

24th November 2022

The Secretary of State for Transport
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle Upon Tyne
NE4 7AR



By email only: nationalcasework@dft.gov.uk

South Cottage Office,
Long Lane,
Wington,
North Somerset
BS40 5SA

Dear Sir/Madam,

**AQUILIA CAPITAL FAO FERNANDO HOPPEN, ASSET MANAGER OF THE SOLAR
PARK AT TOWERBROOK FARM, CATWORTHY LANE, BANWELL, AVON, BS29 6PQ**

**RE NORTH SOMERSET COUNCIL (BANWELL BYPASS & SOUTHERN LINK
CLASSIFIED ROAD (SIDE ROADS) ORDER 2022
NORTH SOMERSET COUNCIL (BANWELL BYPASS & SOUTHERN LINK)
COMPULSTORY PURCHASE ORDER 2022**

We refer to the letter dated 10 October 2022 from Burges Salmon LLP, and the enclosed CPO Notice, Copy SRO Plans, SRO Notice and Statement of Reasons. On behalf of Aquila Capital FAO, Fernando Hoppen, we write to object to the Compulsory Purchase Order as stated above.

Aquila Capital FAO Fernando Hoppen have a lease hold interest on Towerbrook Farm. They lease part of the land for Solar Park who have ground mounted solar panels on Mr Perks & Ms Ball's land under a long lease.

Aquila Capital FAO Fernando Hoppen currently enjoy the lease hold interest of the solar park area and use the property with access via Catworthy Lane and Eastermead Lane. The Compulsory Purchase Order and Side Roads Order proposes to take land from the southwest corner part of which is within the lease and part of which is without, stopping access via Eastermead Lane, creating a shared use path across Eastermead Lane, and creating a private means of access for a neighbouring third party.

We object to the creation of a new shared use path along Eastermead Lane, the stopping up of Eastermead Lane and the creation of a new private means of access on the land leased by Aquilia Capital.

1. Security

The proposal of the shared use path presents a significant risk to property with Towerbrook Farm Solar Park no longer being a ring-fenced property. Instead, it would be transected by members of the public who we contend will also take access via Catworthy Lane. They will do so as the provision of a shared use path along Eastermead Lane will create a natural cut-through to reach the new shared use path proposed. This will take them past the clients Solar Park. Thefts and vandalism to Solar Park.

As the occupiers of the Solar Park, we support the landlord objections & have significant concerns of the damage over the potential of the public to cause damage to the solar equipment sited on their land. Despite fencing this could be caused by vandalism and throwing of stones or dogs

pushing through fences. Any damage or unauthorised access could affect the viability of the panels and could also cause health and safety issues.

2. Access and Disruption

The use of Eastermead Lane for Solar Park use would be extremely limited. This is not acceptable as the viability of Solar Park business will be affected. Eastermead Lane provides important access to the Solar Park in ownership both north and south of the lane. They have an access via Catworthy Lane however this is much more limited and does not provide access to all of their land. The shared use path being located on their current access and the stopping up of Eastermead Lane would result in the Solar Park land being landlocked with no access, which is unacceptable.

The proposed shared use path is proposed in an area which becomes very narrow at certain points. It borders a ditch and Eastermead Lane often floods in autumn and winter. Public using the proposed shared use path will be channelled into a narrow area between the solar panels and between a ditch in an area which at some points is less than 2m wide. This will result in poaching and waterlogged ground. There is high voltage electrical equipment which crosses Eastermead Lane. All of this represents a significant health and safety risk.

The landlords have made an alternative which we support, this shows the shared use path being moved slightly further north for a small section before joining with the remainder of the proposed route and have not received any substantive reply from the agents acting for North Somerset District Council as to why this should not be used, save to say it is the preferred route. The alternative route, instead of splitting one land ownership and removing an access, would have no such disadvantages, it being located between the land ownerships of different third parties. It is also only very slightly longer compared to the initial proposal.

The response from ARUP in relation to the planning representations previously made on behalf of the landlords on this matter, refer to the proposed route being preferable as it “removes the requirement of a substantial crossing structures over several rhynes” and “removes the potential conflict of cyclists with existing rhine maintenance activities”. As mentioned above, there is a ditch or rhine which runs along Eastermead Lane and therefore surely these same actions would be needed, and potentially more.

3. Proposed Creation of New Third Party Rights

We note there is a proposed third party right created over the landlords & our lease hold land. We strongly object to this as there is no current existing right which requires replacement. The Title the landlord's land does not have any reference to the granting of rights of access to third parties and they were careful to confirm this fact when purchasing the property. Therefore, we feel the compulsory powers used would be actually creating a new right and therefore would not be correctly used.

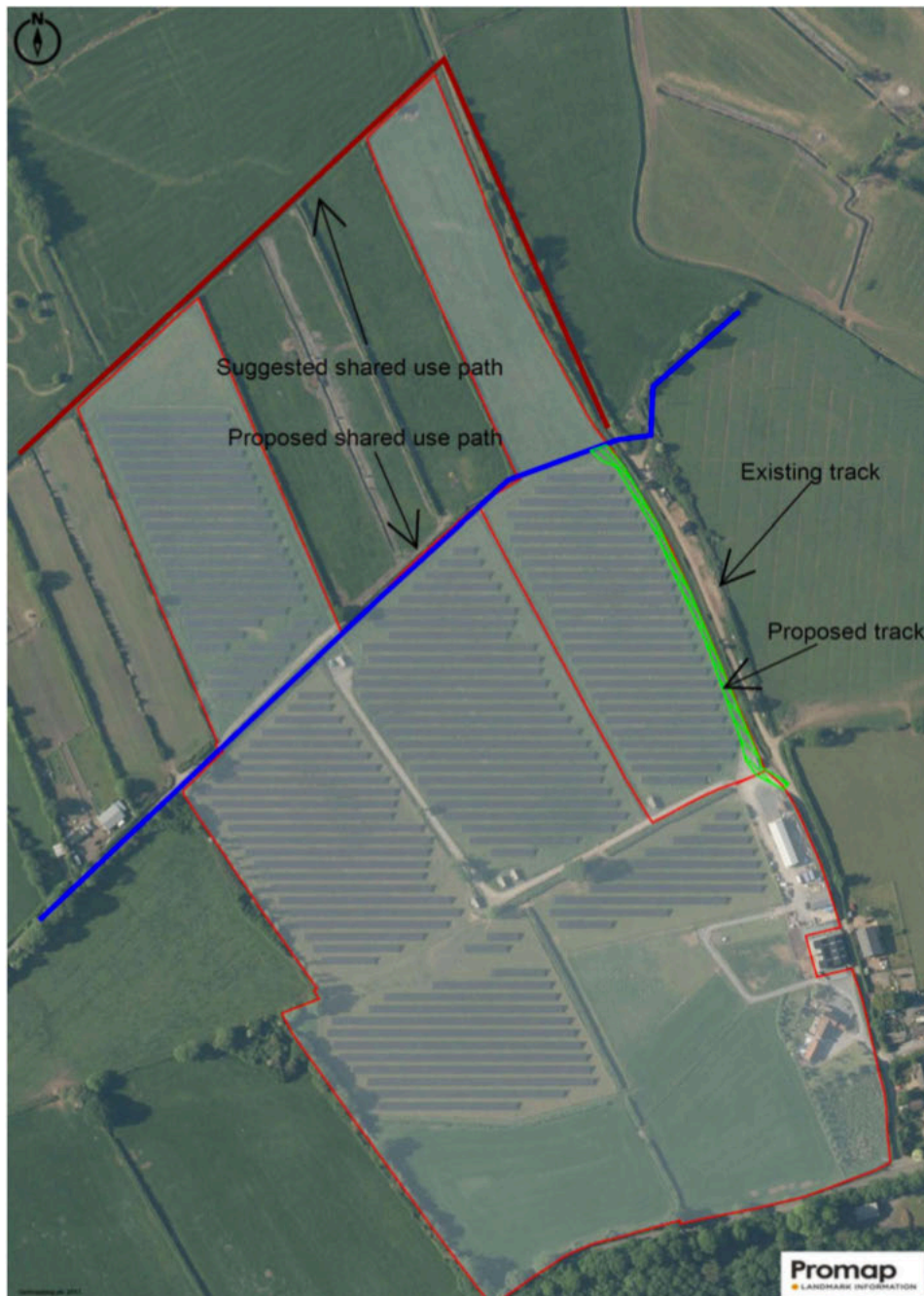
The southernmost part of the proposed track is also on an area used as a turning circle and parking area which is important to the business operated by the solar park and its contractors, which would also be lost.

Notwithstanding the objection to the creation of the third party right, we also object to its location. As per the plan shown below, the proposed private access track is located on the landlord's land which is currently used for both agricultural & Solar Park Contractors purposes and forms a wildlife corridor and buffer between the solar array and the existing access track immediately to the east of it. It seems logical that if a third party right of access is required it should be located on

the existing track immediately next to the location proposed, which provides access to the same point.

This would avoid the need to take the landlord's land and avoid creation of a new track with associated loss of agricultural land and biodiversity.

Overall, it seems nonsensical to propose having two agricultural access tracks adjacent to one another at the loss of agricultural land and damaging biodiversity and a parking and turning areas, where the existing track could simply be used.



4. Consultation Period

The proposal of both the landlords and Solar Park land and the creation of a third-party private access right on their land was included in plans which were amended just prior to the end of the public consultation period. Both the landlords and Solar Park Contractors were therefore given no opportunity to provide feedback publicly. When they provided feedback to the agent acting for the Council, Fisher German, they were assured that their concerns would be considered and reviewed however, they have clearly been ignored.

Overall, therefore we conclude that North Somerset District Council have not provided a proper consultation on these matters.

As set out above, they have put forward on numerous occasions their feedback and alternative suggestions however, to date, North Somerset District Council have not properly considered the valid points raised, as set out herein.

We are willing to discuss the above matters with North Somerset District Council with a view to seeking a satisfactory conclusion for both parties involved but, until such time as a satisfactory conclusion is reached, this objection remains extant.

Kind Regards

Yours Sincerely



Richard

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