

## Notice of Compulsory Acquisition under Section 134(7) of the Planning Act 2008

### THE CLEVE HILL SOLAR PARK ORDER 2020

#### Notice of authorisation of compulsory acquisition

The above Order, made under the Planning Act 2008 by the Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) and published on 28<sup>th</sup> May 2020, includes provision authorising the compulsory acquisition of land, existing rights over land, and of rights over land by creating a new right over it as described in Schedule 5 to the Order.

The Order includes provision authorising the acquisition for the purpose of the construction, operation, maintenance and decommissioning of the Cleve Hill Solar Park (CHSP) consisting of a solar photovoltaic array and energy storage facility together with associated infrastructure and associated development. CHSP will be located near Graveney, 2 km north east of Faversham and 5 km west of Whitstable on the north Kent coast. The electricity generated from CHSP will be transmitted via underground electricity cables to the existing Cleve Hill substation.

A copy of the Order as made by the Secretary of State for Business, Energy and Industrial Strategy, together with copies of the Secretary of State’s decision letter and the Examining Authority’s report of its recommendations are available to view online through the Planning Inspectorate’s website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/cleve-hill-solar-park/>

And also on the CHSP website:

<https://www.clevehillsolar.com/downloads>

If the restrictions imposed by The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (as amended) (“the COVID-19 lockdown restrictions”) are lifted before the end of the six-week period which follows the making of the Order, hard copies of the above-mentioned documents will be made available for public inspection as soon as practicable at the locations listed below. Before the coming into force of the COVID-19 lockdown restrictions, the viewing times for these venues were as listed below. They may be subject to change upon re-opening (please check with the venue):

Location	Opening Times
<b>Kent County Council</b> , County Hall, Maidstone, ME14 1XQ	Monday-Friday 9am-5pm.
<b>Canterbury City Council</b> , Military Road, CT1 1YW	Monday-Friday 9am-5pm.
<b>Faversham Library</b> , Newton Rd, Faversham ME13 8DY	Monday-Saturday 10am-5pm.
<b>Swale Borough Council</b> , Swale House, East St, Sittingbourne, Kent, ME10 3HT	Monday-Thursday 8.45am-5pm, Friday 8.45am-4.30pm

If you require a hard copy of any of the above-mentioned documents (for example because you do not have access to a computer and are unable to view the documents on the Planning Inspectorate’s website or CHSP website, and the above-mentioned document deposit venues are still closed), you can request hard copies, free of charge, by contacting Ian Cunliffe at [ian.cunliffe@gateleyhamer.com](mailto:ian.cunliffe@gateleyhamer.com) or on 07921 291283 or Jennifer Batson at [jennifer.batson@gateleyhamer.com](mailto:jennifer.batson@gateleyhamer.com) or on 07585 115741.

A person aggrieved by the Order may challenge the Order only in accordance with section 118 of the Planning Act 2008, which stipulates that any proceeding must be brought by filing a claim form for judicial review before the end of the period of 6 weeks beginning with the day after the day on which the Order was published (or, if later, the day on which the statement of reasons for making the Order was published).

Once the provision in the Order authorising compulsory acquisition comes into force Cleve Hill Solar Park Limited may acquire any of the land (including any existing rights and/or new rights) described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2.

Any person who would be entitled to claim compensation if a general vesting declaration were executed is invited to give information about the person’s name, address and interest in land, using a prescribed form to Cleve Hill Solar Park Limited at:

C/O Ian Cunliffe  
Gateley Hamer,  
1 Paternoster Square  
London  
EC4M 7DX

Or [ian.cunliffe@gateleyhamer.com](mailto:ian.cunliffe@gateleyhamer.com)

The prescribed form is set out in Schedule 3 below.

## **Schedule 1**

### **DESCRIPTION OF THE LAND, EXISTING RIGHTS AND NEW RIGHTS**

The Order land (as defined in Article 2 of the Order) is shown on the land plans (as defined in Article 2 of the Order) and described in the book of reference (as defined in Article 2 of the Order). This notice relates to so much of the Order land as is shown on the land plans shaded pink (compulsory acquisition of all interests and rights in land) and shaded blue (creation and compulsory acquisition of new rights and imposition of restrictions and in relation to which it is proposed to suspend or extinguish easements, servitudes and other private rights) (the land subject to powers of compulsory acquisition).

Under the powers granted in the Order, Cleve Hill Solar Park Limited may acquire compulsorily:

(a) so much of the Order land as is specified by Article 16 (compulsory acquisition of land) of the Order for the authorised development (as defined in Article 2 of the Order), or to facilitate it, or as is incidental to it; and

(b) such rights over the Order land, by creating them as well as by acquiring rights already in existence, and impose restrictions affecting part of the Order land, as is authorised by Article 18 (compulsory acquisition of rights) of the Order.

The purpose for which new rights may be acquired and restrictions may be imposed is described in Schedule 5 to the Order and includes:

(a) Rights to install, use, protect, inspect, alter, remove, replace, improve and maintain electrical underground cables, telecommunications cables and other services.

(b) Rights to use, alter, improve and maintain an existing means of access.

(c) Rights to create, manage, alter, improve and maintain a habitat management area.

(d) Rights to inspect, maintain, repair, alter, remove and reconstruct the flood defences.

(e) Rights of access without or without vehicles, plant and machinery.

(f) Restrictions on erecting buildings or structures, altering ground levels, planting trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights.

Cleve Hill Solar Park Limited may suspend any existing right or restriction that is inconsistent with the exercise of the powers under Article 16 of the Order or the exercise of any new right or compliance with the restrictions pursuant to Article 18 of the Order.

Cleve Hill Solar Park Limited may also temporarily use the Order land to carry out the authorised development (as defined in Article 2 of the Order) pursuant to Article 24 of the Order and may temporarily use the order land to maintain the authorised development pursuant to Article 25 of the Order.

The land subject to powers of compulsory acquisition is as described in the tables below:

<b>LAND TO BE ACQUIRED</b>	
<b>Plot numbers of land as shown on the land plans relating to the Order as made</b>	<b>Description of the land</b>
1/04, 1/05, 3/09	Land at Cleve Farm, Cleve Hill, Graveney, Faversham.
2/04, 3/04, 3/05, 4/07, 5/01, 5/02, 5/03A, 5/03B	Land at Nagden Marshes, Graveney Marshes, Cleve Marshes, Graveney, Faversham.
3/06A	Land forming part of Nagden Marshes and Cleve Marshes, Graveney, Faversham.

<b>LAND OVER WHICH NEW RIGHTS ARE TO BE ACQUIRED OR RESTRICTIONS IMPOSED</b>	
<b>Plot numbers of land as shown on the land plans relating to the Order as made</b>	<b>Description of the land</b>
1/01, 2/01, 2/02, 2/03, 3/02, 3/02A, 3/02B, 3/03, 3/03A, 3/03B, 3/06	Land forming part of Nagden Marshes and Cleve Marshes, Graveney, Faversham.
1/02, 2/05, 2/06, 2/07, 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 3/01, 3/01A, 3/01B	Foreshore and bed at Shell Ness, forming part of Nagden Marshes and Cleve Marshes, Graveney, Faversham, excluding all interests of the Crown.
1/03	Ditch adjacent to Nagden Marshes and Cleve Marshes, Graveney, Faversham.
1/06, 1/09, 1/10, 4/01	Foreshore Soil and Bed of Oare Creek, Graveney, Faversham.
1/07	Land at Cleve Farm, Cleve Hill, Graveney, Faversham.
1/08, 4/02, 4/03	Land north-west of Sandbanks Lane, Graveney, Faversham
3/06B, 3/07, 3/07A, 3/07B, 3/08, 3/08A	Substation and other facilities at Cleve Hill, Graveney, Faversham.
3/10	Land to the north-west of Faversham Road, Graveney, Faversham.
3/11	Land at Graveney Hill Farm, Seasalter Road, Graveney, Faversham.
3/12, 3/13	Land close to Faversham Road on Cleve Marshes, Graveney, Faversham.
4/04, 4/05, 4/06	Land at Nagden Barn, Sandbanks Road, Graveney, Faversham

## **Schedule 2**

### **Statement of effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981**

#### **Power to execute a general vesting declaration**

1. Once the provision in the Cleve Hill Solar Park Order which authorises compulsory acquisition comes into force, the acquiring authority (hereinafter called CHSPL) may acquire any of the land (including any existing rights and / or new rights) described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in CHSPL at the end of the period mentioned in paragraph 2 below.

#### **Notices concerning general vesting declaration**

2. As soon as may be after CHSPL execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the notice of the authorisation of compulsory acquisition. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in CHSPL together with the right to enter on the land and take possession of it. Every person on whom CHSPL could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

3. The "vesting date" for any land specified in the declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

#### **Modifications with respect to certain tenancies**

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

5. The modifications are that CHSPL may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

## **Schedule 3**

### **Form for giving information**

#### **Cleve Hill Solar Park Order**

To: Cleve Hill Solar Park Limited

Reference [plot number(s) and address of land/property]

[I][We](*delete as applicable*) being [a person][persons](*delete as applicable*) who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the order cited above in respect of which notice to treat has not

been given, would be entitled to claim compensation in respect of [all][part of] (*delete as applicable*) that land, give you the following information, pursuant to section 134(7)(cza) of the Planning Act 2008.

1. Name and address of informant(s) (see explanatory note (i) below)

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2. Land in which an interest is held by informant(s) (see explanatory note (ii) below)

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3. Nature of interest (see explanatory note (iii) below)

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Signed

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.....

[On behalf of]

.....  
.....

Date.....

(i) In the case of a joint interest insert the names and addresses of all the informants

(ii) The land should be described concisely

(iii) If the land is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other encumbrance, details should be given, e.g name of building society and roll number.

Cleve Hill Solar Park Limited, its subsidiaries and service providers will process your personal information for the purpose of implementing the Cleve Hill Solar Park Order 2020, including its compulsory acquisition powers, and to comply with related government guidelines. Your personal information will be properly safeguarded and processed in accordance with the requirements of privacy and data and protection legislation.

To find out more about how Cleve Hill Solar Park Limited handles personal data please visit:

[www.clevehillsolar.com](http://www.clevehillsolar.com)

For and on behalf of Cleve Hill Solar Park Limited

Date: 11 June 2020