggests this likely to be approximately 100m from the areas used as a caravan site and 180m from the residents.

A.3.27. Route 3 would also result in more construction traffic being routed past Common Wood SINC over a culvert of an unnamed drain.

A.3.28. Route 3 enters Flood Zone 2 approximately 120m before entering the Cable Route Corridor and Flood Zone 1 within the Cable Route Corridor.

A.3.29. There are no designated heritage assets or other known heritage assets within the footprint of, or adjacent to proposed Route 3. There is a historic pond recorded on the NYHER. The asset is not currently extant but construction works could interact with or remove remains associated with this feature, if present.

A.3.30. The access to Route 3 is opposite Narrow Lane leading to a farm and on a slight bend of Skipwith Road. Safe access to the site would therefore need vegetation management for visibility splays as well as additional measures to manage traffic interacting with users of Narrow Lane may be required.

A.3.31. Therefore, given the additional construction requirements with associated ecological, arboricultural, and agricultural impacts, and potential access safety concerns, overall, Route 3 was discounted.

Route 1

A.3.32. Route 1 would use an existing access track from Skipwith Road. The existing access track from Skipwith Road is well established for approximately 400m, but includes no existing track for approximately 200m before joining the Cable Route Corridor Section. This would require construction activities and materials to facilitate access albeit less than Routes 3 to 6.

A.3.33. The land crossed by Route 1 where there is no existing access track is mapped as having sandy soils which are of low sensitivity and is likely to be Best and Most Versatile (BMV) quality of Grade 2 or 3a.

A.3.34. The works would require management and potential removal (depending on the route alignment) of approximately ten mature trees and a small section of woodland. Removal of trees have the potential to result in arboricultural, ecological and landscape impacts.

A.3.35. Route 1 enters Flood Zone 2 approximately 350m before entering the Cable Route Corridor and crosses one existing culvert of an unnamed drain.

A.3.36. There are no designated heritage assets or other known heritage assets within the footprint of, or adjacent to proposed Route 1. Two historic ponds recorded on the NYHER, but neither asset is currently extant and no impacts would occur as a result of the route.

A.3.37. There are no residential or non-residential receptors within 50m of the proposed Route 1. The closest receptor, Wake House, is located approximately 70m south of the route, adjacent to Skipwith Road. One PRoW (bridleway 35.58/1/1) is located approximately 60m to the north.

A.3.38. The access to Route 1 is on a relatively tight bend of Skipwith Road. Careful management of traffic travelling south would be required for safe access to the site, e.g. by providing temporary speed limit, signage to warn road users of slow moving traffic, banksman and/or traffic lights (with measures to be developed in consultation with North Yorkshire Council). Additional vegetation management and removal for visibility splays would also be required. In addition, management of traffic which may then interact Narrow Lane and other properties to the north may also be required. Overall, this access is constrained from safety and traffic management perspective.

A.3.39. Therefore, with particular consideration to highway safety, Route 1 was discounted.

Route 2

A.3.40. Route 2 uses an existing access track from Skipwith Road (CA2) which includes and existing concrete apron where is meets the highway. The access for Route 2 is therefore more formalised than the other routes. The existing access track from Skipwith Road is well established for approximately 310m, with an existing, but less well established track for 460m before entering the Cable Route Corridor Section. This would require some improvement to facilitate access, albeit less construction than Routes 1 and 3 - 6.

A.3.41. A worst case assumption is that the works would require the removal of seven mature trees (refer to **Volume 3, Appendix 16.2: Arboricultural Impact Assessment [APP-184]**).

A.3.42. Route 2 enters Flood Zone 2 approximately 30m before entering the Cable Route Corridor Section and crosses one existing culvert of an unnamed drain, i.e. the greatest length of access outside of Flood Zones 2 and 3.

A.3.43. There are no designated heritage assets or other known heritage assets within the footprint of, or adjacent to proposed Route 2. There is a historic pond recorded on the NYHER, but this is not currently extant and no impacts would occur as a result of the route.

A.3.44. Route 2 abuts Field House Farm for approximately 300m, of which approximately 90m is used for caravan storage (drawn from aerial imagery), and approximately 105m is a field used for livestock (as understood from site surveys). Route 2 would use the same access point from Skipwith Road as Field House Farm.

A.3.45. One PRoW (reference UUR35.51/U1605/30) is located approximate 130m north of Route 2.

A.3.46. The access to Route 2 via CA2 is on a relatively straight portion of Skipwith Road. The existing access is relatively well used for the caravan site at Fieldhouse Farm and so traffic using this access represents a smaller change to users of the road network as they will be accustomed to larger vehicles turning in and out of the access. Safe access to the Proposed Development would require minimal additional vegetation management for visibility splays and minimal traffic management.

A.3.47. Therefore, due to the comparatively environmentally unconstrained access route and established access track, together with preferential access onto Skipwith Lane, Route 2 was taken forward within the Proposed Development.

A.4. Conclusion

A.4.1. Routes 4, 5 and 6 were discounted because their greater length and reliance on CA3/CA4 represents an inefficient access strategy, necessitating additional construction traffic to pass near residential and non-residential receptors and sensitive ecological sites (principally Nightingale Wood SINC).

A.4.2. Route 4 would require more extensive track construction and vegetation loss through Nightingale Wood SINC in particular. Routes 5 and 6 would be constrained by narrow tracks at Charity Farm, with Route 5 requiring additional tree losses.

A.4.3. Routes 1 and 3 were discounted because both would require comparatively more construction work for their associated access tracks, which may impact agricultural land and require vegetation management. Both Routes 1 and 3 would also likely require access safety measures on Skipwith Road, with Route 1 being particularly constrained.

A.4.4. Based on professional judgement, Route 2 was therefore preferred because its established track, limited construction requirements, fewer trees constraining the route and safer, more manageable highway access provided the best overall balance of environmental and engineering constraints.

A.4.5. Notwithstanding the above, Route 2 was fully assessed within the **ES [APP-038 to APP-190]** and no significant adverse effects specific to Route 2 were identified with the implementation of mitigation set out within the Proposed Development management plans **[APP-192 to APP-206]**.

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