



Mallard Pass

Solar Farm

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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 made by the Applicant to the SoS under the Planning Act 2008 for powers to construct, operate (including maintenance) and decommission the Proposed Development.

i. 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.

1.1.2 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 will comprise the construction, operation and maintenance and decommissioning of a solar photovoltaic (PV) electricity generating facility across a proposed site in Rutland and Lincolnshire together with export connection infrastructure to the National Electricity Transmission System. The Proposed Development would allow for the generation and export of electricity exceeding 50 megawatts (MW). The Proposed Development will be located within the 'Order limits' (as described below) and is the subject of the Application.

ii. The Order limits comprises approximately 852 ha and includes the key components described below. The Proposed Development is also described in Schedule 1 of the draft development consent order (Order) [EN010127/APP/3.1], where it is referred to as the "authorised development", and is divided into works packages. The works numbers for those packages are identified below and referred to throughout this chapter. Note that there is an overlap of Work Numbers in some locations and so the sum of the Order limits is not the total of these areas:

- **Work No. 1**— a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts including—
 - a) solar modules fitted to mounting structures;
 - b) inverters;
 - c) transformers;
 - d) switchgear; and
 - e) electrical cables.

- **Work No. 2**— works in connection with an onsite substation including—
 - a) substation, switch room buildings and ancillary equipment including reactive power units;
 - b) control building housing offices, storage, welfare facilities, parking areas and access;
 - c) workshop, store and ancillary structures;
 - d) monitoring and control systems for this Work No. 2 and Work No. 1 housed within the control building in Work No. 2(b) or located separately in their own containers or control rooms; and
 - e) harmonic filters.
- **Work No. 3**— works to lay high voltage electrical cables, access and temporary construction compound laydown areas for the electrical cables, to connect to the existing Ryhall substation including—
 - a) Work No. 3A— works to lay electrical cables including 400 kilovolt cable connecting Work No. 2 to the existing substation;
 - b) Work No. 3B— temporary construction compound laydown areas for the purposes of Work No. 3A.
- **Work No. 4**— works to lay electrical cables connecting Work No. 1 to Work No. 2;
- **Work No. 5**— temporary construction and decommissioning compound and laydown areas including—
 - a) areas of hardstanding;
 - b) HGV, vehicle and cycle parking;
 - c) site and welfare offices, canteens and workshops;
 - d) area to store materials and equipment;
 - e) storage and waste skips;
 - f) area for download and turning;
 - g) security infrastructure, including cameras, perimeter fencing and lighting;
 - h) site drainage and waste management infrastructure (including sewerage); and
 - i) electricity, water and telecommunications connections.
- **Work No. 6**— works to facilitate access to Work Nos. 1 to 5 including—
 - a) creation of accesses from the public highway;
 - b) creation of visibility splays;
 - c) removal of vegetation;
 - d) works to widen and surface the streets; and
 - e) making and maintaining passing places.

- **Work No. 7**— works to create, enhance and maintain green infrastructure, including—
 - a) landscape and biodiversity mitigation and enhancement areas;
 - b) habitat creation and management, including earthworks, landscaping, means of enclosure, and the laying and construction of drainage infrastructure; and
 - c) laying down of permissive paths, signage and information boards.

1.2.2 In addition, Schedule 1 to the Order lists generic works that may be carried out anywhere within Work Nos. 1-7, insofar as they are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

iii. It is anticipated that construction will commence in summer 2026 and be completed within 24 months, with operation therefore anticipated to commence around summer 2028.

1.3 Description of the Order Limits (Section 4)

1.3.1 The land within the Order limits totals 852 ha and is located at OS grid reference TF052115 (approximate centre of the Order limits). Approximately 556 ha of the Order limits lies within Rutland County Council's administrative boundary and the remaining 296 ha of the Order limits lies within South Kesteven District Council's administrative boundary.

iv. The Order limits comprise broadly of four different areas, being:

- The Solar PV Site – areas within the Order limits that have been considered for solar development, the Onsite Substation and associated ancillary infrastructure, including temporary construction compounds and security fencing;
- Mitigation and Enhancement Areas – areas within the Order limits that have been considered for landscape screening, habitat creation and provision of permissive paths;
- Highway Works Site - areas beyond the Solar PV Site, which have been considered for cable route connections and temporary/permanent improvements to existing highways to facilitate the construction, operation and maintenance, and decommissioning of the Proposed Development; and
- Grid Connection Corridor — area within the Order limits that has been considered for the Grid Connection Cable between the Onsite Substation and the National Grid Ryhall Substation and the new connection at National Grid Ryhall Substation.

1.4 Source and Scope of Powers Sought in the Order (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.

- v. The powers sought with the Application of the Order are:
- all interests in land, including freehold (Article 20 in the Order) – shown edged red and shaded pink on the Land Plans;
 - permanent acquisition of new rights (Article 22 in the Order) - shown edged red and shaded blue on the Land Plans; and
 - temporary use of land to permit construction or maintenance where the Applicant has not yet exercised powers of compulsory acquisition (Articles 29 and 30 in the Order) and extinguishment and/or suspension of rights (Article 23 in the Order) and overriding of easements and other rights (Article 26 in the Order) – shown edged red and shaded yellow on the Land Plans.
- 1.4.2 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.
- vi. 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 Applicant has entered into voluntary option agreements with the freehold owners of the majority of the Order land for the Solar Farm Site, to allow for the construction, operation and decommissioning of the majority of the Order land. For the remaining freehold owners, for the substation site and further cable routes, the Applicant has entered into Heads of Terms for the land or rights required and is actively negotiating to secure these interests. Further agreements should be in place for the additional land within the Order land imminently. 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, wherever possible. This approach of seeking powers of compulsory acquisition in the Application for the Order and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the CA Guidance.
- 1.4.3 This Statement (alongside the Statement of Negotiations and Powers Sought [EN010127.APP/4.4]) sets out the position in relation to the negotiations undertaken to date with affected owners.
- 1.5 Purpose of the Powers (Section 6)**
- 1.5.1 The Statement of Need [EN010127/APP/7.1] describes 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 scheme will have been passed over,

increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

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 SoS 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.

vii. The CA 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.

1.6.2 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 (with the exception of the availability of funding, which is demonstrated in the Funding Statement [EN010127/APP/4.2]).

1.7 Human Rights (Section 8)

1.7.1 The Order 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 Order.

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

1.8 Special Considerations (Section 9)

1.8.1 There is no special category land within the Order limits.

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

1.9 Related Applications and Consents (Section 10)

1.9.1 The Applicant requires various other consents, as well as an Order, in order to build and operate the Proposed Development. 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.

1.10 Further Information (Section 11)

- 1.10.1 Owners and occupiers of property affected by the Proposed Development who wish to discuss matters of compensation should contact Oscar Barton on mallardpass@ardent-management.com.
- x. 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>.

2. INTRODUCTION

- 2.1.1 This Statement of Reasons has been prepared by Mallard Pass Solar Farm Limited (the Applicant). It forms part of the application (the Application) for a development consent order that has been submitted to the Secretary of State for Business, Energy and Industrial Strategy (the SoS) under section 37 of the Planning Act 2008 (PA 2008). Terms used in this Statement of Reasons are defined in Chapter 0 of the Environmental Statement [EN010127/APP/6.1].

2.2 The Proposed Development

- 2.2.1 Mallard Pass Solar Farm (the Proposed Development) is a proposed solar farm which will generate renewable electricity for export to the National Electricity Transmission System.
- xi. The Proposed Development will comprise the construction, operation and maintenance, and decommissioning of a solar photovoltaic (PV) array electricity generating facility across a proposed site in Rutland and Lincolnshire, together with export connection to the National Electricity Transmission System. The Proposed Development would allow for the generation and export of electricity exceeding 50 MW. The Proposed Development will be located within the 'Order limits' (as described below) and is the subject of the Application.
- 2.2.2 The Proposed Development qualifies as a Nationally Significant Infrastructure Scheme (NSIP) and will require an Order to be granted from the SoS, due to its generating capacity exceeding 50 MW.
- xii. Full details of the Proposed Development, including the proposed construction methods and phasing, can be found in Chapter 5 of the Environmental Statement [EN010127/APP/6.1] accompanying the Application.

2.3 The Applicant

- 2.3.1 Mallard Pass Solar Farm Limited is the Applicant for the Application. It is a company registered in England and Wales under company number 12575861.
- xiii. The majority shareholder in the Applicant, holding between 50% and 75% of the shares and voting rights, is CS UK Holdings III Limited, company number 10909660, which is a company registered in England and Wales (together with its affiliates referred to herein as "Canadian Solar").

2.3.2 The minority shareholder in the Applicant, holding between 50% and 25% of the shares and voting rights, is Windel Energy Limited, company number 11650112, which is also a company registered in England and Wales (“Windel”). Windel is the developer of the Scheme, with Canadian Solar the funder. Once the Scheme reaches ready-to-build stage, Windel will transfer the remainder of its shares to Canadian Solar.

xiv. Canadian Solar and Windel have significant experience of promoting solar farms in the UK Further details about the Applicant can be found in the Funding Statement [EN010127/APP/ 4.2].

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) and the Department of Communities and Local Government guidance 'Planning At 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013) (the Guidance).

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

2.4.2 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 Order 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 Order to include such powers.

xvi. The structure of this Statement is set out below and also addresses each of the requirements of the Guidance:

- 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 regard has been given to the provisions of Articles 1 and 8 of the First Protocol to the European Convention on Human Rights is included in section 8;

- Any special considerations affecting the Order limits including Special Category Land is included in section 9;
- Details of the other consents needed before the Proposed Development can be implemented are included in section 10;
- 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 11.

2.5 Useful documents

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

- Land Plans [EN010127/APP/2.1];
- Works Plans [EN010127/APP/2.2];
- Draft Development Consent Order [EN010127/APP/3.1];
- Draft Exploratory Memorandum [EN010127/APP/3.2];
- Consents and Agreements Position Statement [EN010127/APP/3.3];
- A Funding Statement [EN010127/APP/4.2];
- Book of Reference [EN010127/APP/4.3];
- Statement of Negotiations and Powers Sought [EN010127/APP/4.4];
- Statement of Need [EN010127/APP/7.1]; and
- Planning Statement [EN010127/APP/7.2].

3. DESCRIPTION OF THE PROPOSED DEVELOPMENT

3.1.1 Mallard Pass Solar Farm (the Proposed Development) is a proposed solar farm that will generate renewable electricity for export to the National Grid. The Proposed Development will comprise the installation of solar photovoltaic (PV) generating panels across a proposed site in Rutland and Lincolnshire, together with grid connection infrastructure. The Proposed Development would allow for the generation and export of electricity exceeding 50 megawatts (MW). The Proposed Development will be located within the ‘Order limits’ (as described below) and is the subject of the Application.

xvii. The Proposed Development qualifies as a Nationally Significant Infrastructure Scheme (NSIP) and will require an Order to be granted from the SoS, due to its generating capacity exceeding 50 MW.

3.1.2 The Order limits comprises a total area of 852 ha and includes the key components described below. The Proposed Development is also described in Schedule 1 of the draft Order [EN010127/APP/3.1] where it is defined as

the “authorised development” and is divided into works packages alongside the corresponding works numbers:

The Solar PV Site (Work No. 1)

- 3.1.3 Individual PV Modules consist of a series of bifacial, mono-crystalline cells. PV Modules convert sunlight into electrical current (as Direct Current (DC)).
- xviii. The Proposed Development would consist of PV Modules placed on Mounting Structures arranged in rows (known as PV Tables). The PV Array is a distinct group of PV Tables which are grouped together to form a PV Array Area. A PV Array Area represents a parcel of land within the Solar PV Site where PV Arrays may be installed.
- 3.1.4 Inverters are required to convert the DC electricity collected by the PV Modules into alternating current (AC) which allows the electricity generated to be exported to the National Grid. Inverters are sized to deal with the level of voltage and intensity, which is output from the PV Strings.
- xix. Transformers are required to step up the voltage of the electricity generated by the PV Modules before it reaches the Onsite Substation.
- 3.1.5 Switchgears are the combination of electrical disconnect switches, fuses or circuit breakers used to control, protect, and isolate electrical equipment. Switchgear is used both to de-energise equipment to allow work to be done and to clear faults downstream.

The Onsite Substation and Ancillary Buildings (Work No. 2)

- 3.1.6 There will be a new single Onsite Substation (400/33KV) located near the existing National Grid Ryhall Substation, set back from Uffington Lane, within Work No 2. The Onsite Substation will comprise electrical infrastructure such as the transformers, switchgear, Control Buildings and metering equipment as required to facilitate the export of electricity from the Proposed Development to the National Grid. The Onsite Substation will also include Ancillary Buildings which will include office space and welfare facilities as well as operational monitoring and maintenance equipment.

Grid Connection Corridor and Point of Connection to the National Electricity Transmission System (Work No. 3)

- 3.1.7 The electricity generated by the Proposed Development is to be exported via a 400kV connection between the Onsite Substation and the existing National Grid Ryhall Substation at Uffington Lane which is a National Grid Electricity Transmission (NGET) substation. The grid connection cables to the National Grid Ryhall Substation will comprise 400kV cables buried within a trench, up to 2m in depth. The cables within the trench will have a minimum separation distance of 500mm between them. The trench will also include a fibreoptics communications cable connecting the Onsite Substation with the Ryhall National Grid Substation.

Electrical Cables (Work No. 4)

3.1.8 Low Voltage Distribution Cabling between PV Modules and the String Inverters will typically be located above ground level fixed to the Mounting Structure, and then trenched underground between the PV Tables and the Solar Station.

xx. Higher rated voltage cables (33kV) are required between Solar Stations and the Onsite Substation. The 33kV cables will be buried underground in a trench.

3.1.9 Data cables will be required throughout the Solar PV Site to allow for the monitoring during operation, such as the collection of data on solar irradiance from pyranometers. The data cables would be installed within the same trench as the electrical cables.

Temporary Construction Compound (Work No. 5)

3.1.10 During the construction phase, a primary construction compound will be located onsite with temporary secondary construction compound(s) provided at different locations throughout the Solar PV Site.

Highway Works (Work No. 6)

3.1.11 The primary point of access to the Solar PV Site will be from Uffington Lane, opposite the existing access to the National Grid Ryhall Substation, with vehicles approaching from the A6121 Stamford Road to the north. This point of access would provide access to the Onsite Substation and Ancillary Buildings and the primary construction compound.

xxi. Up to eight secondary points of access to the Solar Arrays have been identified in order to access the Solar PV Site.

Green Infrastructure (Work No. 7)

3.1.12 Mitigation and Enhancement Areas will provide areas for green infrastructure, including the creation of grassland with wildflowers and scattered wet woodland adjacent to the West Glen River, and grassland with calcareous species within the valley in the north-west of the Order limits, amounting to approximately 165ha.

xxii. The Green Infrastructure strategy within the Mitigation and Enhancement Areas will be used to deliver a minimum 10% net gain in biodiversity.

Works in connection with Work No. 1 to 7

3.1.13 The Proposed Development 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 but only within the Order Limits and insofar as these works or operations are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

3.2 Proposed Timing of Construction

3.2.1 Subject to being granted consent, the construction of the Proposed Development is anticipated to commence in summer 2026 at the earliest and construction will require an estimated 24 months, with operation therefore

anticipated to commence around summer 2028. The final programme will be dependent on the detailed layout design and potential environmental constraints on the timing of construction activities.

xxiii. The indicative construction activities likely to be required are:

- Site preparation:
 - Delivery of construction materials, plant and equipment
 - The establishment of site
 - The establishment of the primary and secondary temporary construction compound(s)
 - The upgrade of existing tracks and construction of new tracks required
 - The upgrade or construction of crossing points (bridges/culverts) over drainage ditches and below ground utility infrastructure
 - Marking out location of Mounting Structures
 - Advanced habitat creation
- Solar PV Site construction:
 - Delivery of Proposed Development components
 - Erection of Mounting Structures (Plates 11a-d)
 - Mounting of PV Modules (Plate 12)
 - Installation of electrical cables
 - Installation of Transformers and Inverters
 - Construction of Onsite Substation
 - Construction of onsite electrical infrastructure to facilitate the export of generated electricity.
- Testing and commissioning
- Habitat creation and reinstatement in accordance with the principles set out within the in the Outline Landscape and Ecology Management Plan [EN010127/APP/7.9]

3.2.2 Full details of the Proposed Development, including the proposed construction methods and phasing, can be found in the Outline Construction Environmental Management Plan (OCEMP) [EN010127/APP/7.6] accompanying the Application.

3.3 Flexibility

3.3.1 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) industry, the

Proposed Development could utilise technology which does not currently exist and therefore sufficient flexibility needs to be incorporated into the Application.

- xxiv. To address this, a ‘Rochdale Envelope’ approach is used, this is set out in more detail in Chapter 5 of the Environmental Statement [EN010127/APP/6.1]. 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 5.2 of Chapter 5 of this ES. The Design Guidance and Parameters contain the maximum parameters for the authorised development and are the same as those used for the assessment of effects in the Environmental Statement. These parameters are based on the application of the Rochdale Envelope principle, such that maximum dimensions have been presented and assessed in the Environmental Statement, recognising that the final massing may differ from (but will never be larger than) these maxima. The Order includes a requirement that detailed design of the Proposed Development must be in accordance with the Design Guidance and Parameters.
- 3.3.2 This flexibility is essential to ensure the successful delivery of the Proposed Development.

4. DESCRIPTION OF THE ORDER LIMITS

- 4.1.1 The Order limits are shown in Figure 1.1 and described in Chapter 3: Description of Order limits, of the Environmental Statement [EN010127/APP/6.1].
- xxv. The Order limits comprise the Solar PV Site, the Grid Connection Route, Mitigation and Enhancement Areas, Compounds, and some areas for highways works or access referred to as the Site Access Works.

5. SOURCE AND SCOPE OF POWERS SOUGHT IN THE ORDER

- 5.1.1 The draft Order [EN010127/APP/3.1] 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 the Proposed Development. Where the necessary land and rights over land cannot be acquired by agreement with the requisite landowners and occupiers, the draft Order enables the acquisition of land and rights. These powers in the draft Order relate to the Order land only, which is all the land within the Order limits, with the exception of some small areas which are shown white on the Land Plans and Works Plans and which may be needed only to carry out minor ancillary works set out in Schedule 1 of the draft Order, to facilitate the carrying out of the “authorised development”.
- xxvi. The Applicant has entered into voluntary option agreements with the freehold owners of the majority of the Order land for the Solar Farm Site, to allow for the construction, operation and decommissioning of the majority of the Order land. For the remaining freehold owners, for the substation site and further

cable routes, the Applicant has entered into Heads of Terms for the land or rights required and is actively negotiating to secure these interests. The Applicant will continue to endeavour to purchase the land, the rights and other interests by agreement wherever possible. 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.

5.1.2 Notwithstanding where agreement has been reached, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the Order so as to protect against a scenario whereby the contract is 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 extinguish and/or suspend rights and override easements and other rights in the Order land to the extent that they would conflict with the Proposed Development.

xxvii. There are a number of interests identified in the Book of Reference [EN010127/APP/4.3] where it has not been possible to identify ownership. The statement “Unknown” is given in the Book of Reference when diligent enquiry 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.

5.2 Enabling Powers

5.2.1 Section 120(3) of the PA 2008 provides that an Order 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 an Order 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 Order 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.

xxviii. 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

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 red and shaded pink on the Land Plans [EN010127/APP/2.1]. This land is described in more detail in the Book of Reference [EN010127/APP/4.3].

xxix. In summary, the areas in which freehold acquisition is sought are for part of Work Nos. 1, 2, 3, 4, 5 and 7. The Applicant has only included powers to compulsorily acquire the freehold interest in land where other powers (such as to acquire new rights or take temporary possession) would not be sufficient or appropriate to enable the construction, operation or maintenance of the Proposed Development. Temporary compounds (Work No. 5) and permanent cable works (Work No.4) will also take place within these parcels. Article 20 of the Order is relied upon in respect of this land. This land is described in more detail in the Book of Reference [EN010127/APP/4.3].

5.4 Temporary Use

5.4.1 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 red and shaded yellow on the Land Plans [EN010127/APP/2.1]. 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 red and shaded pink and blue on the Land Plans [EN010127/APP/2.1]. This land is described in more detail in the Book of Reference [EN010127/APP/4.3].

xxx. 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 Grid Connection Corridor over which permanent rights are needed.

5.4.2 Articles 29 and 30 of the Order are relied upon in respect of all land within the Order land. Article 30 allows temporary possession of land for the purposes of

maintaining the Proposed Development. As noted above, Article 29 permits temporary use in two ways in connection with the construction of the Proposed Development:

- Firstly, the land identified in Schedule 11 to the Order 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 to facilitate access to Work Nos. 1 to 5, including the creation of accesses from the public highway, the creation of visibility splays and works to widen and surface the public highway. These areas are shown edged red and shaded yellow on the Land Plans [EN010127/APP/2.1]; and
- Secondly, Article 29 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 Grid Connection 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 Orders including the **Eggborough Gas Fired Generating Station Order 2018** and the **Drax Power (Generating Stations) Order 2019**.

5.4.3 The Statement of Negotiations and Powers Sought [EN010127/APP/4.4] sets out the latest position in relation to negotiation of voluntary agreements with landowners. As part of these negotiations, landowners have been made aware that the Order will seek temporary possession rights over all of their land included within the Order land.

xxxi. Under Article 30, 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.

5.5 Other Rights and Powers

5.5.1 The land over which compulsory acquisition powers are sought for rights and the creation of new rights (including imposing restrictive covenants) is shown edged red and shaded blue on the Land Plans [EN010127/APP/2.1]. This land is described in more detail in the Book of Reference [EN010127/APP/4.3]. In summary, these are the areas required for Work No. 6, required to facilitate access to Work Nos. 1 to 5. Article 22 of the Order is relied upon in respect of new rights. The new rights are set out in Schedule 9 to the Order and include access rights, cable rights and substation connection rights.

xxxii. In addition, the Applicant has included powers to ensure that easements and other private rights identified as affecting the land are extinguished or suspended, so as to facilitate the construction and operation of the Proposed Development without hindrance. Furthermore, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished in order to facilitate the construction and operation of the Proposed Development. Articles 23 and 26 of the Order are 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 Plans). With respect to land shaded yellow, in respect of which temporary possession only is sought, Article 23(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).

5.5.2 The Order 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 **[EN010127/APP/4.3]**:

- Article 16 – Discharge of water;
- Article 18 – Protective works to buildings;
- Article 19 – Authority to survey and investigate the land; and
- Article 38 – Felling or lopping of trees and removal of hedgerows.

6. PURPOSE OF THE POWERS

6.1 The need for the Proposed Development

6.1.1 The Statement of Need **[EN010127/APP/7.1]** sets out the need for the Proposed Development. A summary of the need for the Proposed Development is set out below.

xxxiii. Decarbonisation is a UK legal requirement and is of global significance. It cannot be allowed to fail, and urgent actions are required in the UK and abroad, to keep decarbonisation on track to limit global warming;

- Solar generation is an important element of the delivery plan for the urgent decarbonisation of the GB electricity sector. This is important not only to reduce power-related emissions, but also to provide a timely next step contribution to a future generation portfolio which is capable of supporting the decarbonisation of transport and heat sectors, through electrification;
- As part of a diverse generation mix, solar generation contributes to improve the stability of capacity utilisations among renewable generators and when developed alongside other renewable technologies, will help to smooth out seasonal variations in generation in line with anticipated seasonal levels of demand. By being connected at the transmission system level, large-scale solar generation can and will

play an important role in the resilience of the GB electricity system from an adequacy and system operation perspective;

- Internationally, and importantly for GB in this regard, is the ongoing trend of solar generation assets becoming bigger and cheaper, each subsequent project providing a real-life demonstration that size and scale works for solar in GB, and providing decarbonisation benefits and commercial benefits to consumers in the process. Other conventional low-carbon generation (e.g. tidal, nuclear or conventional carbon with Carbon Capture Usage and Storage) remain important contributors to achieving the 2050 Net Zero obligation, but their contributions in the important 2020s will be very low;
- The cost of solar generation is already super-competitive against the cost of other forms of conventional and low-carbon generation, both in GB and more widely; and
- Single large-scale solar schemes deliver more quickly and at a lower unit cost than multiple independent schemes which make up the same total capacity, bringing forward carbon reduction and economic benefits in line with government policy.

6.1.2 These general benefits of solar generation in GB also apply specifically to the Proposed Development:

- The Proposed Development is a substantial infrastructure asset, capable of delivering large amounts of low-carbon electricity. The Proposed Development, along with other solar schemes, is of critical importance on the path to Net Zero, especially given the context of the Climate Change Committee's recent identification of the need for urgent action to increase the pace of decarbonisation in the GB electricity sector, and government's adoption of their recommendations for the Sixth Carbon Budget (2033 – 2037);
- The connection to the National Electricity Transmission System (NETS) at the National Grid Ryhall Substation means that it will play its part in helping National Grid manage the national electricity system. This includes participating in mandatory balancing markets (to help balance supply and demand on a minute-by-minute basis and provide essential ancillary services) as well as providing visibility to the GB power market of its expected generation. This means that the low marginal cost solar power it will produce, can be forecast and priced into future contracts for power delivery by all market participants, thus allowing all consumers to benefit from the market price reducing effect of low-marginal cost solar generation; and
- Maximising the capacity of generation in the proposed area, is to the benefit of all GB consumers, and the solar industry generally.

6.1.3 The Proposed Development will deliver large amounts of low-carbon power before many other large-scale solar projects (which are behind the Proposed Development in the development process, but which are also needed). The Proposed Development will also deliver power ahead of other potential technologies (which may have longer construction timeframes or have

potentially not yet been proven at scale) which will support decarbonisation only in future years and only if they are brought forwards.

xxxiv. In summary, 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 scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

6.1.4 This Proposed Development is a leading GB large-scale solar scheme, and is an essential stepping-stone towards the future of efficient decarbonisation through the deployment of large-scale, technologically and geographically diverse low-carbon generation schemes. The Proposed Development addresses all important aspects of existing and emerging government policy.

6.2 National policy support (NPS)

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 [EN010127/APP/7.2]. This includes the Applicant's reasoning for both the applicable existing and draft Energy NPSs being important and relevant matters in the SoS's decision.

xxxv. Section 105(2) of the PA 2008 provides the basis for deciding the DCO application, given it is envisaged that as at the time of acceptance no technology specific NPS has effect. As a result, the SoS must have regard to the provisions set out in section 105 of the PA 2008. This includes any matters which the SoS deems to be both important and relevant to their decision. The Applicant considers that the following NPSs are all important and relevant to the SoS's decision:

- 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) (NPS EN-5).

6.2.2 In addition, the Applicant also expects the Draft NPSs listed below to be important and relevant to the SoS's decision:

- Draft Overarching National Policy Statement for Energy (EN-1) (Draft NPS EN-1),
- Draft National Policy Statement for Renewable Energy (EN-3) (Draft NPS EN-3), and
- Draft National Policy Statement for Electricity Networks Infrastructure (EN-5) (Draft NPS EN-5).

6.2.3 The Energy NPSs, Draft 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.

xxxvi. The Proposed Development will deliver these policy aims, providing a significant amount of low carbon electricity over its lifetime. It will therefore be a critical part of the national portfolio of renewable energy generation that is required to decarbonise its energy supply quickly whilst providing security and affordability to the energy supply. It is clear that there is a compelling case for the need for the Proposed Development and that it will deliver national economic and social benefits in line with the government's wider objectives of delivering sustainable development.

6.2.4 The Proposed Development will also deliver other more localised economic, social and environmental benefits. These relate to biodiversity net gain, a network of permissive paths to compliment Public Rights of Way (PRoW) during the operational phase of the Proposed Development, and employment during the construction phase.

xxxvii. A Biodiversity Net Gain (BNG) assessment, using Defra's Metric 3.0, has been provided with the DCO application which demonstrates a 71% Biodiversity Net Gain.

6.2.5 The existing PRoWs passing through the Solar PV Site would be retained within hedge-lined corridors at least 15m on either side of the centre point of the route with wildflower meadow margins. The Proposed Development would also include three new permissive paths approximately 8.1km in total length connecting into the wider network of PRoW and rural lanes as a recreation benefit.

xxxviii. The Applicant estimates that an average of 150 FTE gross temporary jobs will be created over the 24 month construction period. It is estimated that 50% of these could be sourced from the local area.

6.2.6 It is estimated the 75 additional director and indirect jobs would be supported through the construction phase based on research undertaken by the Centre of Economics and Business Research on the economic impact of large-scale solar developments.

xxxix. An Employment, Skills and Supply Chain Plan [**EN010127/APP/7.10**] will be agreed with local stakeholders prior to the commencement of construction which will set out measures the Applicant will implement in order to promote and enable access to the employment and supply chain opportunities associated with the construction phase locally in order to help capture as many of the benefits for study area residents as possible.

6.2.7 The analysis of planning policy compliance in the Planning Statement 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.

- xi. With the mitigation proposed, the Environmental Statement demonstrates that the Proposed Development will not have any significant adverse effects in relation to biodiversity sites or protected species or habitats, flood risk and water quality, noise and vibration, transport and access, air quality or health. It is, however, acknowledged that Proposed Development will result in residual significant adverse effects upon landscape and visual receptors. All these effects will only occur while the Proposed Development is under construction, operational or being decommissioned and will disappear when the Proposed Development is decommissioned.
- 6.2.8 With regard to landscape and visual amenity the Applicant has carefully designed the Proposed Development to ensure landscape and visual impacts are minimised. Paragraphs 6.4.1 - 6.4.8 of the LVIA refer to the measures that have been embedded into the design of the Proposed Development and illustrated on the proposed Green Infrastructure Strategy Plan [EN010127/APP/6.3]. The design evolution, iterations and changes to the site layout and development parameters in response to consultee feedback has been explained within sections 4.16 – 4.21 of the Design and Access Statement (DAS) [EN010127/APP/7.3] including any additional visual screening or offsets from key viewpoints. The materials, colour and finish of the key components of the solar infrastructure are predominantly driven by functional requirements to maximise solar gain although steps have been taken to minimise the landscape and visual effects, where possible. For example, the perimeter security fencing has been proposed as 2-metre-high timber deer fencing with a wide-gauge stockproof mesh, and the inverter and transformer units would potentially be painted green to appear muted in colour and visually recessive in more distant views. The Onsite Substation and ancillary buildings have been clustered to the south of Essendine near the existing industrial complex, the East Coast Mainline Railway and the existing Ryhall substation infrastructure in order to co-locate these effects. Whilst the Proposed Development is of NSIP scale, it would appear subdivided and compartmentalised by the prevailing landform, woodland and hedgerows such that it would not be entirely visible from any given location. 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 and Draft NPS EN-1 acknowledge that adverse effects are likely, given the scale of energy NSIPs, the national benefits of the Proposed Development outweigh these localised effects.
- xli. As described in Section 8 of the Planning Statement [EN010127/APP/7.2], impacts have been minimised, where possible, 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 criteria which

concern renewable and low carbon energy schemes. Therefore, it is considered that development consent for the Proposed Development should be granted.

6.2.9 To ensure that the Proposed Development can be built, operated and maintained, 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 extinguish rights over land.

xlii. In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the land within the Order limits, 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, an Order 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 Order 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 Order (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.

xliii. 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 scheme will bring against any private loss to those affected by compulsory acquisition.

7.1.3 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 5 alongside The Statement of Negotiations and Powers Sought [EN010127/APP/4.4] describes the nature of the interest sought and the purposes for which areas are to be acquired or used;
- that there is a reasonable prospect of the requisite funds for the acquisition becoming available – see Section 7.6 below in addition to the Funding Statement [EN010127/APP/4.2]; and
- that the purposes for which compulsory acquisition of land powers are included in the Order 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.

7.1.4 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 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 development and that it is no more than is reasonably required for the 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.

xliv. 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.

7.2.2 Section 3 sets out the proposed development and a summary of the Proposed Development for which rights in the Order land are required. The Statement of Negotiations and Powers Sought [EN010127/APP/4.4] summarises the purpose for which rights in the Order land are sought.

xlv. 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 Order relates or is required to facilitate or is incidental to the development.

7.2.3 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 Statement of Negotiations and Powers Sought [EN010127/APP/4.4] shows the powers being applied over each plot and the requirement for each plot of land demonstrating the assessment that has been carried out on each plot. 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 sets 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 scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

xlvi. 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:

- A Biodiversity Net Gain (BNG) assessment, using Defra's Metric 3.0, has been provided with the DCO application which demonstrates a 71% Biodiversity Net Gain.
- The existing PRowS passing through the Solar PV Site would be retained within hedge-lined corridors at least 15m on either side of the centre point of the route with wildflower meadow margins. The Proposed Development would also include three new permissive paths approximately 8.1km in total length connecting into the wider network of PRow and rural lanes as a recreation benefit.
- The Applicant estimates that an average of 150 FTE gross temporary jobs will be created over the 24 month construction period. It is estimated that 50% of these could be sourced from the local area.

- It is estimated the 75 additional director and indirect jobs would be supported through the construction phase based on research undertaken by the Centre of Economics and Business Research on the economic impact of large-scale solar developments.
- An Employment, Skills and Supply Chain Plan [EN010127/APP/7.10] will be agreed with local stakeholders prior to the commencement of construction which will set out measures the Applicant will implement in order to promote and enable access to the employment and supply chain opportunities associated with the construction phase locally in order to help capture as many of the benefits for study area residents as possible.

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.
- xlvi. 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.
- 7.4.2 As shown in the Statement of Negotiation and Powers Sought [EN010127/APP/4.4], the Applicant has taken pro-active steps to engage with these persons through formal consultation and informal engagement to understand the direct and indirect impacts on them. This has helped to shape the proposals and, where possible enabled changes to designs to minimise the private loss.
- xlvi. 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.
- 7.4.3 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 urgent national need for secure and affordable low carbon energy infrastructure.
- xli. 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.

7.4.4 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 limits 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. The Applicant has clearly demonstrated that it has sought alternatives to compulsory acquisition, by successfully entering into voluntary option agreements with the freehold owners of the majority of the Solar Farm Site and expects to enter into similar agreements with the remaining freehold owners.

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

i) Alternatives to the Proposed Development

7.5.2 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.

ii. 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.

7.5.3 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.

iii. 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.

7.5.4 This process is described in detail in Chapter 4 Environmental Statement [EN010127/APP/6.1] and the Site Selection Report [EN010127/APP/7.2].

(1) Site Selection for the Site

7.5.5 In order to determine the location of a potential solar farm, 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 4.4.3 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 and climate change benefits) in the same timescale as the proposed development*”. A smaller scheme 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 [EN010127/APP/7.1] is submitted with the Application which addresses the need for the Proposed Development at the size it is.

liii. In order to be deliverable and suitable, a solar farm site also requires good irradiance and site topography, as well as relatively few key environmental and social constraints. The length of the grid connection is also critical, to minimise environmental and social impacts and deliver an economically viable scheme.

7.5.6 Land further south was considered in terms of its suitability for solar, but this significantly increased the potential for likely significant effects on Burghley House, a Grade 1 listed building, located to the south-east of Stamford, as well as increasing the number of residential properties likely to be affected by also being in close to proximity to Ryhall and Belmesthorpe.

liv. The area further west of Essendine is located in close proximity to a number of SSSI's (East Wood, Great Casterton, Newell Wood, Clipsham Old Quarry and Pickworth Great Wood). In addition, Rutland Water, a Ramsar, Special Protection Area (SPA) and Special Area of Conservation (SAC) site is located approximately 8.6 km south-west of the Order limits. the Site Selection Report at Appendix 1 of the Planning Statement [EN010127/APP/7.2] sets out the criteria in selecting the location of the Order limits in relation to the National Grid's 400kv Ryhall Substation.

(2) Grid connection and capacity

7.5.7 The Applicant considered the availability of grid connections, in discussions with National Grid and using the information on the Transmission Entry Capacity Register, and identified that the National Grid Ryhall Substation had sufficient available capacity to enable the delivery and connection of a solar farm of up to 350MW. Having this level of capacity without requiring an upgrade to the substation is relatively unusual. Utilising existing connections is also preferred to building new connections, both cost, timely delivery and environmental reasons. Other substations in the region do not have the same level of spare capacity and would require substantial upgrades to allow large scale renewables to deliver clean power to the grid.

(3) Voluntary agreements with landowners

7.5.8 The ability to reach voluntary agreement with landowners was a key requirement and therefore single, contiguous sites with as few landowners as possible were prioritised. The Order limits has a relatively small number of individual landowners, all of whom were agreeable in principle to leasing their land for solar. Other areas around, and further from the substation, were

discounted due to reasons such as multiple land ownerships, unwilling landowners or smaller, irregular field boundaries.

iv. Having regard to the above criteria and environmental constraints, the Site was identified as being suitable for a solar farm development.

ii) Commercial negotiations with affected parties

7.5.9 Negotiations for the purchase of land, rights and interests are ongoing in respect of the land and new rights required for 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 Order, thereby ensuring that the Proposed Development can be constructed, operated and maintained.

lvi. The Applicant has entered into voluntary option agreements with the freehold owners of the majority of the Order land for the Solar Farm Site, to allow for the construction, operation and decommissioning of the majority of the Order land. For the remaining freehold owners, for the substation site and further cable routes, the Applicant has entered into Heads of Terms for the land or rights required and is actively negotiating to secure these interests. Further agreements should be in place imminently.

7.5.10 The Schedule of Negotiations and Powers Sought [EN010127/APP/4.4] sets out the status of negotiations with the affected parties and the purpose for which the land is required.

7.6 Availability of funds for compensation

7.6.1 The Funding Statement [EN010127/APP/4.2] 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.

lvii. 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.

7.6.2 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. HUMAN RIGHTS

8.1.1 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.

- lviii. The following Articles of the Convention are relevant to the SoS's decision as to whether the Order [EN010127/APP/3.1] should be made so as to include powers of compulsory acquisition:
- 8.1.2 **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.
- lix. **Article 6** – entitles those affected by the compulsory acquisition powers sought in the Order to a fair and public hearing.
- 8.1.3 **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.
- ix. 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.
- 8.1.4 The Order 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. Such an infringement is authorised by law so long as:
- the statutory procedures for making the Order are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order; and
 - the interference with the convention right is proportionate.
- 8.1.5 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 Order 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 [EN010127/APP/7.1] and the Planning Statement [EN010127/APP/7.2] the Applicant considers that there would be very significant public benefits arising from the grant of the Order. The benefits are only realised if the Order 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.
- lxi. 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.

- 8.1.6 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.
- lxii. 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.
- 8.1.7 Should the Order be made, any person aggrieved may challenge the Order in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the PA 2008.
- lxiii. 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.
- 8.1.8 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Sections 7 and 8 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.
- lxiv. The Applicant considers that the Order 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 Order, including the grant of compulsory acquisition powers.

9. SPECIAL CONSIDERATIONS AFFECTING THE ORDER LIMITS

9.1 Special Category Land – Crown Land

9.1.1 There is no Crown Land included or affected by the Order limits.

9.2 Special Category Land – Open Space

9.2.1 There is no open space, common land or fuel or field garden allotments included or affected by the Order limits.

9.3 Statutory Undertakers' Land and Apparatus

9.3.1 The interests held by each Statutory Undertaker identified by the Applicant as having a right to keep or access apparatus within the Order limits are identified in the Book of Reference [EN010127/APP/4.3].

lxv. 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.

9.3.2 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.

9.3.3 Article 31 of the Order 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.

lxvi. Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order limits. Statutory undertakers and other apparatus owners that are known to have equipment on, in or over the Order limits are included in the Book of Reference [EN010127/APP/4.3]. 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 Order 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 Order. The protective provisions are in the process of being agreed with the relevant statutory undertakers and electronic communications apparatus owners, and will accordingly set out constraints on the exercise of the powers in the Order, 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 Order) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.

9.3.4 With respect to the current status of negotiations with each Statutory Undertaker, in summary, the Applicant has been in discussions in relation to protective provisions with the Environment Agency, Network Rail, Cadent, Anglian Water, National Grid Gas, National Grid Electricity Transmission and National Grid Electricity Distribution (East Midlands) (not exhaustive). The Applicant will continue to seek agreement as to protective provisions with the other parties contacted, and in any event has included standard protective provisions in the Order 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 under the Order.

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

10. RELATED APPLICATIONS AND CONSENTS

10.1.1 Other consents are 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 Licenses [EN010127/APP/3.3] 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;
- Bilateral Connection Agreement;
- Permit for Transport of Abnormal Loads;
- Section 171 License;
- European Protected Species Mitigation Licence;
- Section 61 consent; and
- Health and Safety related consents.

10.1.2 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.

11. FURTHER INFORMATION

11.1 Negotiation of Sale

11.1.1 Owners and occupiers of property affected by the Proposed Development who wish to discuss matters of compensation should contact Oscar Barton on mallardpass@ardent-management.com.

11.2 Compensation

11.2.1 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:-

- Booklet No. 1 – Compulsory Purchase Procedure;
- Booklet No. 2 – Compensation to Business Owners and Occupiers;
- Booklet No. 3 – Compensation to Agricultural Owners and Occupiers;
- Booklet No.4 – Compensation for Residential Owners and Occupiers; and
- Booklet No.5 – Reducing the Adverse Effects of Public Development: Mitigation Works.

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

12. CONCLUSION

12.1.1 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.

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

12.1.2 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.

lxix. 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.

- 12.1.3 The Applicant has entered into voluntary option agreements with the freehold owners of the majority of the Order land for the Solar Farm Site and has entered into Heads of Terms with the remaining freehold owners. For landowners where it has not yet been possible to reach agreement, compulsory acquisition powers are necessary. Powers of compulsory acquisition in respect of the Solar Farm Site are retained as a fall-back position in case the owner does not grant a lease in accordance with the completed option agreement and to ensure that third party private rights across the Solar Farm Site can be extinguished to the extent that it is necessary to do so.
- lxx. All reasonable alternatives to compulsory acquisition have been explored. 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.
- 12.1.4 The proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose, namely the Proposed Development, 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.
- lxxi. The Applicant has set out clear and specific proposals for how the Site, the Grid Connection Route, Ryhall Substation and Site Access Works will be used.
- 12.1.5 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.
- lxxii. 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.
- 12.1.6 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.

