Light Valley Solar

EN0110012

Statement of Reasons (Deadline 4)

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Light Valley Solar

DCO Submission

EN0110012/APP/LVS/04.03
Statement of Reasons
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1 Executive Summary

1.1 Purpose and Structure of this Statement of Reasons

1.1.1 This Statement of Reasons relates to the Application for a development consent order (DCO) made by Light Valley Solar Limited (the Applicant) to the Secretary of State under the Planning Act 2008 (the 2008 Act) for powers to construct, operate (including maintenance and programmed replacements) and decommission the Light Valley Solar farm (the Proposed Development).

1.1.2 This Statement is required because the Application is seeking powers to:

- acquire land compulsorily;
- create and compulsorily acquire new rights over land and impose restrictions; and
- extinguish or override existing rights over land.

1.1.3 The Applicant is also seeking powers to take temporary possession of land to construct the Proposed Development.

1.1.4 It is necessary for the decision-maker to be satisfied that there is a compelling case in the public interest for the inclusion of compulsory acquisition powers in the DCO. This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for the Applicant to be granted these powers.

1.1.5 This version of the Statement of Reasons has been updated to reflect the Examining Authority's revised **Rule 8(3) and Rule 9 letter [PD-012]** which advised of the Examining Authority's procedural decision following the Applicant's Change Application submitted by the Applicant on 13 October 2026. The change request included minor amendments to the Order Limits and changes to the land and rights required for the Proposed Development. The Change Application proposed nine changes to the Proposed Development arising from the Applicant's post-submission technical review and from engagement with landowners and Interested Parties during the Examination.

1.1.6 The Proposed Changes sought to:

(a) Extend the Order Limits in three locations, being:

- along the existing farm access track, adjacent to and south of Field House Farm by approximately 1.73 hectares (Change 1 – Route 3);

- at Harry Moor Lane level crossing by approximately 0.03 hectares (Change 2); and
- to the north of Roe Lane Bridge by approximately 0.11 hectares (Change 4).

(b) Reduce the Order Limits at one location, being the northern section of Solar Development Site 6 in Field 6.9 by approximately 0.24 hectares (Change 3); and

(c) Upgrade powers sought over land already within the Order Limits at the access to Solar Development Site 4 via Roall Lane (Access 3) is to be upgraded from temporary possession to permanent compulsory acquisition of rights (Change 9).

1.1.7 Of the nine changes, the Applicant outlined how only Changes 2, 4 and 9 invoke the procedure for "additional land" under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ('CA Regulations'). While Change 1 extends the Order Limits, the CA Regulations are not engaged because the additional land is needed for temporary rights only (as per the changes to the current access route made to the Land Plans at Deadline 2), and temporary possession of land does not fall within the definition of 'additional land' in the CA Regulations.

1.1.8 The remaining changes (Changes 5, 6, 7 and 8) are changes within the Order Limits which do not add land nor seek to upgrade compulsory acquisition powers. More specifically, Change 5 involves a change in the limits of deviation, Change 6 involves facilitating a downgrade of powers sought from permanent rights to temporary possession, Change 7 removes an area of Solar PV at Solar Development Site 6 to create a Bird Habitat Area – but this does not involve any change in powers sought (Change 7) and Change 8 involves including two new accesses along Rawfield Lane into Monk Fryston Substation.

1.1.9 The Proposed Changes demonstrate that the Applicant has sought no more land or rights than are reasonably necessary for the purposes of the Proposed Development.

1.1.10 Pursuant to the revised **Rule 8(3) and Rule 9 letter [PD-012]** issued on 27 October 2026, the Examining Authority has decided to accept all of the proposed changes into the Examination to be considered as part of the project as a whole, however, determined that compulsory acquisition powers over the land cannot be sought in respect of Changes 2, 4 and 9. Consequently, the Applicant is seeking to utilise "temporary possession powers" if the DCO is consented rather than "permanent rights" which were previously sought. Such temporary possession powers would enable the Applicant to access the additional land to undertake works during the construction phase of the Project (and 5 years post commencement of operation).

1.1.11 The matters addressed in this Statement are summarised in this section. References to numbered sections or paragraphs are to sections or paragraphs of this Statement. Terms used in this Executive Summary are defined in the main body of this Statement of Reasons.

1.2 Description of the Proposed Development (Section 3)

1.2.1 The Proposed Development comprises a solar photovoltaic (PV) electricity generating station of over 100 megawatts (MW) and associated development comprising Battery Energy Storage System (BESS), substations, grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance, and decommissioning phases. Further details are set out in Chapter 2: The Proposed Development of the Environmental Statement **[Document Reference EN110012/APP/LVS/06.01.02]** accompanying the DCO application.

1.2.2 The Proposed Development is made up of four broad areas, the Solar Development Sites, the Cable Route Corridor, Highways Improvement Areas and the Site 8 Access Area. The Solar Development Sites are split across a total of seven separate land parcels (Solar Development Site 1-4 and 6-8) with a combined area of 900.2 hectares (ha) and are located in North Yorkshire. The Solar Development Sites will include the Solar PV modules, BESS (located only within the BESS Compound within Solar Development Site 2), Substations, Conversion Units / Transformers, Access tracks, Fencing and security measures, and areas for Environmental mitigation /biodiversity net gain.

1.3 Description of the Order Limits (Section 4)

1.3.1 The Order limits outline the maximum extent of the land that will be required to facilitate the construction, operation and maintenance, and decommissioning of the Proposed Development and are shown on the Works Plans **[EN0110012/APP/LVS/02.03]** and Location Plan **[EN0110012/APP/LVS/02.01].** The Proposed Development would be located within the Order limits.

1.3.2 The Order limits contain all elements of the Proposed Development comprising the Solar Development Sites, the Cable Route Corridor (and its associated accesses), connection works into the National Grid Monk Fryston Substation, the Highways Improvements Areas (shown in ES Volume 2, Figure 2.3**) [EN0110012/APP/LVS/06.02.02.03]** and the Solar Development Site 8 Access**.**

1.3.3 The Order limits cover an area of 1,270 hectares (ha) located within the administrative area of North Yorkshire Council, near Selby.

1.4 Source and Scope of Powers Sought in the DCO (Section 5)

1.4.1 Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.

1.4.2 Section 122 of the PA 2008 provides that an order granting development consent may include provisions authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is required for the development to which the DCO relates and the land is required to facilitate or is incidental to that development.

1.4.3 The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the draft DCO **[EN0110012/APP/LVS/03.01**].

1.4.4 The powers sought with the Application for the draft DCO are:

- all interests in land, including freehold (article 21 in the DCO) – shown edged black and shaded pink on the Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02].**
- all interests in land, including freehold in respect of subsoil only (Article 29 in the DCO)
- permanent acquisition of new rights (Article 24 in the DCO) – shown edged black and shaded blue on the Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02].**
- temporary use of land to permit construction or maintenance where the Applicant has not yet exercised powers of compulsory acquisition (Articles 31 and 32 in the DCO) and on the land shown edged black and shaded yellow on the Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02].**
- suspension of rights (Article 25 in the DCO) and overriding of easements and other rights (Article 27 in the DCO).

1.4.5 The Applicant considers that in the absence of these powers, the Order land may not be assembled, uncertainty will continue to prevail, and its objectives and Government policy objectives would not be achieved.

1.4.6 The Applicant has been seeking to acquire the relevant land, new rights and temporary use of land by voluntary agreement, in order to ensure implementation of the Proposed Development. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the rights and other interests in, on and over the land, the temporary use of land, as well as secure the removal of matters affecting the Order land that may impede the Proposed Development, by agreement wherever possible. This approach of seeking powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land and rights 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 CA Guidance).

1.4.7 This Statement (alongside the Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]**) sets out the position in relation to the negotiations undertaken to date with affected owners. In summary, at the time of writing, agreements have been entered into for all of the Solar Development Sites and heads of terms have been issued for the majority of the Cable Route Corridor and the Highway Improvement Areas. Additionally, further to targeted engagement with key stakeholders and land interests, the Applicant notified all land interests affected by the Proposed Changes of the Applicant's intention to submit a Change Notification, providing information on all of the Proposed Changes and the forthcoming consultation. The Applicant subsequently submitted the **Change Notification [CR1-001]** on 25 September 2026. A summary of engagement with land interests and affected persons in relation to the Change Application is set out at Section 4.4 and in Table 4.3 of the **Change Application [EN0110012/APP/LVS/08.42]**.

1.4.8 Following the revised **Rule 8(3) and Rule 9 letter [PD-012]** issued on 27 October 2026 in which the Examining Authority accepted the changes into examination but not the additional compulsory acquisition powers to support Changes 2, 4 and 9, the Applicant has written to those interests affected by Changes 2, 4 and 9 to confirm that it is retaining the increased Order limits, supported instead by powers of temporary possession. The Applicant remains committed to seeking voluntary agreements with the affected land interests for the lifetime of the Proposed Development and has re-emphasised this to the land interests, whilst also making clear how they can get involved in the Examination process in respect of those temporary possession powers and generally. The Applicant has also written to all land interests and to the statutory environmental bodies and Parish Councils, updating on the status of the change application and how they can make representations in the examination at Deadline 4 or Deadline 5.

1.5 Purpose of the Powers (Section 6)

1.5.1 The meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, will be critical on the path to Net Zero. Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation Proposed Development will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

1.5.2 The Statement of Need **[EN0110012/APP/LVS/05.03]** sets out the need for the Proposed Development in more detail.

1.6 Justification for the Compulsory Acquisition Powers (Section 7)

1.6.1 Under section 122 of the PA 2008, compulsory acquisition powers may only be granted if the Secretary of State is satisfied that the land is required for the Proposed Development (or is required to facilitate it or is incidental to it), and if there is a compelling case in the public interest for inclusion of the powers.

1.6.2 The Guidance related to procedures for the compulsory acquisition of land (DCLG, September 2013) also states that: there must be a clear idea how the land to be acquired is to be used and it must be no more than is reasonably required; there must be compelling evidence that the public benefits would outweigh the private loss from the acquisition; all reasonable alternatives to compulsory acquisition should have been explored; there are reasonable prospects of the required funds for the acquisition being available; and that the purposes for which the land is sought are legitimate and sufficient to justify interfering with the human rights of affected people.

1.6.3 This Statement, the Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]** the Planning Statement **[EN0110012/APP/LVS/05.02]** and the Explanatory Memorandum **[EN0110012/APP/LVS/03.02]** set out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied (with the exception of the availability of funding, which is demonstrated in the Funding Statement **[EN0110012/APP/LVS/04.02]).**

1.6.4 In particular, those documents set out how the land will be used and demonstrate that the Proposed Development would:

- help meet the urgent need for new energy infrastructure in the UK, providing enhanced energy security and supporting UK Government priorities in relation to economic development and security of supply;

- deliver additional renewable energy capacity, supporting the achievement of the UK Government's climate change commitments and carbon budgets;
- minimise or mitigate adverse impacts to an acceptable degree; and
- comply with NPS EN-1, NPS EN-3 and NPS EN-5, which have effect in relation to the Proposed Development and in accordance with which the application must be decided under section 104 of the PA 2008.

1.7 Communications and Negotiations (Section 8)

1.7.1 In accordance with the requirements of the 2008 Act, the Applicant undertook "diligent inquiry" through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the 2008 Act. These include owners, lessees, tenants and occupiers of the land within the Order Land. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order Land. Category 3 includes parties that may be eligible to make a claim for compensation as a result of the construction or operation of the Proposed Development.

1.7.2 The current position in relation to the Applicant's engagement and negotiations with each landowner affected by the Proposed Development is explained in the Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]**. Detailed discussions are ongoing with landowners and occupiers in order to ensure that their concerns are taken into account and accommodated wherever practicable. Negotiations are continuing with landowners and persons with interests in land affected by the Proposed Development. The Applicant and its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Proposed Development.

1.8 Human Rights and Equalities (Section 9)

1.8.1 Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and Article 8 of the ECHR have been considered in respect of the proposals for the Proposed Development. The draft DCO has the potential to infringe the human rights of persons who own property or have rights in the land proposed to be acquired pursuant to the draft DCO.

1.8.2 The Applicant considers that there would be very significant public benefit arising from the making of the draft DCO, a benefit that can only be realised if compulsory acquisition powers are granted. The purpose for which the land and rights are sought (to build and operate the Proposed Development) is legitimate, necessary and proportionate.

1.8.3 The Applicant has submitted an Equality Impact Assessment (EqIA) **[EN0110012/APP/LVS/05.02.04]** which considers how the Proposed Development may affect people with protected characteristics as defined by the Equality Act 2010. The EqIA supports the Secretary of State in determining the Applicant's application for development consent by providing the information that can be used to ensure that due regard is given to the aims of the Public Sector Equality Duty (PSED). The assessment concludes that with mitigation measures and inclusive practices in place, the potential for significant negative equality impacts is unlikely. The Proposed Development presents opportunities to generate positive outcomes, particularly in relation to employment and inclusive engagement, and is not expected to cause major equality effects to people with protected characteristics.

1.9 Special Considerations (Section 10)

1.9.1 In Section 10 of this Statement, the Applicant has identified all special category land which is affected only by the compulsory acquisition powers sought. Section 10 explains that replacement land is not required because the test in section 132 of the Planning Act 2008 is satisfied. The special category land consists only of narrow highway verge strips on the outer perimeter of the town and village green, and when burdened with the permanent rights sought, the land will be no less advantageous to those persons and the public referenced in section 132(3).

1.9.2 The Applicant has further considered what other consents are required in order to enable the Proposed Development to proceed and has set out in the Other Consents and Licences Statement **[EN0110012/APP/LVS/05.04]** how these will be secured.

1.9.3 Section 10 of this Statement also identifies Crown land affected by the Proposed Development and explains how the Applicant is engaging with the relevant Crown authorities regarding the inclusion within the Order limits of the Crown land required for the Proposed Development.

1.9.4 There is apparatus of statutory undertakers within the Order land. The Applicant has included protective provisions within the draft DCO and is seeking to agree these with each statutory undertaker whose apparatus would be affected by the Proposed Development.

1.10 Related Applications and Consents (Section 11)

1.10.1 The Applicant requires or may require various other consents, as well as a DCO, in order to build and operate the Proposed Development. The Other Consents and Licences Statement **[EN0110012/APP/LVS/05.04]** sets out the additional consents required and when they will be applied for.

1.10.2 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Development proceeding.

1.11 Further Information

1.11.1 Where powers of compulsory acquisition are exercised, owners of the relevant land or rights in land may be entitled to compensation under the Compensation Code, where a valid claim is made out. Any dispute in respect of the compensation payable would be referred to and determined by the Lands Chamber of the Upper Tribunal.

1.11.2 Owners and occupiers of property affected by the Proposed Development who wish to discuss matters of compensation should contact the Applicant on: 0808 281 4784 or at info@lightvalleysolar.co.uk

1.11.3 Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Communities and Local Government entitled “Compulsory Purchase and Compensation”. Copies of these booklets are obtainable, free of charge, from: https://www.gov.uk/government/collections/compulsory-purchase-system-guidance

1.12 Conclusion

1.12.1 The power to acquire the Order land or rights over the Order land and the power to impose restrictions are required for the purposes of, to facilitate or are incidental to, the Proposed Development and are no more than are reasonably necessary. Furthermore, there is a compelling case in the public interest.

2 Introduction

2.1 Purpose of this Document

2.1.1 This Statement of Reasons has been prepared by Light Valley Solar Limited (the Applicant). It forms part of the application (the Application) for a development consent order (DCO) that has been submitted to the Secretary of State for Energy Security and Net Zero (the SoS) under section 37 of the Planning Act 2008 (the PA 2008). Terms used in this Statement of Reasons are defined in the ES Glossary **[EN0110012/APP/LVS/06.01.00].**

2.2 The Proposed Development

2.2.1 Light Valley Solar (the Proposed Development) is a proposed solar farm that will generate and store renewable electricity for export to the National Grid.

2.2.2 The Proposed Development comprises a solar photovoltaic (PV) electricity generating station of over 100 megawatts (MW) and associated development comprising Battery Energy Storage System (BESS), substations, grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance, and decommissioning phases. It is located on a total of 1,270 hectares (ha) of land within the administrative area of North Yorkshire Council and the Point of Connection (PoC) for the Proposed Development will be at the Monk Fryston 275 kV National Grid Substation (Monk Fryston Substation).

2.2.3 The Proposed Development comprises four main parts:

- The seven sites (referred to collectively as the Solar Development Sites) where the Solar Arrays, Battery Energy Storage System, and other associated development (other than those parts of the grid connection cable to be located in the Cable Route Corridor) would be located;
- The Cable Route Corridor within which the underground cables connecting the Solar Development Sites and PoC will be located;
- The Highway Improvement Areas which include land within which improvement to sections of the existing highway network will be completed to facilitate access to the Scheme;
- Solar Development Site 8 Access, comprising an option access route from the north of the site.

2.2.4 The general arrangement of the Solar Development sites is presented in the ES Volume 2 - Illustrative Site Layout Plans [**EN110012/APP/LVS/06.02.02.01**] and in the Outline Environmental Masterplan [**EN110012/APP/LVS/02.12**], which illustrate one way in which the Proposed Development could be built within the envelope of what is

sought to be consented – being the limits of deviation shown on the Works Plans [**EN110012/APP/LVS/02.03**], and the matters set out in the Design Parameters and Commitments Document [**EN110012/APP/LVS/05.06**].

2.2.5 The Proposed Development qualifies as a Nationally Significant Infrastructure Proposed Development (NSIP) under Part 3 section 14 of the PA 2008 by virtue of the fact that the generating station is located in England and has a generating capacity of over 100MW (AC) (section 15(2) of the PA 2008). It, therefore, requires an application for a DCO to be submitted to the Planning Inspectorate (PINS) under the 2008 Act. PINS will examine the application for the Proposed Development and make a recommendation to the SoS to grant or refuse consent. On receipt of the report and recommendation from PINS, the SoS will then make the final decision on whether to grant the DCO. The DCO, if made by the SoS, would be known as the 'Light Valley Solar Order'.

2.2.6 Full details of the Proposed Development, including the proposed construction methods and phasing, can be found in Chapter 2: The Proposed Development [**EN110012/APP/LVS/06.01.02]** accompanying the DCO Application.

2.3 The Applicant

2.3.1 The Applicant is Light Valley Solar Limited (company number: 13290180) registered in England and Wales. The Applicant is part of Island Green Power Limited (IGP). IGP is a company registered in Bermuda under company number 47097.

2.3.2 IGP has successfully delivered nearly 40 projects worldwide that have generated more than 3 GW of energy capacity. This includes 21 solar and storage projects in the UK. Their projects include Cottam Solar Project and West Burton Solar Project, consented under the DCO regime.

2.3.3 More information on the Applicant, its corporate structure and financials is presented in the Funding Statement **[EN0110012/APP/LVS/04.02].**

2.4 The Purpose and Structure of this Document

2.4.1 This Statement has been produced pursuant to Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the APFP Regulations), the Department of Communities and Local Government guidance 'Planning At 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) and the Guidance on Compulsory purchase process and the Crichel Down Rules (updated 31 January 2025).

2.4.2 This Statement is required because the DCO sought for the Proposed Development would authorise the compulsory acquisition of land or interests in land.

2.4.3 This Statement explains why it is necessary to acquire land, acquire and/or create rights and impose restrictions over land, override, suspend or extinguish rights over land and to temporarily use land for the purposes of the Proposed Development, if necessary, by compulsion. It also explains the reasons for the inclusion of compulsory acquisition and related powers in the draft DCO and sets out why there is a clear and compelling case in the public interest, in accordance with section 122 of the PA 2008, for the DCO to include such powers.

2.4.4 The structure of this Statement is set out below and also addresses each of the requirements of the relevant guidance referred to above:

- An introduction to the Applicant is contained in section 2.3;
- A description of the Proposed Development is set out in section 3;
- A description of the Order limits, its location, and present use is contained in section 4;
- The legislation relied on and scope of powers sought are set out in section 5;
- The purpose of the powers including the need for the Proposed Development and policy support is set out in section 6;
- A statement of the justification for compulsory acquisition including reference to funding is included in section 7;
- How the Applicant has sought to engage with landowners and negotiate to acquire the relevant land by agreement in section 8;
- How regard has been given to human rights legislation relevant to the determination of the Application is in section 9;
- Any special considerations affecting the Order limits including Crown Land and Special Category Land is included in section 10;
- Details of the other consents needed before the Proposed Development can be implemented are included in section 11; and
- Any other information which would be of interest to someone affected by the Proposed Development, such as, telephone number and email address where further information on these matters can be obtained, is included in section 12.

2.5 Useful documents

2.5.1 This Statement is one of a number of documents accompanying the Applicant submitted to the SoS. It should be read in conjunction with the rest of the documents comprising the Application, particularly the following:

- Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02]**;
- Works Plans **[EN0110012/APP/LVS/02.03]**;
- Draft Development Consent Order [**EN0110012/APP/LVS/03.01**];

- Exploratory Memorandum **[EN0110012/APP/LVS/03.02]**;
- Funding Statement **[EN0110012/APP/LVS/04.02];**
- Book of Reference **[EN0110012/APP/LVS/04.03]**;
- Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]**;
- Other Consents and Licences Statement [**EN0110012/APP/LVS/05.04**];
- Statement of Need **[EN0110012/APP/LVS/05.03];**
- Planning Statement **[EN0110012/APP/LVS/05.02] and**
- Policy Compliance Document **[EN0110012/APP/LVS/05.12]**

3 Description of the Proposed Development

3.1 Introduction

3.1.1 The Proposed Development comprises a solar photovoltaic (PV) electricity generating station of over 100 megawatts (MW) and associated development comprising Battery Energy Storage System (BESS), substations, grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance, and decommissioning phases. Further details are set out in Chapter 2: The Proposed Development of the Environmental Statement [Document Reference **EN110012/APP/LVS/06.01.02**] accompanying the DCO application.

3.1.2 The Solar Development Sites will include the Solar PV modules, BESS (located only within the BESS Compound within Solar Development Site 2), Substations, Conversion Units / Transformers, Access tracks, Fencing and security measures, and Environmental mitigation /biodiversity net gain. The Solar Development Sites are:

- **Solar Development Site 1** – approximately 344.8ha, comprising agricultural fields and small plantations located about 575 m east of Escrick and 9 km south of York;
- **Solar Development Site 2** – approximately 83.3 ha, comprising predominantly agricultural land situated adjacent to the A63 eastbound carriageway, around 1.4 km east of Water Lane junction and 3.5 km north-east of Monk Fryston Substation;
- **Solar Development Site 3** – approximately 19.7 ha, made up of agricultural land located 850 m south-east of Hillam village and 3.1 km east of Monk Fryston Substation;
- **Solar Development Site 4** – approximately 283.9ha, made up of multiple agricultural fields north-east of Birkin, bounded by Haddlesey Road to the south and Roe Lane to the west and approximately 4km east of Monk Fryston Substation;
- **Solar Development Site 6** – approximately 99.6 ha, located 500 m north of Monk Fryston and 540 m east of South Milford, adjacent to the Milford Curve rail line;
- **Solar Development Site 7** – approximately 8.7 ha, the smallest

site, situated 510 m east of South Milford, bordered by Common Lane to the south and railway lines to the north and west;

- **Solar Development Site 8** – approximately 60.0 ha, located 700 m north-west of Hambleton, with Philip Lane along its eastern edge and the Leeds to Selby railway line to the south.

3.1.3 The Cable Route Corridor will consist of underground electrical cable routes to connect the Scheme to the National Grid at Monk Fryston Substation, routing from Solar Development Site 2 to 4 and Solar Development Site 4 to Monk Fryston Substation. The route includes interconnections between the sites and the point of connection, requiring crossings of major infrastructure such as the A19, A63 and A162, as well as smaller rural roads. It will also cross the River Ouse, Selby Dam and multiple rail lines, including the Leeds to Selby Line (HUL3), to link the northern and southern sites within the Order Limits.

3.2 Works Packages

3.2.1 A detailed description of the Proposed Development can be found in Chapter 2 of the Environmental Statement [**EN110012/APP/LVS/06.01.02]**. It comprises a generating station of more than 100MW AC, being the NSIP, and is described in Work No. 1 in Schedule 1 to the draft DCO **[EN0110012/APP/LVS/03.01].** The Proposed Development also includes Associated Development, which comprises Works Nos. 2 to 10 in Schedule 1 to the draft DCO **[APP/LVS/03.01**].

3.2.2 **Work No. 1** consists of a ground mounted solar photovoltaic generating stations with a gross electrical output capacity of over 100 MW, including:

- Solar modules fitted to mounting structures;
- DC electrical cabling and combiner DC boxes;
- 33 kV switch rooms, conversion units including inverters, transformers, switchgear, and monitoring and control systems; and
- Electrical and communications cabling connecting Work No. 1(c) to Work No. 3.

3.2.3 The Associated Development for the purposes of section 115 of the 2008 Act comprises Work Nos. 2 to 10 of the Proposed Development as provided for in Schedule 1 of the draft DCO **[APP/LVS/03.01].** This comprises the following elements:

3.2.4 **Work No. 2**: an energy storage facility comprising battery energy storage cells with fire protection systems and components; a structure protecting the battery energy storage cells and ancillary equipment; interconnection units including heating, ventilation and air conditioning, liquid cooling systems and temperature management; conversion units including inverters, transformers, switchgear and energy management system; monitoring and control systems; electrical cabling; bunded impermeable surface to manage surface water drainage; water storage facility for the purposes of firefighting water supply; and bunded impermeable surface or other form of containment system and associated infrastructure to contain used firewater; and a noise barrier.

3.2.5 **Work No. 3:** works in connection with onsite substations comprising an up to 275 kV substation, with associated transformer bays, feeder bays, transformers, switchgear buildings and ancillary equipment including power quality and reactive power devices; control building or container relay rooms with associated offices, storage and welfare facilities; monitoring and control systems for Work Nos. 1, 2 and 3; electrical and communications cabling connecting Work No 1, 2 and 3; maintenance compound; electrical cabling; and earthworks.

3.2.6 **Work No. 4:** works to the National Grid substation to facilitate connection of the authorised development to the National Grid including population of the substation bay: a 275 kV 3-phase 4000 circuit breaker; current transformers; high accuracy metering current and voltage transformer assembly; a disconnector/earth switch for isolation and earthing; cable sealing ends and cables; a capacitor voltage transformer; and a stand alone building to house duplicate feeder protection systems, commercial metering systems, protection and control equipment and user remote control and data acquisition apparatus.

3.2.7 **Work No. 5:** works in connection with electrical and communication cabling including: works to lay electrical cables up to 275 kV including laying electrical and communication cables between Work No. 2 and Work No. 3 and Work No. 1(c) and Work No. 4; access tracks, drainage infrastructure, signage joint bays, link boxes, communications chambers, tunnelling, boring and drilling works, and temporary construction and decommissioning laydown areas.

3.2.8 **Work No. 6:** works including fencing, gates, boundary treatment and other means of enclosure; works for the provision of security and monitoring measures including CCTV columns, lighting columns and lighting, cameras, weather stations, communication infrastructure, and perimeter fencing; landscaping and biodiversity mitigation and enhancement measures including planting; improvement, maintenance and use of existing private tracks; laying down of internal access tracks, ramps, bridges, means of access and footpaths; temporary footpath diversions, signage and information boards; earthworks; sustainable drainage

systems features, ponds, outfalls, general drainage and irrigation infrastructure and improvements or extensions to existing drainage and irrigation systems, general drainage and irrigation infrastructure and improvements or extensions to existing drainage and irrigation systems; acoustic barriers; electricity and telecommunications connections; and secondary temporary construction and decommissioning laydown areas.

3.2.9 **Work No. 7:** temporary construction and decommissioning laydown areas comprising areas of hardstanding; car parking; site and welfare offices and workshops; security infrastructure, including cameras, perimeter fencing and lighting; area to store materials and equipment; site drainage and waste management infrastructure (including sewerage); and electricity, water, waste water and telecommunications connections.

3.2.10 **Work No. 8:** works to facilitate access to Work Nos 1 to 7 and 9 to 10 including:

- **Work No. 8A**: works to facilitate temporary construction, maintenance and decommissioning access to Work Nos. 1 to 7 and 9 to 10 including creation of accesses from the public highway; creation of visibility splays and passing places; works to alter the layout of any street or highway temporarily; and offsite works adjacent to highways land including those to structures, boundary features, drainage features on private land, in connection with the movement of abnormal indivisible loads; and
- **Work No. 8B**: works to facilitate permanent access to Work Nos. 1 to 6 and 9 to 10 including creation of accesses from the public highway; creation of visibility splays and passing places; and works to alter the layout of any street or highway permanently; offsite works on and adjacent to highways land including those to structures, boundary features, drainage features on private land, in connection with the movement of abnormal indivisible loads.

3.2.11 **Work No. 9:** works to create and enhance green infrastructure comprising:

- **Work No. 9A:** green infrastructure works including: fencing, gates, boundary treatment and other means of enclosure; signs, interpretation boards or any other information display boards; earth works including bunds, embankments, trenching, sustainable drainage systems features including ponds, and swales; landscaping and biodiversity mitigation and enhancement measures including planting; means of access; and drainage; and
- **Work No. 9B:** works to create and maintain a Bird Mitigation Area comprising the creation of scrapes, shallow wet features, backwaters and shallow depressions; earthworks including excavations, formation of islands using excavated spoil, localised topsoil stripping and embankments; water retention measures within scrapes and new connections to existing drainage and

ditch networks together with enhancement of existing ditches; selective removal or modification of hedges and vegetation to create optimal grazed grassland habitat; and installation of stock fencing.

3.2.12 **Work No. 10**: creation of permissive paths including—

- **Work No. 10A:** creation of permissive paths for the exclusive use of pedestrian users comprising ramps, bridges and other means of access; fencing, gates, boundary treatment and other means of enclosure; signs, interpretation boards or any other information display board; facilities supporting use and enjoyment including bird hides; and enhancement measures including planting.
- **Work No. 10B**: creation of permissive paths for the exclusive use of pedestrian and cycle users comprising ramps, bridges and other means of access; fencing, gates, boundary treatment and other means of enclosure; signs, interpretation boards or any other information display board; facilities supporting use and enjoyment including bird hides; and enhancement measures including planting.
- **Work No. 10C:** creation of permissive paths for the exclusive use of pedestrian, cycle and equestrian users comprising ramps, bridges and other means of access; fencing, gates, boundary treatment and other means of enclosure; signs, interpretation boards or any other information display board; facilities supporting use and enjoyment including bird hides; and enhancement measures including planting.

3.2.13 The Associated Development also includes such other works or operations as may be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the Proposed Development.

3.3 Proposed Timing of Construction

3.3.1 The construction phase is expected to commence no earlier than 2028 and the construction programme for the entire Proposed Development is anticipated to be 24-36 months.

3.3.2 Further details of the proposed construction of the Proposed Development, including the proposed construction methods, can be found in Chapter 2 of the Environmental Statement **[LVS/06.01.02]** and the Outline Construction Environmental Management Plan (OCEMP) **[EN0110012/APP/LVS/07.02].**

3.4 Flexibility

3.4.1 The Applicant has undertaken extensive studies and assessments in order to obtain as much certainty as possible, however, a number of elements

of detailed design for the Proposed Development cannot be confirmed until the tendering process for the design and construction of the Proposed Development has been completed. For example, due to the rapid pace of technological development in the solar photovoltaic (PV) and energy storage industry, the Proposed Development could utilise technology which does not currently exist and therefore sufficient flexibility needs to be incorporated into the Application.

3.4.2 To address this, a 'Rochdale Envelope' approach is used, this is set out in more detail in Chapter 2 The Proposed Development [**APP/LVS/06.01.02**]. This involves assessing the maximum (and where relevant, the minimum) parameters for the Proposed Development where flexibility needs to be retained. The principles and justification for this approach are set out in section 2.4 of Chapter 2: The Proposed Development [**APP/LVS/06.01.02**], and the maximum (and minimum) parameters assessed as part of the Rochdale Envelope are set out in the Design Parameters and Commitments Document **[EN0110012/APP/LVS/05.06]** and the limits of deviation shown on the Works Plans **[EN0110012/APP/LVS/02.03]**;

3.4.3 The draft DCO [**APP/LVS/03.01**] includes a Requirement that detailed design of the Proposed Development must be in accordance with the Design Parameters and Commitments Document **[EN0110012/APP/LVS/05.06].**

3.4.4 The Proposed Development provides for optionality in respect of the route of the cable route corridor in two locations. Article 24(7) in the draft DCO provides that where compulsory acquisition of rights powers are exercised over one option, these powers cannot then be exercised over the alternative option.

3.4.5 This flexibility is essential to ensure the successful delivery of the Proposed Development.

4 Description of the Order Limits

4.1.1 The land within the Order limits required to construct, operate and maintain and decommission the Proposed Development is shown in Figure 1.1 Location Plan and Order Limits (ES Volume 2) **[EN110012/APP/LVS/06.02.01.01]** and is located within the administrative area of North Yorkshire Council. The Order limits for each Solar Development Site is located as follows:

- **Solar Development Site 1** – approximately 344.8 ha, located about 575 m east of Escrick and 9 km south of York;
- **Solar Development Site 2** – approximately 83.3 ha, situated adjacent to the A63 eastbound carriageway, around 1.4 km east of Water Lane junction and 3.5 km north-east of Monk Fryston Substation;
- **Solar Development Site 3** – approximately 19.97 ha, located 850 m south-east of Hillam village and 3.1 km east of Monk Fryston Substation;
- **Solar Development Site 4** – approximately 283.9 ha, north-east of Birkin village, bounded by Haddlesey Road to the south and Roe Lane to the west;
- **Solar Development Site 6** – approximately 99.6 ha, located 500 m north of Monk Fryston and 540 m east of South Milford, adjacent to the Milford Curve rail line;
- **Solar Development Site 7** – approximately 8.7 ha, the smallest site, situated 510 m east of South Milford, bordered by Common Lane to the south and railway lines to the north and west;
- **Solar Development Site 8** – approximately 60.0 ha, located 700 m north-west of Hambleton, with Philip Lane along its eastern edge and the Leeds to Selby railway line to the south.

4.1.2 The Cable Route Corridor will consist of underground electrical cable routes to connect the Scheme to the National Grid at Monk Fryston Substation, routing from Solar Development Site 4 to Monk Fryston Substation with an option to extend to Solar Development Site 2.

4.1.3 Highways Improvements Areas (refer to ES Volume 2, Figure 2.4 **[EN110012/APP/LVS/06.02.02.04]** are sections of the highway network that will contain localised improvements, such as improvements to the road edge where it is deteriorated and provision of temporary passing places within the existing highways boundary, traffic management, and provision of visibility splays, or temporary highway and traffic works required to safely accommodate the Abnormal Indivisible Load (AIL) deliveries. These areas will support the movement of construction vehicles on narrower sections of the local highway network within parts of the construction vehicle routes to the Site (refer to ES Volume 1, Chapter 14: Traffic and Movement **[EN110012/APP/LVS/06.01.14]).**

4.1.4 The Solar Development Site 8 Access area will provide optionality to access Solar Development Site 8 from the north of the site. Solar Development Site 8 is located in a site that is bordered to the south by a railway line. Currently access to Site 8 is located on the eastern boundary of the site, which is accessed via a level crossing on Phillip Lane, and a second level crossing at Scalm Lane. Access is feasible for use for the Proposed Development but requires HGVs to use the level crossings to cross the railway corridor. Whilst Network Rail has indicated that this may be acceptable, the Applicant is conscious that the railway is a live operational asset and that circumstances at the time of construction (such as railway works) may mean that access will not be able to be taken when it is needed. The Order limits therefore allow for alternative accesses into Site 8 to ensure that access can be taken at all times, including by avoiding crossing the railway if necessary.

4.1.5 The land within the Order limits is not covered by any statutory landscape designations (i.e. National Parks or National Landscapes).

4.1.6 Further details on the land within the Order limits are set out in Chapter 2 The Proposed Development [**APP/LVS/06.01.02**].

5 Source and Scope of Powers Sought in the DCO

5.1 Introduction

5.1.1 The draft DCO **[EN0110012/APP/LVS/03.01]** contains powers to enable the acquisition of land, new rights over land and the imposition of restrictions that are required to construct, operate and maintain and decommission the Proposed Development. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction of the Proposed Development. Where the necessary land and rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the draft DCO enables the acquisition of land and rights. These powers in the draft DCO relate to the Order land only.

5.1.2 The Applicant has been seeking to acquire the relevant land interests and other rights over land required by agreement, in order to allow for the construction, operation and decommissioning of the Proposed Development. Option Agreements have been entered into with each of the owners of the landholdings that make up the 7 Solar Development Sites. Discussions with other landowners are ongoing (see Land and Rights Negotiations Tracker [**EN0110012/APP/LVS/04.04**]). The Applicant will continue to endeavour to acquire the land, rights and other interests by agreement wherever practicable. This approach of making the application for powers of compulsory acquisition in the Application and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Guidance.

5.1.3 The proposed changes have been identified as a result of a detailed post-submission technical review and from engagement with landowners and Interested Parties during the Examination. The Applicant submitted a **Change Notification [CR1-001]** on 25 September 2026 and subsequently a Change Application on 13 October 2026. The change request includes minor amendments to the Order limits and changes to the land and rights required for the Proposed Development. These changes are sought for the following purposes:

- to allow for an alteration to the construction access route to the land within the Cable Route Corridor to the south of Solar Development Site 1 (Change 1);
- to enable AIL trailers transporting transformers to Solar Development Site 4 to oversail Harry Moor Lane level crossing. (Change 2);
- to reduce the Order Limits within the northern section of SDS 6 in Field 6.9 to reflect on-going engagement with the landowner about usage and layout of this site (Change 3);

- to provide and maintain compliant visibility splays at Accesses 1 and 3 of Solar Development Site 4 (Change 4);
- to extend the limits of deviation for the 275 kV on-site substation compound in Solar Development Site 1 by approximately 0.2 hectares to allow an optimum layout to be developed, with no change to the Order limits required (Change 5);
- to reduce the Works No. 5 area and increase Works No. 8a within the Cable Route Corridor east of Garman Carr Lane, to reflect that the full width of the corridor north of the Internal Drainage Board ditch is not required for laying interconnecting cables, with no change to the Order limits required (Change 6);
- to remove an area of solar PV at Solar Development Site 6 from the Works Plans to the south of Milford Lodge and Milford Lodge Cottage to create a Bird Habitat Area, to address North Yorkshire Council's concerns regarding ground-nesting birds (skylark) (Change 7);
- to add rights to use the two existing access points from Rawfield Lane into the Monk Fryston substation, following receipt of NGET's Relevant Representation and ongoing discussions with NGET, with no change to the Order limits required (Change 8); and
- to upgrade the compulsory acquisition powers over Access 3 (Roe Lane) to Solar Development Site 4 from temporary possession to permanent rights to ensure that, following swept-path analysis, AILs delivering transformers would be able to access Solar Development Site 4 at the location of Access 3. As transformers may need to be replaced during the lifetime of the Proposed Development, such access needs to be supported by permanent rights (Change 9). However, the Applicant is not pursuing the acquisition of permanent rights at this time within the Examination following the **Examining Authority's procedural decision [PD-012]**.

5.1.4 As outlined at paragraph 1.1.10 above, the changes within the Change Application were accepted for examination on 27 October 2026, however the Applicant's proposals to include additional compulsory acquisition powers to support Changes 2, 4 and 9 were not accepted. The Applicant is still proceeding with these changes, supported instead by powers of temporary possession.

5.1.5 Notwithstanding where an agreement has been reached, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the DCO so as to protect against a scenario whereby contracts are not adhered to or otherwise is set aside, for example: (i) freeholder owners of the land within the Order land (where agreement has been reached) do not grant a lease of the land in accordance with the terms of the completed option agreements; or (ii) the contracting party dies, is subject to divorce proceedings, or is declared insolvent. In those circumstances, it would be in the public interest for the Proposed Development 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 in the Order land to the extent that they would conflict with the Proposed Development.

5.1.6 There are a number of plots within the Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02]** which are not registered at Land Registry. Following diligent inquiry, ownership of a number of these plots has been established, however, there are interests identified in the Book of Reference **[EN0110012/APP/LVS/04.03]** where it has not been possible to identify ownership. The statement "Unregistered" and/or "Unknown" is given in the Book of Reference **[EN0110012/APP/LVS/04.03]** when diligent inquiry has been carried out and it has still not been possible to obtain information. The Applicant has carried out searches and enquiries with the Land Registry, site visits and notices have been and will be erected on site to seek to identify unknown landowners or persons with an interest in the land.

5.1.7 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.

5.2 Enabling Powers

5.2.1 Section 120(3) of the PA 2008 provides that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development. These include (amongst others):

- the acquisition of land, compulsorily or by agreement (paragraph 1);
- the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement (paragraph 2);
- the abrogation or modification of agreements relating to land (paragraph 3); and
- the payment of compensation (paragraph 36).

5.2.2 Section 122 of the PA 2008 provides that a DCO may only include provision authorising the compulsory acquisition of land if the SoS is satisfied that the land is:

- required for the development to which the DCO relates;
- required to facilitate or is incidental to that development; or
- replacement land for commons, open spaces, etc.

5.2.3 Further, it is also necessary for the SoS to be satisfied, in relation to the Application, that there is a compelling case in the public interest for the

land to be acquired compulsorily. This is required by Section 122(3) of the PA 2008.

5.2.4 This Statement provides the information that will enable the SoS to comply with sections 120 and 122 of the PA 2008.

5.3 Permanent Acquisition of Freehold

5.3.1 The areas of the Order land over which compulsory acquisition powers are sought in respect of all interests (including freehold) are shown edged black and shaded pink on the Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02].** This land is described in more detail in the Book of Reference **[EN0110012/APP/LVS/04.03].** The Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]** sets out the plots over which freehold acquisition is required.

5.3.2 In summary, the areas in which freehold acquisition is sought are for part of Work Nos. 1, 2, 3, 6, 8, 9, and 10. The Applicant has only included powers to compulsorily acquire the freehold interest in land where other powers (such as to acquire new rights, impose restrictions or take temporary possession) would not be sufficient or appropriate to enable the construction, operation or maintenance of the Proposed Development. Temporary compounds (Work No. 7) and permanent cable works (Work No. 5) will also take place within these land parcels.

5.3.3 Article 21 of the draft DCO is relied upon for this purpose. The article reflects the terms of the source of the compulsory acquisition powers in section 122 of the 2008 Act, would provide the Applicant with the power to acquire so much of the Order Land as is required for the Proposed Development, or such land as is required because it facilitates or is incidental to that development.

5.4 Permanent Acquisition of Rights and Imposition of Restrictions

5.4.1 The land over which compulsory acquisition powers are sought for rights and the creation of new rights (including imposing restrictive covenants) is shown edged black and shaded blue on Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02].** This land is described in more detail in the Book of Reference **[EN0110012/APP/LVS/04.03].** The Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]** sets out the plots over which new rights and restrictions are required. Schedule 9 to the draft DCO **[EN0110012/APP/LVS/03.01]** sets out the rights and restrictions being sought in respect of each plot.

5.4.2 In summary, these are the areas required for Work Nos. 5, 6 (for some aspects) and 8 being the Cable Route Corridor, works to facilitate access

to the Solar Development Sites and Cable Route Corridor, and various works associated with the Solar Development Sites. Article 24 of the draft DCO is relied upon for this purpose.

5.4.3 It cannot yet be confirmed exactly where within the Cable Route Corridor the cable circuits will be laid, or where only temporary possession would be sufficient, as the exact alignment will be determined following the detailed design of the Proposed Development and ground investigations and other surveys along the route prior to the commencement of the laying of the cables. Compulsory acquisition powers are therefore being sought over the entire Cable Route Corridor to enable the Applicant to carry out the cable installation works with the minimum of inconvenience to affected landowners, and to allow for minor variances to the cable route to avoid potential engineering difficulties, or otherwise, to enable the construction of the Proposed Development within programme and with the minimum of disruption to landowners and the wider community.

5.4.4 There is also a need to impose restrictive covenants in relation to new rights required in connection with the construction, operation, maintenance and decommissioning of the Proposed Development.

5.4.5 The Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities Guidance on the Content of a Development Consent Order for Nationally Significant Infrastructure Projects (paragraph 011 Reference ID 04-011-20240430) advises that it may be appropriate to include a power to impose restrictive covenants over part of the land which is subject to compulsory acquisition or use under the DCO. Planning Inspectorate guidance in Advice Note 15 concerning the drafting of DCOs (paragraphs 24.1-24.3) states that before deciding whether or not such a power is justified the Secretary of State will need to consider issues such as proportionality; the risk that use of land above or below a structure could be sterilised if it has to be acquired outright in the absence of a power to impose restrictive covenants; or whether there is for example a policy of establishing a continuous protection zone for the infrastructure network which could be secured more efficiently with the benefit of this power.

5.4.6 The guidance states that the power to impose restrictive covenants over land above a buried cable or pipe, or where a slope contains artificial reinforcement has been granted in DCOs, and cites the Silvertown Tunnel Order 2018 as an example. The guidance advises that in order to enable the Secretary of State to consider whether the imposition of restrictive covenants is necessary for the purposes of implementing a DCO and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.

5.4.7 The Applicant has had regard to this guidance in preparing Schedule 9 to its draft DCO **[EN0110012/APP/LVS/03.01]** which sets out the restrictions

being sought. Article 24 includes a power to impose restrictive covenants in relation to land over which new rights are acquired. These proposed restrictions are required to protect the apparatus associated with the Proposed Development from becoming exposed, damaged or built over; preventing operations which may obstruct, interrupt or interfere with apparatus and the exercise of new rights required; ensuring that access for future maintenance can be facilitated and ensuring that land requirements are minimised so far as possible.

5.4.8 The Applicant considers the imposition of such restrictions to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the Proposed Development.

5.5 Temporary Possession

5.5.1 There will be situations where it will not be necessary for the Applicant to permanently acquire rights and interests, but instead be authorised to temporarily possess and use land. The land over which rights of temporary possession only are sought is shown edged black and shaded yellow on the Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02].** The Applicant is also seeking temporary use powers over all other land within the Order land, in order to allow it to take temporary possession ahead of acquiring land or rights permanently (see further explanation below). The land over which these rights are sought is shown edged black and shaded pink and blue on the Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02].** This land is described in more detail in the Book of Reference **[EN0110012/APP/LVS/04.03].**

5.5.2 The reason for seeking temporary use powers over land shaded pink or blue is that it allows the Applicant to enter on to land for particular purposes (including site preparation works) in advance of any vesting of the relevant land/rights. This enables the Applicant to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Proposed Development, because, for example, the Applicant could exercise the temporary possession powers to undertake site investigation works to inform and minimise the land within the Cable Route Corridor over which permanent rights are needed.

5.5.3 Articles 31 and 32 of the draft DCO **[EN0110012/APP/LVS/03.01]** are relied upon in respect of all land within the Order Limits. Article 32 allows temporary possession of land for the purposes of maintaining the Proposed Development. As noted above, Article 31 permits temporary use in two ways in connection with the construction of the Proposed Development:

a) First, the land identified in Schedule 11 to the draft DCO may only be temporarily possessed (i.e. the Applicant cannot acquire the land nor new rights over it), and possession can only be taken for the

purposes set out in that Schedule for the particular plot. In summary, these are the areas required to facilitate access (including on the road network approaching the Order limits to allow sufficient room for HGVs and AILs to navigate corners and turnings) to the Works and provide temporary construction compounds. These areas are shown edged black and shaded yellow on the Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02]**; and

b) Secondly, Article 31 permits the Applicant to take temporary possession of any other part of the Order land where it has not yet exercised powers of compulsory acquisition - this will allow the Applicant (for instance) to initially take temporary possession of the whole width of corridors required for the Cable Route Corridor. Once the Applicant has carried out detailed surveys and installed the relevant apparatus (such as pipes or cable), the Applicant can then acquire new rights (pursuant to the powers set out above) within only a narrower strip in which permanent rights are required, within the wider construction corridor. This phased approach to occupation and acquisition allows the permanent rights corridor to be defined after construction, and to be only that which is necessary for the operation, maintenance and protection of the apparatus. Such an approach has precedent amongst other DCOs, including The Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm Order 2024, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024 and the West Burton Solar Project Order 2025.

5.5.4 The Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]** sets out the latest position in relation to negotiation of voluntary agreements with landowners.

5.5.5 Under Article 32, the Applicant is entitled to occupy the land for as long as necessary to carry out the relevant maintenance works. The Applicant must give the landowner and any occupier not less than 28 days' notice and on completion of the maintenance works must remove all temporary works and restore the land to the satisfaction of the landowner.

5.6 Other Rights and Powers

5.6.1 In addition, the Applicant has included powers to ensure that easements and other private rights identified as affecting the land are suspended or cease to have effect, so as to facilitate the construction and operation of the Proposed Development without hindrance. Furthermore, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to cease to have effect in order to facilitate the construction, operation and decommissioning of the Proposed Development. Article 25 of the draft DCO is relied upon in respect of this land and apply in relation to land in which compulsory acquisition or

temporary possession are proposed (that is, land shaded pink, blue or yellow on the Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02]**). With respect to land shaded yellow, in respect of which temporary possession only is sought, Article 25(3) makes clear that any private rights or restrictive covenants are only suspended for the period in which the Applicant is in lawful possession of the land (i.e. they would only be suspended temporarily).

5.6.2 The draft DCO **[EN0110012/APP/LVS/03.01]** also contains the following additional powers which may constitute an interference with land and/or rights over land and as such are captured in Part 3 of the Book of Reference **[EN0110012/APP/LVS/04.03]:**

- Article 8 - Street works: this article would confer authority on the Applicant to interfere with and execute works in or under any streets for the purposes of the authorised development;
- Article 12 - Temporary closure, restriction or prohibition of use or stopping up of streets and public rights of way: this article permits the Applicant to temporarily prohibit or restrict the use of, alter, divert or restrict the use of streets and public rights of way for the purposes of the development, whilst ensuring that pedestrian access is maintained;
- Article 13 - Use of private roads: this article enables the Applicant to use any private road within the Order limits during construction or maintenance of the authorised development;
- Article 14 - Access to works: this article allows works accesses to public highways to be created. It gives the Applicant a general power to form means of access;
- Article 17 - Discharge of water: this article sets out the circumstances in which the Applicant is entitled to discharge water into a sewer, watercourse or drain, and its purpose is to establish statutory authority for doing so;
- Article 19- Protective works to buildings: this article provides a power to monitor certain buildings and structures (included within the Order limits) for the effects of ground movement relating to settlement arising from the construction of the authorised works; and to carry out protective works where necessary to mitigate the effects of such settlement. This power applies throughout the Order limits;
- Article 20- Authority to survey and investigate the land: this article gives the Applicant the power to enter certain land for the purpose of surveying and testing. It provides that the Applicant must give 14 days' notice before exercising the powers of entry, and that compensation is payable for any loss or damage caused;
- Article 23 – Compulsory acquisition of land – incorporation of the minerals code: incorporates Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981. It has been included within the draft DCO as mineral rights have been identified within the Order land

and the mineral code provides a statutory process for dealing with the purchase of and compensation for minerals;

- Article 27 - Power to override easements and other rights: this article permits the Applicant to override easements and other rights such that land vested in the Applicant would be discharged from all rights, trusts and incidents to which it was previously subject at the point of vesting, together with the benefit of restrictive covenants and instances where land subject to third party rights is acquired by agreement rather than through compulsory acquisition; and
- Article 40 - Felling or lopping of trees and removal of hedgerows: this article would permit any tree or shrub that is near the Proposed Development to be felled or lopped, or have its roots cut back by the Applicant if it is considered to obstruct the construction, operation or maintenance of the Proposed Development or endanger anyone using it. Compensation is payable for any loss or damage caused.

5.6.3 All the above-mentioned articles in the draft DCO **[EN0110012/APP/LVS/03.01]**, which would provide powers enabling the Applicant to acquire land permanently or to use land temporarily, are required to enable the construction, operation, maintenance and decommissioning of the Proposed Development.

6 Purpose of the Powers

6.1 The need for the Proposed Development

6.1.1 The Statement of Need **[EN0110012/APP/LVS/05.03]** sets out the need for the Proposed Development. A summary of the need for the Proposed Development is set out below.

6.1.2 Urgent and unprecedented action is needed on an international scale to meet the commitments established through the Paris Agreement to for urgent actions to decarbonise society and stop global warming.

6.1.3 The UK has legally binding targets to decarbonise and is developing new and enhancing existing policies to ensure that those targets are met in a secure and affordable fashion.

6.1.4 The position solar generation is taking within emerging government policy is increasing in both scale and importance. Not only for the benefits it delivers to decarbonisation, but also because of the need for secure and affordable energy supplies.

6.1.5 The government's Clean Power framework has established a capacity range of 45-69GW for the prioritisation of large-scale solar Proposed Development connections by 2035.

6.1.6 The Proposed Development will, if consented, make an important and significant contribution towards achieving the government's Clean Power target and legally binding net zero target by 2050.

6.2 National Policy Statement

6.2.1 A more detailed explanation of the legislative and policy context of the Proposed Development is set out in Section 6 of the Planning Statement **[EN0110012/APP/LVS/05.02]** and the Policy Compliance Document **[EN0110012/APP/LVS/05.12].**

6.2.2 Section 104 of the PA 2008 makes clear that where an NPS exists relating to the type of development applied for, the SoS must have regard to it as a relevant NPS, and must decide the application in accordance with that NPS. The Applicant considers that the following NPSs are all relevant (as they provide specific policy in relation to solar development):

- Overarching National Policy Statement for Energy (EN-1) (NPS EN-1);
- National Policy Statement for Renewable Energy (EN-3) (NPS EN-3); and

- National Policy Statement for Electricity Networks Infrastructure (EN-5).

6.2.3 The Energy NPSs and other national energy policy set out the government's aims to provide secure and affordable energy supplies whilst decarbonising the energy system. This is in order to enable the UK to achieve its legally binding commitment to reduce carbon emissions and achieve net zero carbon emissions by 2050; as well as provide a resilient and low cost energy network for the future. The government recognises that the need to deliver these aims and commitments is immediate and therefore renewable energy NSIPs, including large scale solar projects, need to be delivered urgently.

6.2.4 The Proposed Development will deliver these policy aims, providing a significant amount of low carbon electricity over its lifetime; and providing resilience, security and affordability of supplies due to its large scale and proposed integration of energy storage. It will therefore be an essential step in the development of the portfolio of solar generation that is required to decarbonise its energy supply quickly whilst providing security and affordability to the energy supply. The Proposed Development will make a valuable contribution to adopted UK government policy and the achievement of world-leading decarbonisation commitments.

6.2.5 The Proposed Development will also deliver other more localised economic, social and environmental benefits. These include biodiversity net gain and encouraging local people to access apprenticeships and training and employment during the construction phase. With regard to biodiversity, the Proposed Development will deliver a variety of enhancement measures and will be implemented in accordance with the Outline Landscape and Ecological Management Plan **[EN0110012/APP/LVS/07.05].**

6.2.6 The analysis of planning policy compliance in the Planning Statement **[EN0110012/APP/LVS/05.02]** and the Policy Compliance Document **[EN0110012/APP/LVS/05.12]** demonstrates that the need for the Proposed Development is supported by planning policy and other national energy and environmental policy and that the Proposed Development addresses relevant national and local planning policies through its design, avoiding and minimising adverse impacts where possible.

6.2.7 With the mitigation proposed, the Environmental Statement **[EN110012/APP/LVS/06.01.02]** demonstrates that the Proposed Development is not expected to result in any significant adverse effects in relation to climate change resilience, water resources and flood risk, transport and access, noise and vibration, glint and glare, air quality, human health, electromagnetic fields, ground conditions and contamination. However, residual significant adverse effects are

anticipated for landscape and visual amenity, ecology and biodiversity (at site, local and district level), cultural heritage, agricultural land classification and soil resources. Further details can be found in the Non-Technical Summary **[EN0110012/APP/LVS/06.04.01].**

6.2.8 The Applicant has carefully designed the Proposed Development to ensure landscape and visual impacts are minimised through sensitive siting of the largest Proposed Development components in the most well-screened areas of the Order land and a green infrastructure led landscape and ecological design set out within the Outline Landscape and Ecological Management Plan **[EN0110012/APP/LVS/07.05]** and the Design Approach Document **[EN0110012/APP/LVS/05.05].** Key features of the Proposed Development design include offsets and buffer zones in proximity to residential receptors, extensive planting and habitat enhancement areas throughout the Solar PV Sites and protection buffer zones around existing hedgerows, trees, woodland and watercourses. This limits the landscape and visual effects during the operational period to a small number of areas and receptors. In terms of the planning balance, the fact that these effects are localised; will be reversed following decommissioning at the end of the Proposed Development's operational life; and that NPS EN-1 acknowledges that adverse effects are likely, given the scale of energy NSIPs, and the national benefits of the Proposed Development outweigh these localised effects.

6.2.9 As described in the Planning Statement **[EN0110012/APP/LVS/05.02]**, whilst it has not been possible to avoid all impacts these have been minimised, where practicable, through careful and sensitive design and detailed mitigation strategies. When considered against the NPS and NPPF, the Proposed Development accords with relevant policies, and with regard to specific policy tests, the national and local benefits of the Proposed Development are considered on balance to outweigh its adverse impacts. The Proposed Development is also considered to be broadly consistent with relevant local planning policy, and accords with the relevant criterions which concern renewable and low carbon energy Proposed Developments. Therefore, it is considered that development consent for the Proposed Development should be granted.

6.2.10 To ensure that the Proposed Development can be built, operated, maintained and decommissioned, and so that the Government's policy in relation to the timely provision of new generating capacity is met within a reasonable timescale, the Applicant requires the acquisition of a number of property interests in third party ownership, and has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to suspend rights over land.

6.2.11 In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the Order land, uncertainty will continue to

prevail and the Applicant considers that its objectives and those of Government policy would not be achieved.

7 Justification for the Compulsory Acquisition Powers

7.1 The matters to which the SoS must have regard

7.1.1 As noted above, under section 122 of the PA 2008, a DCO which includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) are met. The conditions to be met are that:

- the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development (section 122(2)) (see section 7.2 below); and
- there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (section 122(3)). The SoS must be persuaded that the public benefits from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired (see Sections 7.3 and 7.4 below).

7.1.2 In respect of the section 122(2) condition, the 'Guidance related to procedures for the compulsory acquisition of land' (at paragraph 11 of the CA Guidance) states that applicants should be able to demonstrate to the satisfaction of the SoS that the land in question is needed for the development for which consent is sought. The CA Guidance goes on to say that the SoS will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.

7.1.3 In respect of the section 122(3) condition, the CA Guidance (at paragraph 13) states that the SoS will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that in determining where the balance of public interest lies, the SoS will weigh up the public benefits that a Proposed Development will bring against any private loss to those affected by compulsory acquisition.

7.1.4 Further, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the SoS when justifying an order authorising compulsory acquisition. These are as follows:

- that all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Development) have been explored - see section 7.5 below in relation to how the Applicant has given regard to alternatives to compulsory acquisition;

- that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see the remainder of this section, and Section 7.4 below;
- that the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire – Section 3 above describes the Proposed Development, and Section 6 alongside the Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]** together provide the purposes for which areas are to be acquired or used;
- that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see section 7.9 below in addition to the Funding Statement **[EN0110012/APP/LVS/04.02]**; and
- that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see Section 8 below.

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

7.2 Use and quantum of the Order limits

7.2.1 At paragraph 11, the CA Guidance states that there must be no doubt in the decision maker's mind as to the purposes to which the land to be acquired is to be put. It should be demonstrated that the land is needed for the authorised Proposed Development and that it is no more than is reasonably required for that Proposed Development. Any land that is incidental to or is required to facilitate the development should also be limited to that which is no more than reasonably necessary and it should be made clear to the decision maker that this is the case.

7.2.2 In designing the Proposed Development and determining the land to be subject to compulsory acquisition and temporary possession powers, as demonstrated below, the Applicant has considered alternatives and modifications to the Proposed Development to minimise the potential land take.

7.2.3 Section 3 describes the Proposed Development and a summary of the Proposed Development for which land and rights over land within the Order land are required. The Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]** summarises the land and rights over land within the Order land required for the Proposed Development.

7.2.4 The proposed interference with the rights of those with an interest in the land is for a legitimate purpose because the Applicant requires the land for the development of the Proposed Development and can satisfy the conditions set out in section 122(2) of the PA 2008. The land is required

for the development to which the DCO relates or is required to facilitate or is incidental to the development.

7.2.5 The scope of the powers of compulsory acquisition proposed in respect of the land within the Order land goes no further than is needed. All the land included within the Order land is needed to achieve the identified purpose of delivering the Proposed Development. The Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]** shows the powers being applied over each plot (including the plots over which freehold acquisition is acquired), the requirement for each plot of land demonstrating the assessment that has been carried out on each plot, and the works for which each plot of land is required.

7.2.6 Steps have been taken to ensure that the interference with the rights of those with an interest in the affected land is no more than is necessary to deliver the benefits associated with the Proposed Development.

7.3 Public Benefits

7.3.1 Section 6.1 and the Statement of Need **[EN0110012/APP/LVS/05.03]** set out the need for the Proposed Development which would ensure meaningful and timely contributions to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, which is critical on the path to Net Zero. Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation Proposed Development will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

7.3.2 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Proposed Development will deliver other benefits, many of which have been maximised and will be delivered as a result of the Proposed Development's careful design. These include:

- Biodiversity net gain (see Biodiversity Net Gain Report [**EN0110012/APP/LVS/05.09]**);
- Permissive paths will be retained during the operational phase of the Proposed Development, improving connectivity with the existing network of PRoWs. The existing network of PRoWs will be retained. See the Outline Public Rights of Way Management Plan **[EN0110012/APP/LVS/07.09]**;
- Employment during the construction and operational phases. In particular in construction, a peak of 770 construction workers (298 Full Time Equivalent (FTE) jobs) and an average of 385 construction workers is anticipated to be working across the seven Solar Development Sites during the day. In addition, there will be approximately 120 construction workers (46.5 FTE

jobs) distributed along the Cable Route Corridor with an additional 35 staff delivering equipment to the Site.

- A Skills, Supply Chain and Employment Plan in substantial accordance with the Outline version of that plan **[EN0110012/APP/LVS/07.13]** will be prepared prior to the commencement of construction. This will set out measures that the Applicant will implement in order to advertise and promote employment opportunities associated with the Proposed Development in construction and operation locally, meeting the commitments set out in the outline plan.

7.3.3 Further information in relation to these project benefits can be found in the Planning Statement **[EN0110012/APP/LVS/05.02].**

7.4 Impacts and Private Loss

7.4.1 In order to deliver the benefits of the Proposed Development set out above, the Applicant requires the use of compulsory acquisition powers. This will result in a private loss by those persons whose land or interests in land is compulsorily acquired. Appropriate compensation would be available to those entitled to claim it under the relevant provisions of the national Compensation Code thereby minimising the private loss.

7.4.2 Compensation is payable for the compulsory acquisition of land or rights and for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.

7.4.3 As shown in the Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04]**, the Applicant has taken pro-active steps to engage with these persons whose land and rights will be affected by the Proposed Development to understand the direct and indirect impacts on them and to try to reach a voluntary agreement. This has helped to shape the proposals and, where possible enabled changes to designs to minimise the private loss.

7.4.4 All relevant environmental, social and economic benefits and adverse impacts have been assessed and are reported on in the Application documents, most notably the Environmental Statement **[EN110012/APP/LVS/06.01.02].**

7.4.5 Whilst the Proposed Development as a whole would, in common with any national infrastructure project, result in some adverse effects to the environment and local community, it is considered that these (considered individually or collectively) would not outweigh the important nationally significant benefits of contributing towards the critical national priority need for secure and affordable low carbon energy infrastructure.

7.4.6 The Proposed Development is a NSIP and the public benefits associated with the Proposed Development are set out in section 7.3 above. The Applicant considers that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictions) to be included in the Order. Compensation is payable to all affected landowners and occupiers.

7.4.7 There is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the Proposed Development. The extent of the Order land is no more than is reasonably necessary for the construction, operation and maintenance of the Proposed Development and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.

7.5 Alternatives to Compulsory Acquisition

7.5.1 The Applicant has considered all reasonable alternatives to compulsory acquisition: negotiated agreements, alternative sites and modifications to the Proposed Development have been considered prior to making the Application. Efforts to negotiate directly with landowners are ongoing, as described at section 7.8 with all Solar Development Sites already under option.

7.5.2 The Applicant's use of compulsory acquisition powers is intended to be proportionate. Where practicable, lesser powers of temporary possession will be used.

7.6 Alternatives to the Proposed Development

7.6.1 The 'no development' scenario as an alternative to the Proposed Development has not been considered. This is because 'no development' is not considered to be a reasonable alternative to the Proposed Development as it would not deliver the proposed additional electricity generation capacity which is essential to meet the urgent national need for secure and affordable low carbon energy infrastructure.

7.6.2 The location and extent of land and rights has been carefully considered and designed in order to take the minimum amount of land required whilst ensuring that the Proposed Development continues to meet the project benefits. The rights sought are therefore proportionate and necessary.

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

7.6.4 The Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the Application and such consideration has included reasonable factors at relevant stages, such as

consultee comments, technical feasibility, economic factors and the minimisation of environmental and visual impacts and land take.

7.6.5 Further details on the consideration of alternatives are set out in Chapter 3: Alternatives and Design Iteration of the Environmental Statement **[EN110012/APP/LVS/06.01.03].**

7.7 Site Selection

7.7.1 In order to determine the location of a potential solar PV site, there needs to be an available grid connection, and, if possible, a landowner agreeable to their land being used for the development. A 'smaller development' as an alternative to the Proposed Development has not been considered further, as NPS EN-1 at paragraph 4.3.23 states that the decision maker:

> *"…should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change benefits and other environmental benefits) in the same timescale as the Proposed Development".*

7.7.2 A smaller Proposed Development would not deliver the same generation capacity or energy security and climate change benefit as the Proposed Development, and as such would not represent a reasonable alternative. A Statement of Need **[EN0110012/APP/LVS/05.03]** is submitted with the Application which addresses the need for the Proposed Development at the size it is.

7.7.3 Once a point of connection was established, the applicant proceeded to identify potential sites within proximity of the Monk Fryston Substation that could accommodate a Proposed Development large enough to utilise the grid connection offer. The Applicant has produced a Site Selection Assessment Report (SSAR) (ES Volume 3) **[EN0110012/APP/LVS/06.03.03.01]**) which provides an assessment of alternative sites.

7.7.4 The SSAR reports how, taking account of the policy requirements of the NPS, GIS mapping was used to seek to identify land unconstrained by flood risk (zones 2 and 3); international, national, and local designations for the natural environment and cultural heritage; best and most versatile agricultural land, Green Belt and sensitive human receptors. No National Landscapes or National Parks were present in the search area. The unconstrained land that was identified was then assessed against operational considerations including potential to assemble large areas of open land (minimum 40 ha), the availability of previously developed land (brownfield sites), and topography.

7.7.5 The site selection assessment report confirms there are no more suitable and available alternative locations to the proposed location for the

Proposed Development within a search area of 25km radius of the Monk Fryston Substation, based on the criteria identified. The Solar Development Sites are therefore considered to be suitable for the scale of development proposed and are best placed to meet the Project Objectives. This process, including the nature of the other areas, is described in detail in Chapter 3: Alternatives and Design Iteration of the Environmental Statement **[EN110012/APP/LVS/06.01.03]** and the SSAR **[EN0110012/APP/LVS/06.03.03.01].**

7.8 Changes to the Proposed Development

7.8.1 The design of the Proposed Development has been through an iterative process, as the process of good design, environmental assessment, accessibility review and consultation and engagement has taken place. This process has been informed always by the question of ensuring that no more land is within the Order limits than is required for the Proposed Development.

7.8.2 Chapter 3: Alternatives and Design Iteration of the Environmental Statement **[EN110012/APP/LVS/06.01.03]** and the Design Approach Document [**EN0110012/APP/LVS/05.05]** set out how the design of the Proposed Development has evolved over time, including reductions in land.

7.9 Voluntary agreements with landowners

7.9.1 The Solar Development Sites of Light Valley Solar 1-4 and 6-8 are held within a small number of land ownerships, and this is advantageous in terms of minimising project complexity, legal complexity and cost. The Sites were chosen following assessment work and discussion with landowners regarding areas of their land holdings that they were prepared to allow solar development on. The land has limited land use conflicts with respect to local development plan allocations and displacement of existing businesses.

7.9.2 Option Agreements have been entered into with the relevant landowners for each of the Solar Development Sites.

7.9.3 Negotiations for the purchase of other land, rights and interests are ongoing in respect of the land and new rights required for the Proposed Development. Nevertheless, it is necessary for the Applicant to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the draft DCO, thereby ensuring that the Proposed Development can be constructed, operated and maintained.

7.10 Availability of funds for compensation

7.10.1 The Funding Statement **[EN0110012/APP/LVS/04.02]** confirms that the Applicant has the ability to procure the financial resources required for the Proposed Development, including the cost of acquiring any land and rights and the payment of compensation, as applicable.

7.10.2 The Applicant is not aware of any interests within the Order land in respect of which a person may be able to make a blight claim, but in the event this did occur the Applicant has sufficient funds to meet any compensation due.

7.10.3 The Applicant therefore considers that the SoS can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

8 Communications and Negotiations

8.1 Diligent inquiry / land referencing

8.1.1 In accordance with the requirements of the 2008 Act, the Applicant undertook "diligent inquiry" through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the 2008 Act. These include owners, lessees, tenants and occupiers of the land within the Order limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits.

8.2 Diligent inquiry methodology

8.2.1 The Applicant was required to identify individuals in one or more of the categories set out in sections 44 and 57 of the 2008 Act. This included undertaking "diligent inquiry" to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the 2008 Act. Category 1 includes owners, lessees, tenants and occupiers of the land within the Order limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits. Category 3 includes parties who the Applicant thinks would or might, if the Order sought by the application were made and fully implemented, be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965 and/or Part 1 of the Land Compensation Act 1973 and/or section 152(3) of the 2008 Act.

8.2.2 The extent of land referencing undertaken was developed with reference to all land and rights necessary to construct and operate the Proposed Development. A professional land referencing firm was employed to undertake diligent inquiry to identify these land interests. The following processes were undertaken as part of the methodology to identify and consult with those with an interest in affected land.

8.2.3 Land Registry data was received in the form of a digital shape file (a GIS layer) and digital copies of the Official Copy Registers and Title Plans. All relevant freehold, leasehold, mortgagee, beneficiary, other charges and restrictive covenant information was extracted and stored in a land referencing database.

8.2.4 An update to the land registry information was carried out prior to the preparation of the Book of Reference **[EN0110012/APP/LVS/04.03]** as part of the DCO application documentation to ensure HM Land Registry records did not exceed 6 months in date.

8.2.5 Adopted highways plans were acquired from North Yorkshire Council. Information was also obtained regarding special category land (including open space, common land, town and village greens, fuel and field garden

allotments); and any information relating to extant planning permissions. Information was received in a variety of formats and entered into the GIS system as appropriate. Where necessary, further enquiries were made to address any changes, anomalies, or gaps. These processes allowed parties relevant to Parts 4 and 5 of the Book of Reference to be identified. Crown land was identified from registered title data.

8.2.6 Statutory undertakers that were believed to have a possible interest in the area were contacted to identify their interests. Information received was entered into the GIS as appropriate and where necessary further enquiries were made to address changes, anomalies or gaps.

8.2.7 To identify Category 3 parties, the land referencing firm held discussions with the authors of, and took account of the developing data from, assessments across the relevant EIA disciplines and analysed the relevant receptor locations to identify all affected properties using HMLR polygons and through engagement.

8.2.8 Any existing information or stakeholder data gained by the Applicant as a result of property negotiation or Section 42 consultation was incorporated accordingly.

8.2.9 Consultation with landowners has been ongoing throughout the development of the proposals. The identification of potentially affected parties has been an ongoing process. This included checking all company addresses at Companies House to ensure the correct address was being used. The registered address was used unless advised differently by the affected party. Census data and other publicly available records were reviewed to understand accurate addresses for correspondence for individuals affected by the Proposed Development.

8.2.10 Land Interest Questionnaires (LIQs) were issued to all affected parties within the Order land. This included landowners, lessees, occupiers and statutory undertakers potentially affected by the Proposed Development. Telephone numbers and email addresses were provided on the letter which accompanied the LIQs, allowing parties to make contact if they sought further information on the proposals. Parties identified after this date, or whose initial LIQ unsuccessfully delivered, were issued at the earliest possible opportunity. Reminder letters were sent to parties who had not returned an LIQ in an effort to complete the dataset.

8.2.11 Where there was unregistered land within the Order land, site notices were affixed on or adjacent to the land in order to notify any unregistered interested parties of the proposals.

8.3 Consultation with landowners

8.3.1 The Applicant has been seeking to acquire the relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Proposed Development. The current position in relation to the Applicant's engagement and negotiations with each landowner affected by the Proposed Development is explained in the Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04].** In summary, at the time of writing, agreements have been entered into for all of the Solar Development Sites and heads of terms have been issued for the majority of the Cable Route Corridor, Site 8 Access Land, and the Highway Improvement Areas.

8.3.2 It has not yet been possible to acquire all of the land, the temporary use of land and the rights required by agreement at the point of DCO Application. In addition, the Applicant requires certain rights to be suspended, overridden or extinguished within the Order land so as to ensure there are no impediments to the construction, operation and maintenance of the Proposed Development.

8.3.3 Negotiations will continue with landowners and persons with interests in land affected by the Proposed Development. Nonetheless, it is necessary for the Applicant to seek compulsory acquisition powers to secure such land, rights and interests and to ensure that any third-party interests or encumbrances affecting such land, rights and interests may be acquired, overridden or extinguished pursuant to the draft DCO, thereby ensuring that the Proposed Development can be constructed, operated and maintained.

8.4 Consultation with Statutory Undertakers

8.4.1 The Applicant and its advisors have been liaising with statutory undertakers whose apparatus may be affected by the Proposed Development. A summary of these negotiations and correspondence can be found in the Land and Rights Negotiations Tracker **[EN0110012/APP/LVS/04.04].**

9 Human Rights and Equalities

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

9.1.2 The following Articles of the Convention are relevant to the SoS's decision as to whether the draft DCO **[EN0110012/APP/LVS/03.01]** should be made so as to include powers of compulsory acquisition:

- Article 1 of the First Protocol to the Convention - protects the rights to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest.
- Article 6 - entitles those affected by powers sought in the draft DCO to a fair and public hearing of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision-making process.
- Article 8 - protects private and family life, home and correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

9.1.3 The SoS, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.

9.1.4 The draft DCO **[EN0110012/APP/LVS/03.01]** has the potential to infringe the rights of persons who hold interests in land within the Order land under Article 1 of the First Protocol, Article 6 and Article 8. Such an infringement is authorised by law so long as:

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

9.1.5 In relation to Article 1, in preparing the Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the draft DCO and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. As set out in section 7.3 above and in more detail in the Statement of Need **[EN0110012/APP/LVS/05.03]** and the Planning Statement **[EN0110012/APP/LVS/05.02]** the Applicant considers that there would be very significant public benefits arising from the grant of the DCO. The benefits are only realised if the DCO is accompanied by the grant of powers of compulsory acquisition, and the

purpose for which the land is sought (to build and operate the Proposed Development) is legitimate. The Applicant has concluded on balance that the significant public benefits outweigh the effects upon persons who own property within the Order land. For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code.

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

9.1.7 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the PA 2008, the Applicant has consulted with persons set out in the categories contained in Section 44 of the PA 2008, which includes owners, lessees, tenants and occupiers within the Order limits and those with an interest in the Order limits. The Applicant has also consulted with those persons who may be able to make a relevant claim under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or s152(3) of the PA 2008.

9.1.8 Furthermore, representations can also be made in response to any notice given under Section 56 of the PA 2008 for consideration at examination of the Application by the Examining Authority and in any written representations procedure which the Examining Authority decides to uphold or at any compulsory acquisition hearing held under Section 92 of the PA 2008.

9.1.9 Should the DCO be made, any person aggrieved may challenge the DCO in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the PA 2008.

9.1.10 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. In relation to matters of compensation, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body, to determine the compensation payable.

9.1.11 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the DCO of powers of compulsory acquisition, is proportionate, necessary and legitimate and is in accordance with national and European law. For the reasons set out in Section 7 of this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.

9.1.12 The Applicant considers that the DCO strikes a fair balance between the public interest in the Proposed Development going ahead and the interference with the rights that will be affected. The Applicant considers that it would, therefore, be appropriate and proportionate for the SoS to make the DCO, including the grant of compulsory acquisition powers.

9.1.13 The Applicant has also submitted an Equality Impact Assessment (EqIA) **[EN0110012/APP/LVS/05.02.04]** which considers how the Proposed Development may affect people with protected characteristics as defined by the Equality Act 2010. The EqIA supports the Secretary of State in determining the Applicant's application for development consent by providing the information that can be used to ensure that due regard is given to the aims of the PSED. The EqIA has been informed by a review of relevant legislation and policy, demographic data, the topic chapters that form ES Volume 1, the Consultation Report **[EN0010012/APP/05.01]** and the design and delivery proposals for the Proposed Development.

9.1.14 The assessment has identified both potential benefits and adverse equality impacts associated with the consultation, construction, operational, and decommissioning phases of the Proposed Development. It has considered differential and disproportionate impacts in line with recognised good practice and guidance, drawing on demographic evidence from the study area to assess where groups may be more sensitive to change or unevenly affected. The assessment concludes that with mitigation measures and inclusive practices in place, the potential for significant negative equality impacts is unlikely. The Proposed Development presents opportunities to generate positive outcomes, particularly in relation to employment and inclusive engagement, and is not expected to cause major equality effects to people with protected characteristics.

10 Special considerations affecting the Order Limits

10.1 Crown Land

10.1.1 The Order land includes Crown land but the Crown interests in this land are excluded from the scope of the compulsory acquisition powers – see Land, Crown Land and Special Category Land, Crown Land and Special Category Land Plans which includes Crown land **[EN0110012/APP/LVS/02.02]** and Part 4 of the Book of Reference **[EN0110012/APP/LVS/04.03].**

10.2 Special Category Land

10.2.1 The Applicant has identified that some areas of village green are within the Order limits.

10.2.2 The Order limits include the following types of special category land, as defined in section 19 of the Acquisition of Land Act 1981, as applied by section 131(12) of the 2008 Act:

- Land which is open space; and
- Land which is a 'common' (as section 19 of the 1981 Act includes town and village greens within the definition of a 'common').

10.2.3 As shown in Part 5 of the Book of Reference **[EN0110012/APP/LVS/04.03]** and on the Land, Crown Land and Special Category Land Plans **[EN0110012/APP/LVS/02.02]** there is special category land comprised in the Proposed Development. All of this land falls within land registered as a town and village green and is therefore a 'common', but not all of this land is considered to also be 'open space' as upon site observation and Google Streetview, it is clear that plots 05-036 and 05-038 only perform the function of a highway verge, notwithstanding that the land is formally registered as a town and village green.

10.2.4 The compulsory acquisition of rights is not sought over the special category land within the Order limits, and only temporary possession powers are required. As a result, sections 131 and 132 of the Planning Act 2008, which make provision for Special Parliamentary Procedure in respect of where compulsory acquisition of land (section 131) or of rights (sections 132), is not engaged.

10.3 Statutory Undertakers' Land and Apparatus

10.3.1 The interests held by each Statutory Undertaker identified by the Applicant as having a right to keep or access apparatus within the Order land are identified in the Book of Reference **[EN0110012/APP/LVS/04.03].**

10.3.2 Section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that matters set out in section 127(3) are satisfied. Those matters are:

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

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

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

10.3.4 Article 33 of the DCO gives the Applicant the authority to acquire land and rights from Statutory Undertakers, and to extinguish or suspend their rights, and to remove or reposition their apparatus, subject to the provisions of Schedule 15 which contains protective provisions for their benefit. The protective provisions provide adequate protection for Statutory Undertakers' assets. The Applicant therefore considers that the Statutory Undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition powers sought over the Order land being granted. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.

10.3.5 Section 138 of the PA 2008 applies if a development consent order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land. The draft DCO includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Proposed Development. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 15 to the DCO. The protective provisions set out constraints on the exercise of the powers in the DCO, with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Proposed Development (i.e. the development authorised by

the DCO) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.

10.3.6 Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order limits. Statutory undertakers and other apparatus owners that are known to have interest in or equipment on, in or over the Order limits are included in the Book of Reference **[EN0110012/APP/LVS/04.03].** These include:

- Environment Agency;
- Network Rail Infrastructure Limited;
- National Highways Limited;
- National Gas Transmission PLC;
- Northern Gas Networks Limited;
- National Grid Electricity Transmission PLC;
- Northern Powergrid (Yorkshire) PLC;
- Canal & River Trust;
- Selby Area Internal Drainage Board; and
- Ouse & Derwent Internal Drainage Board.

10.3.7 The Applicant is in discussions with the relevant statutory undertakers and owners of apparatus to agree the form of protective provisions and, where required, side agreements and asset protection agreement with the other parties contacted.

10.3.8 In any event, Part 1 and Part 2 of Schedule 15 to the draft DCO include standard protective provisions for the protection of electricity, gas, water and sewerage undertakers and for the protection of operators of electronic communications code networks, in order to ensure the assets of those parties receive adequate protection.

10.3.9 There are no other relevant special considerations in respect of the Order limits.

11 Related Applications and Consents

11.1.1 Other consents are or may be required in order for the Proposed Development to be constructed and subsequently operate. The key consents are identified below and reference should be made to the Other Consents and Licences Statement **[EN0110012/APP/LVS/05.04]** which sets out the additional consents required and the status and timeframe for each consent. These may include:

- Electricity Generation Licence;
- Water abstraction or impoundment licence;
- Water discharge activity permit;
- Construction dewatering
- Trade Effluent
- Bilateral Connection Agreement (to connect to the National Electricity Transmission System);
- Permit for Transport of Abnormal Loads;
- Section 61 consent (control of noise on construction site);
- Health and Safety related consents;
- Protected species licence;
- Hazardous substances consent;
- Consent in relation to proximity to registered mine shafts;
- Exemption for using, treating, storing and disposing of waste; and
- Mobile plan permit.

11.1.2 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Development proceeding.

12 Further Information

12.1 Negotiation of Sale

12.1.1 Owners and occupiers of property affected by the Proposed Development who wish to discuss matters of compensation should contact the Applicant on 0808 281 4784 or email at info@lightvalleysolar.co.uk

12.2 Compensation

12.2.1 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation value of properties. Helpful information is given in the series of booklets published by DCLG entitled "Compulsory Purchase and Compensation" listed below:

- Guide 1 - Compulsory Purchase Procedure;
- Guide 2 - Compensation to Business Owners and Occupiers;
- Guide 3 - Compensation to Agricultural Owners and Occupiers; and
- Guide 4 - Compensation to Residential Owners and Occupiers.

12.2.2 Copies of these booklets are obtainable, free of charge, from: https://www.gov.uk/government/collections/compulsory-purchase-system-guidance

13 Conclusion

13.1.1 This Statement demonstrates that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Proposed Development meets the requirements of Section 122 of the PA 2008 as well as the considerations in the CA Guidance.

13.1.2 In summary, the compulsory acquisition of the Order land or rights over the Order land (including restrictions), together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is required for the purposes of, to facilitate, or are incidental to, the Proposed Development and are proportionate and no more than is reasonably necessary.

13.1.3 A description of the intended use of the land and rights to be acquired compulsorily has been provided.

13.1.4 Furthermore, there is a compelling case in the public interest for the land or rights over the land to be compulsorily acquired given the meaningful and timely contributions offered by the Proposed Development to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life.

13.1.5 The need for the Proposed Development is clearly set out in NPS EN-1, NPS EN-3 and NPS EN-5. These demonstrate that there is a compelling case in the public interest for the land, and rights over land and imposition of restrictions, to be acquired compulsorily.

13.1.6 All reasonable alternatives to compulsory acquisition have been explored. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, as well as secure the removal of matters affecting the Order Land that may impede the Proposed Development, wherever possible.

13.1.7 Given the national and local need for the Proposed Development and the support for it found in policy, as well as the suitability of the Order limits (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.

13.1.8 The proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose, i.e. the construction and operation of the Proposed Development which is an NSIP, and is necessary and proportionate to that purpose. The Applicant considers that the very substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be

suffered by those whose land or interests are to be acquired, and therefore justifies interfering with that land or rights.

13.1.9 The Applicant has set out clear and specific proposals for how the Order Land will be used.

13.1.10 An explanation has been provided as to how it is expected that the construction of the Proposed Development and the acquisition of the land or rights over the land will be funded, as well as compensation in respect of the exercise of powers of compulsory acquisition, which demonstrates that there is a reasonable prospect of the requisite funds being available. More detail is provided in the Funding Statement **[EN0110012/APP/LVS/04.02].**

13.1.11 Articles 1, 6 and 8 of the First Protocol to the Convention have been considered. The Applicant considers that the very substantial public benefits to be derived from Proposed Development would outweigh the private loss that would be suffered by those whose land is to be acquired or whose rights would be interfered with.

13.1.12 It is therefore submitted that the Order be made and any compulsory acquisition powers and powers of temporary possession sought within the Order be granted.