

The Drovers Solar Farm

Written Summary of Applicant's Oral Submissions and Responses to Action Points at CAH1

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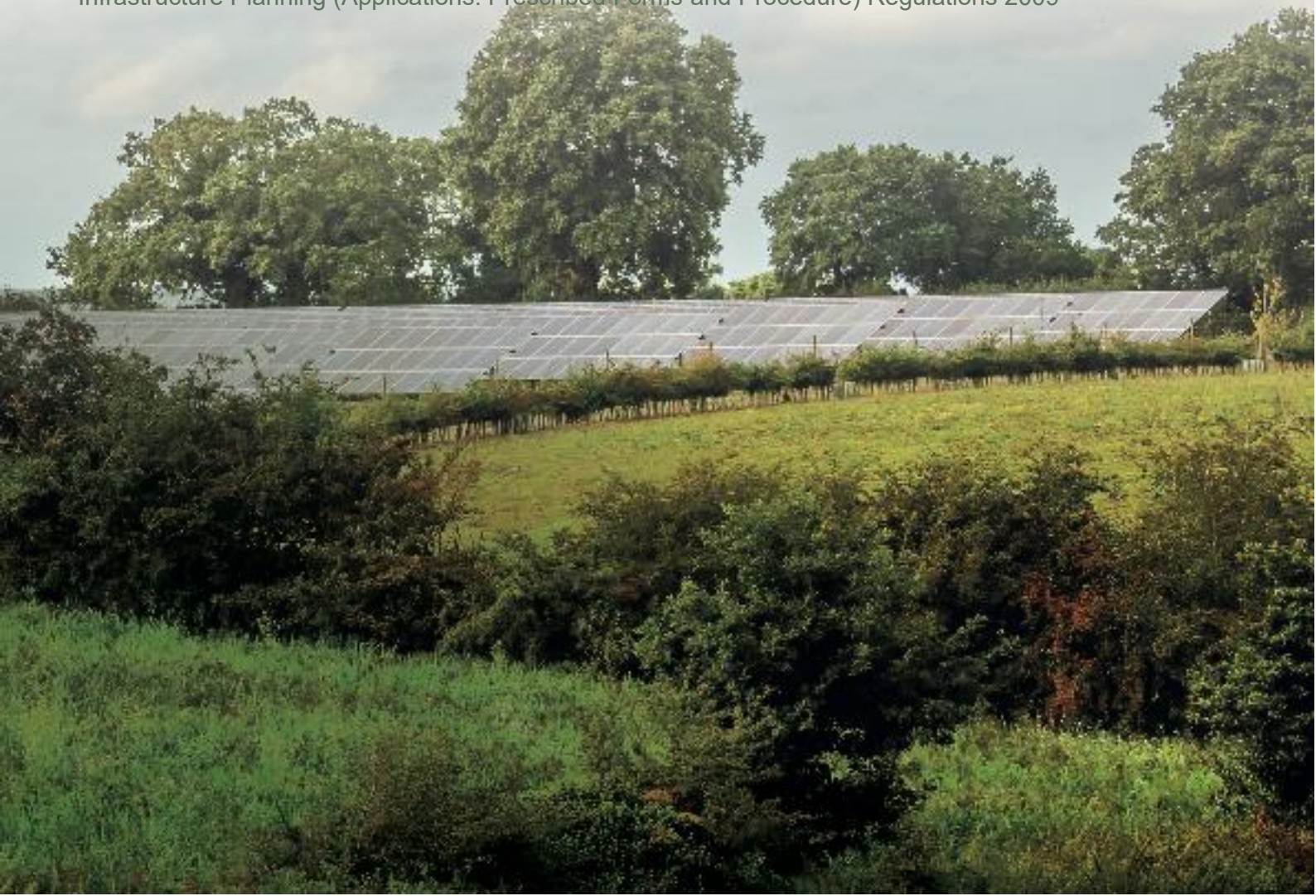
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1 Introduction

- 1.1.1 This document summarises the oral submissions made by The Drovers Solar Farm Limited (the Applicant) at Compulsory Acquisition Hearing 1 (CAH1) held on Wednesday 9 September 2026 in relation to the application for development consent (the DCO Application) for The Drovers Solar Farm (the Scheme).
- 1.1.2 Where the Examining Authority (the ExA) requested further information from the Applicant on specified matters, or the Applicant undertook to provide further information during the course of CAH1, that further information (to the extent it was agreed to be provided by the Applicant at Deadline 4) is either set out in this document or provided as part of the Applicant's Deadline 4 submissions. However, at the time of finalising this submission (at 15:00 on 16 September 2026), the ExA's list of Action Points had not been published on the project website on the Planning Inspectorate's portal. In the written summary of CAH1 below, the Applicant has responded to the action points that it noted during these hearings. The Applicant will review the ExA's Action Points, once published, and provide responses to any outstanding actions at Deadline 5.
- 1.1.3 This note does not purport to summarise the oral submissions of other parties, and summaries of submissions made by other parties are only included where necessary to give context to the Applicant's submissions.



2 Written Summary of Applicant's Oral Submissions and Responses to Action Points at Compulsory Acquisition Hearing 1

2.1.1 Table 1-1 below provides a summary of the Applicant's oral submissions at CAH1.

Table 1-1 Applicant's Summary of Oral Submissions

#	Agenda Item	Summary of Submissions
1	Welcome, introductions, arrangements for the hearing	The following parties were present at the hearing: • Anthony Johnson, the ExA. • Alex Tresadern, Senior Associate at Pinsent Masons LLP, the solicitors for the Applicant. • Sharif Adama, WSP, advising the Applicant. • Julie Russell, Gowling WLG LLP, advising National Highways. • Jeremy Bloom, for National Highways. • Anthony Morgan, local resident.
2	Purpose of the hearing	The ExA explained that the purpose of the hearing was to hear the Applicant's strategic case in respect of the Compulsory Acquisition (CA) and Temporary Possession (TP) powers sought by the Applicant in the draft DCO [APP/3.1.4]. Alex Tresadern, on behalf of the Applicant, did not speak on this agenda item.
3a	The Applicant's case for CA and TP	The ExA asked the Applicant to present and justify its case for CA and TP by addressing the following points: 1. Identification of the powers sought and their purposes. 2. Relevant draft DCO [APP/3.1.4] provisions. 3. How the relevant statutory and policy tests under the Planning Act 2008 (PA 2008) (including s122, s123, s127 and s138) and Department for Communities and Local Government guidance related to compulsory acquisition would be met. 4. The Applicant's strategy / criteria for determining whether to seek powers for CA of land, CA of rights or TP of land. 5. Consideration of alternatives to CA / TP. 6. Human rights considerations. Alex Tresadern, on behalf of the Applicant, noted that he would address these matters in turn. <u>Identification of the powers sought and their purposes</u> Mr Tresadern stated that the Applicant is seeking, via the draft DCO [APP/3.1.4], the CA of land or interests in land, as well as TP powers, in order to construct, operate, maintain and decommission the Scheme without impediment. The Applicant is seeking powers over 56 different plots all within the Order limits, comprising freehold acquisition over 17 plots, rights acquisition over 24 plots and TP over 15 plots. This is all shown on the Land Plan [APP-008] and within the Book of Reference [REP3-011] and is broken down as follows: • Freehold acquisition is shown coloured pink on the Land Plan [APP-008]. This relates to land required for the Solar PV, the BESS, the Customer Substation and the National Grid Substation. • Rights acquisition is shown coloured blue on the Land Plan [APP-008]. This relates to land required for cabling, which includes between the Solar PV and the Customer Substation. In addition, rights are also required for various access needs. Schedule 9 of the draft DCO [APP/3.1.4] provides the purposes in full for which rights may be compulsorily acquired over the 'blue' land. • TP, which is a lesser power, is shown coloured yellow on the Land Plan [APP-008]. This relates to land required temporarily and used to facilitate temporary construction, maintenance and decommissioning access. Schedule 11 of the draft DCO [APP/3.1.4] provides the purposes for which TP powers are being sought.



Mr Tresadern further noted that the Applicant submitted a **Statement of Reasons [REP3-009]** with the DCO Application which 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 Scheme, if necessary, by compulsion. It also explains the reasons for the inclusion of CA and related powers in the **draft DCO [APP/3.1.4]** 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 **draft DCO [APP/3.1.4]** to include such powers. **Mr Tresadern** particularly referred to Section 5 of the **Statement of Reasons [REP3-009]** in this regard. He stated that he did not want to repeat this text in full, in the interests of time, but noted that this section details the purpose of the powers sought in the context of the overarching need for the Scheme and the support of national policy significantly for the powers.

Mr Tresadern noted that the **draft DCO [APP/3.1.4]** contains powers to enable the acquisition of land, rights and the imposition of restrictions that are required to construct, operate and maintain and decommission the Scheme. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction of the Scheme. Where the necessary land and rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the **draft DCO [APP/3.1.4]** enables the acquisition of land and rights. These powers in the **draft DCO [APP/3.1.4]** relate to the Order land only.

Mr Tresadern explained that 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 Scheme. As is set out in the **Land and Rights Negotiations Tracker [APP/4.4.3]**, Option Agreements have been entered into with the relevant landowners for the elements of the Site that comprise the Solar PV, the BESS, the Customer Substation, and the National Grid Substation (i.e. Work Nos. 1-4). The Applicant will continue to endeavour to acquire the remaining land, rights and other interests by agreement wherever practicable. Therefore, the Applicant is confident that this approach of making the application for powers of CA in the **draft DCO [APP/3.1.4]** and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Department for Communities and Local Government Planning Act 2008: Guidance related to procedures for the CA of land (2013).

Mr Tresadern noted that notwithstanding where an agreement has been reached or will be reached, it is necessary for the Applicant to be granted the CA powers included in the **draft DCO [APP/3.1.4]** so as to protect against a scenario whereby contracts are not adhered to or are otherwise set aside, for example if the contracting party dies or declares insolvency. In those circumstances, it would be in the public interest for the Scheme 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 Scheme.

Mr Tresadern noted that the CA powers in the **draft DCO [APP/3.1.4]** will enable the Applicant to construct, operate, maintain, protect and decommission the Scheme, to mitigate impacts of the Scheme where necessary, and to ensure that access could be taken as necessary to facilitate the construction, operation and maintenance of the Scheme.

Relevant draft DCO [APP/3.1.4] provisions

Mr Tresadern explained that he would address the various categories of land in turn.

Permanent Acquisition of Freehold

Mr Tresadern explained that the areas of the Order land over which CA powers are sought in respect of all interests (including freehold) are shown edged black and shaded pink on the **Land Plan [APP-008]**. This land is described in more detail in the **Book of Reference [REP3-011]**. The **Land and Rights Negotiations Tracker [APP/4.4.3]** sets out the plots over which freehold acquisition is required. In summary, the areas in which freehold acquisition is sought are for part of Work Nos. 1, 2, 3A, 4, 5, 6, 7, 8, 9, 10 and 11. 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 TP) would not be sufficient or appropriate to enable the construction, operation and maintenance or decommissioning of the Scheme. The Applicant has always sought to use the minimum power possible to deliver what is necessary to deliver in relation to each plot.

Mr Tresadern noted that Article 21 of the **draft DCO [APP/3.1.4]** is relied upon for this purpose, i.e. it contains the power to compulsorily acquire land required for the Scheme or to facilitate it, or as is incidental to it. Article 21 is subject to Article 24, which limits the powers over 'blue' land so that only rights and restrictions can be sought over that land. Article 21 reflects the terms of the source of the CA powers in section 122 of the PA 2008, which would provide the Applicant with the power to acquire so much of the Order land as is required for the Scheme, or such land as is required because it facilitates or is incidental to that development.

Permanent Acquisition of Rights and Imposition of Restrictions

Mr Tresadern explained that the Order land over which CA powers are sought for rights and the creation of new rights (including imposing restrictive covenants) is shown edged black and shaded blue on the **Land Plan [APP-008]**. This land is described in more detail in the **Book of Reference [REP3-011]**. The **Land and Rights Negotiations Tracker [APP/4.4.3]** sets out the plots over which new rights and restrictions are required. Schedule 9 to the **draft DCO [APP/3.1.4]** sets out the rights and restrictions being sought in respect of each plot. In summary, these are the areas required for Work Nos. 1(b), 1(d), 5, 6, 8(b), 9, 10 and 11. Article 24 of the **draft DCO [APP/3.1.4]** is relied upon for this purpose. It cannot yet be confirmed exactly where within the Grid Connection Infrastructure the new pylons for the new overhead transmission electric line will be located, as the exact location will be determined following the detailed design of the Scheme. CA powers are therefore being sought over the Grid Connection Infrastructure to enable the Applicant to carry out the relevant works with the minimum of inconvenience to affected landowners, and to allow for minor variances to the location of the new pylons to avoid potential engineering



difficulties, or otherwise, to enable the construction of the Scheme within the set programme and with the minimum of disruption to landowners and the wider community.

Mr Tresadern noted that government guidance advises that it may be appropriate to include a power to impose restrictive covenants over part of the land which is subject to CA or use under the **draft DCO [APP/3.1.4]**. The Planning Inspectorate's 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. Government guidance also 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. Government 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.

Mr Tresadern explained that the Applicant has had regard to this guidance in preparing Schedule 9 to the **draft DCO [APP/3.1.4]** 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 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. The Applicant considers the imposition of such restrictions over all of the relevant land in the order limits to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the Scheme and the delivery of that without impediment.

Temporary Possession

Mr Tresadern explained that 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 Order land over which powers of temporary use only are sought is shown edged black and shaded yellow on the **Land Plan [APP-008]**. The Applicant is also seeking temporary use powers over all other land within the Order land, in order to allow it to temporarily possess and use land ahead of acquiring land or rights permanently. The land over which these powers are sought is shown edged black and shaded pink and blue on the **Land Plan [APP-008]**. This land is described in more detail in the **Book of Reference [REP3-011]**.

Mr Tresadern noted that 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 Scheme, because, for example, the Applicant could exercise the temporary use powers to undertake site investigation works to inform and minimise the land relating to the works for the installation of the new pylons for the new overhead transmission electric line over which permanent rights are needed.

Mr Tresadern explained that Articles 31 and 32 of the **draft DCO [APP/3.1.4]** are relied upon in respect of all land within the Order limits. Article 32 allows TP and use of land for the purposes of maintaining the Scheme. 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 reasonable satisfaction of the landowner.

Mr Tresadern noted that Article 31 permits temporary use in two ways in connection with the construction of the Scheme:

- First, the land identified in Schedule 11 to the **draft DCO [APP/3.1.4]** may only be temporarily possessed and used (i.e. the Applicant cannot acquire the land nor new rights over it), and possession and use can only be taken for the purposes set out in that Schedule for the particular plot to which it relates. In summary, these are the areas required to facilitate access to the Works and provide Temporary Construction Compounds. These areas are shown edged black and shaded yellow on the **Land Plan [APP-008]**; and
- Secondly, Article 31 permits the Applicant to take TP of and use any other part of the Order land where it has not yet exercised powers of CA. **Mr Tresadern** referenced the example of the Grid Connection Infrastructure and entering the land for temporary works and then going on to use permanent rights only where necessary. This phased approach to occupation and acquisition allows the area over which permanent rights are required to be defined after construction, and to be only that which is necessary for the operation, maintenance and protection of the relevant apparatus. Such an approach has precedent amongst numerous made solar 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.

Private Rights

Mr Tresadern explained that in relation to private rights, 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 Scheme 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 Scheme. Article 25 of the **draft DCO [APP/3.1.4]** is relied upon in respect of this land and applies in relation to land in which CA or TP are proposed (that is, land shaded pink, blue or yellow on the **Land Plan [APP-008]**). With respect to land shaded yellow, in respect of which powers of TP and use only are



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 because over those plots the Applicant cannot seek permanent CA powers).

Statutory Undertakers

Mr Tresadern explained that Article 33 of the **draft DCO [APP/3.1.4]** 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 of the **draft DCO [APP/3.1.4]** which contains protective provisions for the benefit of the statutory undertakers. The protective provisions provide adequate protection for statutory undertakers' assets. **Mr Tresadern** noted that there was a separate agenda item later in CAH1 regarding statutory undertakers and the various legislative tests that the Applicant must comply with under the PA 2008, and therefore **Mr Tresadern** proposed to address the matter of statutory undertakers under that upcoming agenda item.

How the relevant statutory and policy tests under the PA 2008 (including s122, s123, s127 and s138) and Department for Communities and Local Government guidance related to compulsory acquisition would be met

Again, **Mr Tresadern** took these sections of the legislation in turn.

Section 122

Mr Tresadern explained that this section requires that a DCO which includes CA 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, which is section 122(2); and
- there is a compelling case in the public interest for inclusion of powers of CA in the DCO, which is section 122(3). The Secretary of State must be persuaded that the public benefits from the CA will outweigh the private loss suffered by those whose land is to be acquired.

Mr Tresadern noted that in respect of the section 122(2) condition, government guidance states that applicants should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The guidance goes on to say that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development. In relation to this requirement, the proposed interference with the rights of those with an interest in the land is for a legitimate purpose because the Applicant clearly requires the land for the development of the Scheme and can satisfy the conditions set out in that subsection 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 Scheme.

Mr Tresadern noted that in respect of the section 122(3) condition, the guidance states that the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the CA will outweigh the private loss that would be suffered by those whose land is to be acquired. The guidance also states that in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by CA. **Mr Tresadern** referred to the **Planning Statement [AS-076]** and the **Statement of Need [APP-042]**, as well as Sections 6.3 and 6.4 of the **Statement of Reasons [REP3-009]** to show that the Applicant considers that it has demonstrated that there is a compelling interest for the powers to be granted for this nationally significant infrastructure project. The public interest in the Scheme is clearly set out in national policy – the Scheme is critical national policy infrastructure as it is renewable energy generation and will also contribute to the security of energy supply and resilience of the electricity system. The Scheme would ensure meaningful and timely contributions to UK decarbonisation and security of supply, while helping lower bills for consumers throughout the Scheme's operational life, which is critical on the path to Net Zero. Without the Scheme, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved. In addition to meeting the urgent national need for secure affordable low carbon energy infrastructure, the Scheme will deliver other benefits, many of which have been maximised and will be delivered as a result of the Scheme's careful design. These include BNG, permissive paths and employment opportunities.

Mr Tresadern explained that in relation to the matter of private loss suffered by those whose land is to be 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. Compensation is payable for the CA 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. As shown in the **Land and Rights Negotiations Tracker [APP/4.4.3]**, the Applicant has taken proactive steps to engage with these persons whose land and rights will be affected by the Scheme 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.

Mr Tresadern noted that all relevant environmental, social and economic benefits and adverse impacts have been assessed and are reported on in the DCO Application. Whilst the Scheme as a whole would, in common with any nationally significant 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 the Scheme that is critical national priority need and would secure affordable low carbon energy infrastructure. The Scheme is a Nationally Significant Infrastructure Project (NSIP) and the public benefits associated with the Scheme have been addressed 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 **draft DCO [APP/3.1.4]**.

Mr Tresadern stated that 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 Scheme. The extent of the Order land is no more than is reasonably necessary for the construction, operation and maintenance of the Scheme and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.

Section 123

Mr Tresadern explained that this section has been satisfied by the Applicant as the DCO Application for the Scheme included a request for CA of land.

Section 127

Mr Tresadern explained that this section applies in relation to statutory undertaker land, where a statutory undertaker has made a representation and it has not been withdrawn. In this case, the Secretary of State must be satisfied that there will not be any serious detriment to the carrying on of the undertaking. The Applicant remains in ongoing negotiations with statutory undertakers regarding the form of protective provisions, and **Mr Tresadern** noted that there is a separate agenda item in relation to statutory undertakers later in CAH1. However, to summarise the Applicant's position on this matter, **Mr Tresadern** noted that there will be no serious detriment to statutory undertakers' undertakings because of the inclusion of protective provisions in the **draft DCO [APP/3.1.4]**.

Section 138

Mr Tresadern explained that this section relates to extinguishing rights or removing apparatus owned by statutory undertakers and requires the Applicant to demonstrate that the powers being sought are necessary. **Mr Tresadern**, therefore, referred to his previous comments regarding the protective provisions and how these control the interface between the Scheme and statutory undertakers' apparatus.

The Applicant's strategy / criteria for determining whether to seek powers for CA of land, CA of rights or TP of land

Mr Tresadern explained that the **Book of Reference [REP3-011]** sets out the persons that the Applicant considers, having undertaken diligent enquiries, may have an interest in the Order land or may be eligible to make a relevant claim for compensation should the **draft DCO [APP/3.1.4]** be granted. This includes persons who are the owner of the land, persons who are occupiers of the land but also a range of persons who have an interest in the Order land, including rights of way, benefits of a restrictive covenant or various statutory undertakers who have apparatus within that land. The Applicant has taken a conservative approach to identifying affected persons, and **Mr Tresadern** referred to the **Statement of Reasons [REP3-009]** regarding diligent enquiries and general communications, particularly section 7.

Mr Tresadern noted that, as stated previously, the CA powers in the **draft DCO [APP/3.1.4]** will (if necessary) enable the Applicant to construct, operate, maintain and decommission the Scheme without impediment, to mitigate impacts of the Scheme where necessary, and to ensure that access could be taken as necessary to facilitate the construction, operation and maintenance of the Scheme.

Mr Tresadern explained that, in terms of deciding which power would be sought over the land, the Applicant has sought to use the least onerous power if possible. For example, where rights are sufficient, instead of CA of the freehold, the Applicant has sought rights, and where TP of the land is suitable, the Applicant has sought TP powers.

Mr Tresadern stated that the Applicant considers it has sought to acquire the minimum rights necessary for the Scheme, i.e. the least impactful rights both in terms of nature of the rights and spatially. The Applicant's use of CA powers is intended to be proportionate. Where practicable, lesser powers of TP will be used. 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 Scheme continues to produce its benefits. The rights sought are therefore proportionate and necessary across the whole Scheme.

Consideration of alternatives to CA / TP

Mr Tresadern explained that the Applicant has considered all reasonable alternatives to CA: negotiated agreements, alternative sites and modifications to the Scheme have been considered prior to making the DCO Application. Efforts to negotiate directly with landowners are ongoing, as **Mr Tresadern** noted will be covered in the later agenda item in CAH1 on this matter.

Mr Tresadern noted that none of the alternatives or modifications considered for the Scheme would remove the need for powers of CA powers and TP over the Order land. There is not a scenario that the Applicant can have where these are not necessary as a fallback position, should the negotiations not reach their successful conclusion.

Mr Tresadern explained that the Site was chosen following extensive assessment work as detailed in the Site Evaluation Report at Appendix 1 of the **Planning Statement [AS-076]**, as well as **ES Chapter 4: Reasonable Alternatives and Design Evolution [REP3-028]**, leading to discussions 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. Option Agreements have been entered into with the relevant landowners for the elements of the Site that comprise the Solar PV, the BESS, the Customer Substation and the National Grid Substation. Negotiations for the use of other land, rights and interests are ongoing in respect of the land and new rights required for the Scheme. However, it remains necessary to include CA powers over this land to ensure that the Scheme is deliverable without impediment.



	Mr Tresadern stated that the Land and Rights Negotiations Tracker [APP/4.4.3] provides a summary of the current status of negotiations with landowners and Mr Tresadern noted that there is an upcoming agenda item in CAH1 on these negotiations. Mr Tresadern noted that the approach taken by the Applicant is standard practice for NSIPs and enables the Applicant to deal with a scenario where any unknown third-party interests were to come forward between now and when the Scheme is constructed. Mr Tresadern concluded that the Applicant therefore considers that all reasonable alternatives have been considered prior to the making of the DCO 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 Human rights considerations Mr Tresadern noted that section 8 of the Statement of Reasons [REP3-009] sets out the Applicant's approach in relation to the European Convention on Human Rights that was incorporated into UK law by the Human Rights Act 1998. It is acknowledged that the draft DCO [APP/3.1.4] has the potential to infringe the rights of persons who hold interests in land within the Order limits under Article 1 of the First Protocol (which 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 (which entitles those affected by powers sought in the draft DCO [APP/3.1.4] to a fair and public hearing of any relevant objections they may have to the granting of those powers) and Article 8 (which 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). Such an infringement is authorised by law so long as: • the statutory procedures for making the draft DCO [APP/3.1.4] are followed and there is a compelling case in the public interest for the inclusion of powers of CA in the draft DCO [APP/3.1.4]; and • the interference with the convention right is proportionate. Mr Tresadern explained that in relation to Article 1, in preparing the DCO Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of CA powers within the draft DCO [APP/3.1.4] and has sought to minimise the amount of land over which it requires powers of CA. As set out in Section 6.3 of the Statement of Reasons [REP3-009] and in more detail in the Planning Statement [AS-076] and the Statement of Need [APP-042], the Applicant considers that there would be very significant public benefits arising from the grant of the draft DCO [APP/3.1.4]. The benefits are only realised if the draft DCO [APP/3.1.4] is accompanied by the grant of powers of CA, and the purpose for which the land is sought (to build and operate the Scheme) is legitimate. The Applicant has concluded in those documents 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. Mr Tresadern noted that in relation to Article 8, the Order limits do not include, and the Scheme does not require, the outright acquisition of any residential dwelling-houses. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. 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. Mr Tresadern explained that in relation to Article 6, there has been opportunity to make representations regarding the preparation and submission of the DCO Application. In accordance with Part 5 of the PA 2008 (as it was at the time, i.e. before the amendments to the PA 2008 brought about by the Planning and Infrastructure Act 2025 came into force), the Applicant 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 section 152(3) of the PA 2008. 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 DCO Application by the ExA and in any written representations procedure which the ExA decides to uphold or at any CA hearing held under section 92 of the PA 2008, which is precisely what is taking place in CAH1. Mr Tresadern noted that, as explained previously, the CA process also involves the payment of compensation to landowners affected by the Scheme and in respect of the powers sought. The Applicant is not aware of any particular interest which could not be compensated financially for disturbance caused. Mr Tresadern concluded that, for the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the draft DCO [APP/3.1.4] of powers of CA is proportionate, necessary and legitimate and is in accordance with national and European law. The Applicant considers that the draft DCO [APP/3.1.4] strikes a fair balance between the public interest in the Scheme going ahead and the interference with the rights that will be affected. The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the draft DCO [APP/3.1.4], including the grant of CA powers. Accordingly, the Applicant is satisfied that the relevant human rights tests have been met, particularly given the Applicant has sought to minimise both the extent of the land and the nature of the rights sought.
3b	Site Specific Matters The ExA asked the Applicant to provide an update on the progress of negotiations with Affected Persons (APs) and the timetable for their conclusion. Alex Tresadern, on behalf of the Applicant, explained that the Applicant's position is to seek the necessary rights required for the draft DCO [APP/3.1.4] by voluntary agreement, rather than having to use CA powers, and remains committed to this objective. Option Agreements have been entered into with the relevant landowners for the elements of the Site that comprise the Solar PV, the BESS, the Customer Substation and the National Grid Substation, but the



	Applicant is negotiating minor but necessary variations (relating to overhead line works and mitigation land) to those existing Option Agreements with the following parties (this is set out in full in the Land and Rights Negotiations Tracker [APP/4.4.3]): • Hugh Murray, Charles Coghill, Nicholas Julian, Hedley Pratt, Susan Jane Fountaine – the Applicant has agreed Heads of Terms for a variation to this Option Agreement to secure certain additional rights; and • Nigel David, Patrick Dodds, Paul Anthony, James Croker – again, the Applicant has agreed Heads of Terms for a variation to this Option Agreement to secure certain additional rights. Mr Tresadern noted that the Applicant also remains engaged in negotiations with the following parties in relation to securing voluntary agreement: • Geoffrey Mason – the Applicant is continuing to progress discussions towards a voluntary agreement (in relation to overhead line works for the Scheme). The main discussions at present are around the financial impact that the proposal, within this AP's title, will have. The Applicant put forward a further revised offer on 3 July 2026, based on feedback from the agent of this AP, and is currently awaiting a response to that offer, but will be proactive in its progression of discussions to reach agreement as soon as possible. • National Highways Limited – Mr Tresadern noted that he proposed to address National Highways in more detail in relation to the separate agenda item regarding statutory undertakers later in CAH1, but in summary the Applicant and National Highways are in discussions to agree the form of protective provisions and corresponding side agreement to be included in the draft DCO [APP/3.1.4] for National Highways' benefit, following which National Highways will be able to withdraw its objection to the Scheme. Those discussions are ongoing. • Norfolk County Council – the Applicant has provided further detail regarding the Scheme and the impacts on Norfolk County Council's interests through submissions made in the Examination, and the parties remain in discussions via the Examination process. The Applicant remains committed to concluding negotiations with all parties in a very timely manner. The ExA quoted Norfolk County Council's Responses to ExQ2 [REP3-091], in which Norfolk County Council state that they "<i>have a freehold interest in very little of the land for which NCC has been identified as having a land interest in the Book of Reference</i>", and asked the Applicant to comment on this. Mr Tresadern notes that the Applicant remains in discussions with Norfolk County Council regarding the extent of their interests, but notes that the 'other' areas of land are associated with public highways, which Norfolk County Council suggests the Applicant does not need to obtain an interest in. The Applicant identified plots 1-03, 2-22 and 2-23 as those within the public highway which it requires rights over to ensure that the associated works with these plots (Work Nos. 1(b), 1(d), 6 and 8(b)) can be carried out for the purpose of the construction, operation, maintenance and decommissioning of the Scheme without impediment. The same applies for plots 2-12, 2-33, 2-34, 2-35, 4-46, 5-47, 5-49, 5-50, 5-51, 5-54, 5-55 and 5-56, which the Applicant has identified as those within the public highway which it requires TP of to ensure the necessary works related to these plots (Work Nos. 4(c), 5(c), 5(d), 6, 8(a), 8(b) and 10) for the purpose of the construction of the Scheme without impediment. Mr Tresadern noted that, as stated previously, 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 Scheme, but it does require these CA and TP powers to be included in the draft DCO [APP/3.1.4] as a fallback position to ensure that the Scheme's progression, once consented, is unimpeded. The ExA asked the Applicant to provide an update on progress with unknown land ownership, occupation, or interests in the land. Sharif Adama, on behalf of the Applicant, confirmed that the Applicant continues to investigate unknown ownership and recently placed notices within the relevant areas to try and identify the unknown interests in advance of this CAH1. The Applicant is also monitoring the Land Registry and conducting HMLR refreshes to ensure any changes in ownership are captured, and will update the relevant documents, such as the Book of Reference [REP3-011] and the Land and Rights Negotiations Tracker [APP/4.4.3], should those unknown parties be identified. The Applicant remains engaged with the APs within the Scheme and is asking them if they know who may have an interest within these unknown ownerships, or whether they know who owns such land. The unknown parties have not yet been identified, but the Applicant remains active in trying to resolve this matter.
3c	Statutory Undertakers The ExA asked the Applicant to: • Summarise any outstanding matters arising from representations by Statutory Undertakers. • Summarise whether the relevant tests for the exercise of power pursuant to s127 and s138 of the PA 2008 would be met in the event that agreement is not reached with all statutory undertakers. Alex Tresadern, on behalf of the Applicant, noted that he would address these matters in turn. Outstanding matters with statutory undertakers Mr Tresadern noted that these negotiations are set out in full in the Land and Rights Negotiations Tracker [APP/4.4.3], but provided a summary in respect of each statutory undertaker. <u>Anglian Water (AW)</u> Mr Tresadern explained that the Applicant and AW have now agreed the form of protective provisions included in the draft DCO [APP/3.1.4] for the benefit of AW, and AW withdrew its objection to the Scheme (with regard to protective provisions) at Deadline 1 [REP1-074]. <u>National Grid Electricity Transmission Plc (NGET)</u>



Mr Tresadern explained that the Applicant agrees with NGET that protective provisions for its benefit should be included in the **draft DCO [APP/3.1.4]**. From the outset of the DCO Application, the Applicant has included a form of such protective provisions in Part 3 of Schedule 15. Having since met with NGET and its solicitors, the Applicant notes NGET's request for these protective provisions to be updated. The Applicant notes that NGET's preferred form of these protective provisions was included at Appendix 1 of **NGET's Written Representation [REP1-090]**. The Applicant reviewed these updates, sent amendments to NGET's solicitors and received a response on Friday 4 September 2026. Regarding these further amendments, the Applicant and NGET are not far away from reaching agreement. The Applicant is continuing to engage with NGET's solicitors to agree the form of these protective provisions, but given where the negotiations are currently and the fact that there are not many outstanding matters, the Applicant is very confident of reaching agreement during the course of Examination, at which point the agreed form would be included in an update to the **draft DCO [APP/3.1.4]**.

National Highways

Mr Tresadern explained that further to the form of protective provisions included for the benefit of National Highways in Part 4 of Schedule 15 of the **draft DCO [APP/3.1.4]**, the Applicant also notes that National Highways is in the process of agreeing a form of protective provisions for its benefit in respect of the Green Hill Solar Farm and Lime Down Solar Park DCOs. National Highways has confirmed its in-principle agreement to taking the same approach to the drafting of these protective provisions for this Scheme, which the Applicant understands will address National Highways' concerns in relation to this matter. The Applicant and National Highways remain in discussions on the form of these protective provisions, and the Applicant is grateful to National Highways' solicitors for providing a response on the latest matters on Monday 7 September 2026, before CAH1, and the Applicant will consider those once these hearings are concluded. The Applicant will update the **draft DCO [APP/3.1.4]** to reflect this mirrored approach once it is finalised with National Highways, which the Applicant anticipates being able to do before the end of the Examination.

In response to points made by **Julie Russell, on behalf of National Highways**, on whether the eight National Highways' plots included in the **Book of Reference [REP3-011]** over which TP powers are sought were proportionate or necessary and whether they should be included in the Order limits, **Mr Tresadern** noted that this matter is addressed in **National Highways' Responses to ExQ2 [REP3-096]**, and therefore the Applicant has responded in full to this matter in the **Applicant's Response to Deadline 3 Submissions [APP/8.21]**. **Mr Tresadern** noted that the Applicant is using an approach followed by other solar DCOs, such as Green Hill, Lime Down, and Light Valley, all of which are seeking TP over National Highways' land. The Applicant has also reviewed consented DCOs which have taken this approach, which includes the London Luton Airport Expansion DCO 2025 and the National Grid (Yorkshire Green Energy Enablement Project) DCO 2024.

Defence Infrastructure Organisation

Mr Tresadern explained that, as discussed at length during ISH2, the Applicant and the Ministry of Defence held a very helpful and productive meeting on Friday 4 September. The Applicant considers that agreement is close to being reached on all outstanding matters for the combination of requirements on the face of the DCO to address certain matters, namely PAR mitigation and the glint and glare management plan, and then updates to other management plans as appropriate to secure the consultation and approval mechanisms that the Ministry of Defence is seeking in relation to the other outstanding matters, including bird strike safeguarding and the management of construction equipment. The Applicant is hopeful and confident that the objection will be able to be withdrawn in relation of all matters before the end of Examination, because the Applicant recognises the importance of this matter and its particularly specific relevance to this **draft DCO [APP/3.1.4]**.

Others

Mr Tresadern noted that the Applicant, in relation to its land referencing exercise, has also reached out to British Telecommunications Plc, Eastern Power Networks Plc, UK Power Networks (Operations) Limited and Virgin Media Limited to discuss protective provisions, but received no response from those parties. The Applicant also notes that none of these parties have objected to the Scheme, and in any event that there are already satisfactory protective provisions for the benefit of those parties included on the face of the **draft DCO [APP/3.1.4]** at Schedule 15.

In response to **the ExA** querying the status of protective provisions in relation to the Environment Agency, **Mr Tresadern** confirmed that he would not repeat his submissions made in ISH2 on this matter and noted that the Applicant will continue to include these protective provisions in the **draft DCO [APP/3.1.4]**.

Statutory tests

Mr Tresadern noted that, in the unlikely event that agreement is not reached with all statutory undertakers, the Applicant maintains (as set out in Section 9 of the **Statement of Reasons [REP3-009]**) that the tests for the exercise of power pursuant to section 127 and section 138 of the PA 2008 would be met.

Mr Tresadern explained that section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the CA 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.

Mr Tresadern further explained that section 127(5) of the PA 2008 states that an order granting development consent may only include provision authorising the CA of a right over statutory undertakers' 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. Mr Tresadern reiterated that Article 33 of the draft DCO [APP/3.1.4] 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 will contain 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 CA 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. Mr Tresadern concluded that 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 [APP/3.1.4] includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Scheme. The exercise of such powers must be carried out in accordance with the protective provisions contained in Schedule 15 to the draft DCO [APP/3.1.4]. The protective provisions set out constraints on the exercise of the powers in the draft DCO [APP/3.1.4], with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Scheme (i.e. the development authorised by the draft DCO [APP/3.1.4]) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.
3d	Funding	The ExA asked the Applicant to summarise, and advise of any updates to, the Funding Statement. Alex Tresadern, on behalf of the Applicant, explained that the Applicant has no further updates to make to the Funding Statement [AS-005]. This document confirms that the Applicant has the ability to procure the financial resources required for the Scheme, including the cost of acquiring any land and rights and the payment of compensation, as applicable. Mr Tresadern noted that the Applicant is not aware of any interests within the Order limits in respect of which a person may be able to make a blight claim, but in the event this did occur the Applicant has sufficient funds to meet any compensation due. Mr Tresadern stated that the Applicant therefore considers that the ExA and Secretary of State can be satisfied that the requisite funds for payment of compensation (in relation to the exercise of CA powers) will be available if required at the appropriate time. The ExA asked the Applicant to clarify whether the current cost estimate for the Scheme includes an allowance for decommissioning and, if so, the estimated decommissioning cost. Mr Tresadern responded by noting that there is a requirement to decommission the Scheme in Requirement 20 of the draft DCO [APP/3.1.4] and failing to comply with that requirement would be a criminal offence. The requirement to decommission the Scheme would sit with the owner at the time of decommissioning, and that is covered in agreements with landowners, which includes decommissioning securities to cover the cost of decommissioning in the event of any breach by the Applicant, or in the event of insolvency of the Applicant. The amount of such decommissioned security would be regularly revalued throughout the lifecycle of the Scheme and topped up if necessary. Mr Tresadern agreed to consider if any further information could be provided on this matter. Post Hearing Note: Due to the commercial confidentiality of the agreements held by the Applicant with landowners, the Applicant is unable to provide any further information on this matter to supplement its explanation above.
4	Other Matters	In response to a question by Anthony Morgan, local resident, about the reversibility of the CA powers and ownership, Alex Tresadern, on behalf of the Applicant, confirmed that there is an Option Agreement with the relevant landowner that clarifies that the 'pink' land will be returned to the landowner at the end of the decommissioning of the Scheme. Permanent acquisition is 'permanent' in the context of the Scheme's lifecycle, but will be returned to the landowner after decommissioning of the Scheme. Whilst this is 'temporary' in the context of the overall existence of the land to an infinite point in the future, it is referred to as 'permanent' due to the 60-year operational period of the Scheme. In response to a question by Mr. Morgan about using CA powers as a last resort and the possibility of a 60-year lease, Mr Tresadern explained that using a 60-year lease would be disproportionate with standard practice. The use and exercise of any of the CA or TP powers by the Applicant are a fallback and last resort position, should the Applicant need to do so. It is necessary to include these powers in the draft DCO [APP/3.1.4] even if Option Agreements are entered into with all necessary parties, to protect the Scheme in the scenario where circumstances were to change, for example if the person with whom the Applicant has that Option Agreement dies or becomes insolvent – the Applicant would need these fallback powers to ensure that the Scheme could proceed without impediment. Otherwise, the Applicant would be in a position where the Scheme could be consented but the Option Agreement fails for a reason outside the Applicant's control, such that the Scheme cannot be progressed, which would undermine and counteract the public interest benefits of the Scheme that the Secretary of State would have to have considered by making the Scheme. In response to a question by Mr. Morgan about receivership, Mr Tresadern explained that if the draft DCO [APP/3.1.4] was granted, the benefit of the draft DCO [APP/3.1.4] could be transferred with the Secretary of State's consent to another party, who would then be required to comply with every obligation that is on the face of that statutory instrument. Mr Tresadern clarified that there is no scenario whereby a developer could take over the relevant land and operate the Scheme without having to comply with the obligations in the draft DCO [APP/3.1.4].



5	Close of Hearing	The ExA closed the hearing. Alex Tresadern, on behalf of the Applicant , did not speak on this agenda item.
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THE DROVES
SOLAR FARM