

**Proof of Evidence of
Kerr Willis
On behalf of Driffield Solar & Storage Limited**

**In respect of its objection to the National Grid Electricity Transmission plc
(Scotland to England Green Link 2) Compulsory Purchase Order 2023
16th February 2024**

1. INTRODUCTION

My name is Kerr Willis, and I am the Head of Project Management for BayWa r.e UK Limited (“**BayWa r.e**”). BayWa r.e. is the sole owner of Driffield Solar and Storage Limited (“**DSSL**”). I joined BayWa r.e. in February 2021 as Head of Project Management. In this role, I lead the team responsible for the construction of all BayWa r.e. projects, including wind farms, solar farms, battery projects, and co-located developments situated throughout the UK and Ireland. This includes the Driffield Solar and Storage renewable energy project (“**the DSSL Development**”), which the BayWa r.e. Projects Team is currently constructing.

I have over 20 years of experience working on the delivery of infrastructure and energy projects. Prior to joining BayWa r.e., I spent 13 years working at Natural Power as a Senior Project Manager. This role was based in the UK for 11 years, with two years spent working for Natural Power in the United States. During my time at Natural Power, I worked on over 20 UK renewable energy construction projects. My role included:

- Team leader of the construction of onshore renewable projects;
- Delivering renewable energy construction projects from planning consent to operational handover;
- Contract management with balance of plant, wind turbine and electrical contractors;
- Due diligence of construction and operational contracts; and
- Managing local authority processes and procedures.

Scope of Evidence

DSSL objects to the Order on the basis that fundamental modifications are required to ensure that both the DSSL Development and the Order Project can interface appropriately so that ultimately both can be delivered to decarbonise the UK electricity network.

My evidence will:

- Provide more detail on the DSSL Development and its status;
- Outline the need for modifications to the Order;

- Provide commentary on the Acquiring Authority's Statement of Case and Supplementary Statement of Case;
- Summarise the engagement to date with the Acquiring Authority and its representatives; and
- Provide conclusions and a statement of truth.

2. DSSL DEVELOPMENT & INTERACTION WITH THE ORDER

DSSL Development Background

DSSL is the tenant of the land forming the registered titles YEA94574, YEA68076 and HS224148 ('**the Order Land**') which is the land comprising Plots 34/960, 34/965, 34/965c, 34/965d, 34/965f, 34/966, 34/967 and 34/968, of the National Grid Electricity Transmission plc (Scotland to England Green Link 2) Compulsory Purchase Order 2023 ("**the Order**"). The Order has been made by National Grid Electricity Transmission plc ("**the Acquiring Authority**") to enable the installation of a High Voltage Direct Current Link from Peterhead, Aberdeenshire to Drax, North Yorkshire ("**the Order Project**").

As acknowledged within the DSSL Statement of Case submitted on 9th February 2024, the DSSL Development first received planning permission in accordance with the Town and Country Planning Act 1990, from East Riding of Yorkshire Council in October 2020 (Council reference 20/01962/STPLF). A number of subsequent non-material amendments and variations have since been sought and granted permission.

The land is owned by Carol Dixon and Andrew Dixon ("**the Landlords**"), and DSSL entered into a 40 year lease with the Landlords in 2022. The approved planning permission has been implemented and the DSSL Development is already under construction.

DSSL signed a grid connection offer with Northern Power Grid on the 1st of March 2021.

As the sole owner of DSSL, BayWa r.e. is constructing the DSSL Development. This includes funding the construction process, placing construction contracts, overseeing all contractors and managing the overall delivery. Electricity export and operation is anticipated to be achieved in early 2025.

As Head of Project Management within BayWa r.e., I am ultimately responsible for the construction of the DSSL Development. The Construction Project Manager reports directly to me, and my team places all construction contracts, coordinates procurement orders and oversees the construction process from pre-construction to operation. Following the completion of construction, the operation of the DSSL Development will be taken over by dedicated asset managers.

Status of the DSSL Development

The need for the DSSL Development is presented within the DSSL Statement of Case submitted on 9th February 2024 and is not repeated here. The need for the DSSL Development has been accepted by East Riding of Yorkshire Council via its grant of planning permission.

The DSSL Development was originally consented in October 2020, and the Lease entered into with the Landlords in November 2022. Construction on site commenced in August 2023, and as of February 2024, the following construction activities have been completed:

- Upgrades to existing site tracks;
- Installation of new tracks;
- Civil works and installation of foundations for onsite control compound;
- Civil works and installation of foundations for temporary compounds;
- Delivery of control building frame, with erection of steel frame commencing from 16th February 2024 onwards.

The following remaining construction activities will take place throughout 2024 and into 2025:

- Completion of control building;
- Completion of substation compound and cable connection to DNO substation;
- Delivery and installation of grid transformer;
- Delivery and installation of steel frames and foundations for solar modules;
- Installation of internal site cabling, solar modules, distribution transformers, and other equipment;
- Site commissioning and energisation;
- Site restoration and landscaping;
- After PV construction and grid connection, the delivery and installation of battery storage modules and grid connection is planned for 2026.

Interaction with the Order – Access

The Order Land (Plots 34/960, 34/965, 34/965c, 34/965d, 34/965f, 34/966 and 34/967) currently interacts with an existing access track which forms the sole access to the DSSL Development.

There is no alternative existing access to the DSSL Development, and importantly, there are no viable alternative accesses that could be put in place under the existing agreements that the DSSL Development has. Should the Order be confirmed without modification, we would have no right of access to the DSSL Development.

In the event that the Order is confirmed without modification prior to the completion of construction of the DSSL Development, this would present a significant risk to the DSSL Development of reaching operation. There would be no permitted access route for construction workers or delivery of components and therefore no prospect of the DSSL Development being realised. Should access only be granted during certain periods, I anticipate that the construction period will extend significantly, which could further risk delays to the energisation date of the DSSL Development. I have experience elsewhere in the UK of similar projects being subject to several months of delay when energisation target dates with the Distribution Network Operator have been missed due to delays incurred in the

construction phase. It therefore follows that a delay such as this due to access limitations would incur significant cost and time and fundamentally risk the project's viability.

Should the Order be confirmed without modification during the operational phase of the DSSL Development, the solar farm would become a stranded asset. This would become a health and safety risk, where the solar farm operator would be unable to access the DSSL Development to manage faults, repair damage, or safely access the area in the event of any health and safety accidents or emergencies.

In addition, without the provision of 24-hour, unimpeded access, DSSL would be in breach of its grid connection contract with Northern Power Grid, that requires the provision of such access to the Distribution Network Operator at all times. Any other planning obligations, such as ongoing maintenance of landscaping and drainage maintenance, amongst others, would also be compromised, leaving DSSL in breach of its planning permission.

Interaction with the Order – Planning Permission Area

The Order Land (Plot 34/968) currently interacts within the approved planning permission boundary of the DSSL Development, impinging on an area of the DSSL Development which has received planning permission for implementing landscape enhancement measures; specifically planting species rich grassland in order to satisfy the requirements of the planning permission. Should the Order be confirmed without modification, DSSL would likely not be able to comply with its planning obligations and would therefore be in breach of its planning permission.

Interaction with the Order – Construction Impacts from the Order Project

Solar modules can be adversely affected by construction impacts from nearby installations; typically through either airborne dust settling on the modules and impacting their efficiencies, or by general debris from nearby construction projects causing damage to the modules or associated infrastructure.

Given the proximity of the Order Project to the DSSL Development, based on my experience of similar projects, there is a real risk of construction impacts arising from the Order Project and impacting the operation of the solar modules, principally from dust generation. This could reduce the generation and efficiency of the DSSL Development.

Interaction with the Order – Construction Project Interactions

The risk of delay to the DSSL Development in the aforementioned "Interaction with the Order - Access" would also be prevalent where there is overlap between the construction periods of the DSSL Development and the Order Project. The existing access track into the DSSL Development (Plots 34/960, 34/965, 34/965c, 34/965d, 34/965f, 34/966 and 34/967) is a single-track farm track, leading onto a narrow public road. There would be a substantial increase in traffic from the construction of two large infrastructure projects in parallel which would require careful traffic management and coordination

from both construction teams. This in turn would likely require extended construction periods and would result in subsequent delays to the energisation of the DSSL Development.

3. REQUIRED MODIFICATIONS TO THE ORDER

In order to minimise impact to the DSSL Development, the following modifications must be incorporated to the CPO:

- Modifications and commitments to provide any works associated with the DSSL development 24-hour, unrestricted and unimpeded access over Plots: 34/960, 34/965, 34/965c, 34/965d, 34/965f, 34/966, 34/967 and 34/968;
- In the event there is a likely overlap in the construction of the DSSL Development and works subject to the Order, covenants and suitable interface arrangements are secured between DSSL and the Acquiring Authority, to minimise impacts to the delivery of both schemes;
- Modifications to ensure a minimum of at least 200 metres separation distance is maintained between the construction works subject to the Order and the solar modules associated with the DSSL Development;
- The area within Plot 34/968 is removed from the Order.

Based on the detail I have shared in Section 2 of this document, without these modifications to the Order, the DSSL Development will be in significant jeopardy of becoming a stranded asset with no right of access and will potentially be delayed to a stage that risks the DSSL Development ever reaching operation, operating safely or operating to its expected efficiency.

4. THE ACQUIRING AUTHORITY STATEMENT OF CASE

In this section, I respond to comments within the Acquiring Authority's Statement of Case and Supplementary Statement of Case regarding the DSSL Development.

Acquiring Authority Statement of Case

Paragraphs 12.89 to 12.92 relate to negotiations between the Acquiring Authority and the Landlords, chiefly centred on avoiding impacts to the DSSL Development.

Paragraphs 12.163 to 12.166 relate to impacts of the Order on the DSSL Development and engagement with DSSL.

The Statement of Case rightly highlights DSSL's concern regarding maintain 24-hour access to the DSSL Development, however we firmly disagree with the statement in paragraph 12.165 that "*DSSL are satisfied with this approach subject to securing an agreement*".

Access remains one important concern of DSSL, however for reasons detailed both in the DSSL Statement of Case and this document, our concerns extend beyond access and include: construction

impacts from the Order Project; delays due to construction period overlaps; and impacts preventing the delivery of the consented DSSL Development landscaping scheme.

In the absence of the Order, DSSL has an existing lease with the Landlords which provides the necessary covenants to protect DSSL against each of the above considerations. Any agreement or modification to the Order must afford the DSSL Development the same provisions in order to not jeopardise the viability and, ultimately, safe and successful operation of the DSSL Development.

Acquiring Authority Supplemental Statement of Case

The Acquiring Authority shared its Supplemental Statement of Case on 9th February 2024. The majority of updates within this document do not impact DSSL, however Section 8: *Objections to the Order*, paragraph 8.3, states that “*substantial progress has been made in respect of negotiations related to the remaining objections*”.

The DSSL objection or the objection from the Landlords are not mentioned specifically. No agreement has been secured yet, however further commentary on engagement to date between DSSL and the Acquiring Authority is provided in the following section of this document.

5. ENGAGEMENT WITH THE ACQUIRING AUTHORITY

I can confirm that, as of 16th February 2024, there has been email and telephone correspondence between DSSL and the Acquiring Authority, and a draft agreement was circulated on 14th February 2024 by the Acquiring Authority for DSSL comment. We are still reviewing the draft agreement however; until this is finalised to sufficiently address the points set out in this evidence and signed by both parties, our objection remains.

6. CONCLUSION

I submit to this inquiry that DSSL does not object to the principle of the Order, however DSSL objects on the basis that fundamental modifications are required to ensure that both the DSSL Development and the works subject of the Order can coincide and ultimately both be delivered to decarbonise the UK electricity network.

Whilst preliminary discussions have taken place between DSSL and the Acquiring Authority, there is no certainty that the Order will safeguard the construction and operation of the DSSL Development. Without modification to the Order, the viability of the DSSL Development will be significantly compromised.

The CPO should only be confirmed following modifications to the Order to permit 24-hour access to DSSL, ensure that all of the planning obligations for the DSSL Development can be fulfilled, and provide the suitable covenants in place to safeguard the DSSL Development from any damage or delays as a

result of the Order Project. These modifications would afford DSSL the same protections as in place through the planning permissions and the lease with the Landlord.

7. STATEMENT OF TRUTH

I confirm that the evidence set out above is true to the best of my knowledge and is provided based on my professional expertise.