



Hearing Transcript

Project:	Botley West Solar Farm
Hearing:	Compulsory Acquisition Hearing 1 (CAH1) Part 1
Date:	08 October 2025

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FULL TRANSCRIPT (with timecode)

00:00:03:20 - 00:00:33:24

After that false start. Let's start for real this time. Good morning. Welcome. It's now 9:31 a.m., and I'm starting this compulsory acquisition hearing to be held in respect of the application by solar five limited for an order for development consent for the Botany West solar farm. We will introduce ourselves momentarily. But before we do that, please bear with me while I deal with some housekeeping matters. First of all, can everyone hear me? Okay, that's a good start.

00:00:33:29 - 00:00:37:23

Um, could you confirm that the meeting recordings on the live stream have started?

00:00:39:21 - 00:01:12:02

And have there been any requests for reasonable adjustments? Okay. Thank you very much. Um, I'm told there are no fire alarm drills today. Um, so any alarm should be treated as the real thing. The exits are behind you. And then out to the right into the car park where we'll congregate. And both the male and female toilets are just behind you as well, just as you came into the building. So onto introductions. My name is David Wallace. I'm appointed as the lead member of this panel by the Secretary of State.

00:01:12:04 - 00:01:14:20

I will hand over to my colleagues to introduce themselves.

00:01:16:25 - 00:01:25:14

Good morning, I'm Katherine Metcalfe. I've been appointed by the Secretary of State to be a member of this panel. I'll be taking a list of the actions as they arise from this morning's meeting.

00:01:26:19 - 00:01:34:10

Good morning. I'm Helen Casini. I've been appointed by the Secretary of State to be a member of this panel. And I'll be asking the majority of the questions today.

00:01:35:16 - 00:01:41:01

Good morning. My name is Mukhtar Shake. I have also been appointed by the Secretary of State to be a member of this panel.

00:01:42:06 - 00:02:13:00

I can confirm that all members of the examining authority have made a declaration of interests responding to the Planning Inspectorate conflict of interest policy, and none of us have any declared interests in relation to our appointment. Also present here are members of the case team with whom you've become familiar. The case manager is Simon. Ray would go over to the side there who's just waved at you. Uh, the audio visual service. Today's team provided by CVS. So that's the team on our end, and we'll turn to the attendees today.

00:02:13:04 - 00:02:46:27

Thank you for all of those who attending in person and all of those who are attending virtually online. You're all welcome here. Um, there were specific individuals and organizations who were invited as part of this hearing and also who registered to speak at this hearing. Um, I think the best way of us doing introductions is when you're invited to speak. That at that point you introduce who you are, the organization you represent, your role within there, and then carry on with your representation. That being said, I would like at this time to get introductions from the applicant who's here on the applicant team, please.

00:02:48:04 - 00:02:48:20

Morning, sir.

00:02:48:22 - 00:03:10:12

Morning, panel. My name is Toby Yates. I'm an associate at Mason's for the legal advisors for the applicant. I'm joined immediately to my right by Mr. Martin Williams, who's been leading the landowner negotiations. I imagine between the two of us will do most of the talking this morning. I've got other colleagues from the applicant team that I suggest will introduce themselves at a specific moment if called upon.

00:03:11:12 - 00:03:17:17

Thank you very much. Thank you for that. I'll now hand over to Mr. Metcalfe, who will deal with agenda item two.

00:03:20:05 - 00:03:52:24

Thank you. Moving on to agenda item two. I have four points to set out on the procedure for running the hearing today. Firstly, a few words to acknowledge the format of the hearing. This is a blended event that allows for attendance both in person and virtually through Microsoft Teams. For those attending virtually, please be rest assured that you have our full attention at all times, even if we're not looking directly at the camera. Avoid visual and noise distractions. Please keep your cameras and microphones off unless we invite you to speak.

00:03:53:18 - 00:04:22:04

Unless otherwise required, we are likely to continue this morning's business with a 15 minute break. Around 11 a.m. we aim to finish no later than 2 p.m., but we will keep timings under review for virtual attendees. If you decide to leave the meeting during the break, then you may. Then you can rejoin us using the same link provided in your invitation email. If you are watching the live stream, please refresh your browser each time you resume a subsequent session.

00:04:23:21 - 00:05:04:04

Moving on. I would like to to make you aware that this event is being both live streamed and recorded. The digital recordings we make are retained and published, and they form a public record that can be that can contain your personal information to which the General Data Protection regulations apply. Planning Inspectorate practice is to retain and publish recordings for a period of five years from the Secretary of State's decision on the Development Consent Order. Consequently, if you participate in today's compulsory acquisition hearing, it is important that you understand that you

will be recorded and that you that therefore consent to the retention and publication of the digital recording.

00:05:04:24 - 00:05:23:08

It is very unlikely that the examining authority will ask you to put sensitive personal information into the public domain. Indeed, we would encourage you not to do that. However, if for some reason you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to the case team first.

00:05:25:00 - 00:05:32:27

We would then explore with you whether or not this information could be provided in written format, which might be redacted before being published.

00:05:34:12 - 00:06:08:21

The main purpose of this hearing is for the Acsa to examine the applicant's case for compulsory acquisition and or temporary possession, and to invite affected persons and the applicant to make oral representation about those matters. This hearing will help us to consider whether the relevant legal and policy tests applicable to compulsory acquisition and or temporary possession proposals have been met. I would like to reassure you that we are familiar with the documents that you have sent in. So when answering your question, you do not need to repeat at length something that has already been submitted.

00:06:10:08 - 00:06:48:03

An agenda for this hearing was published by on on the Planning Inspectorate National Infrastructure Project web page on the 18th of September 2025. These are the only matters for discussion today. To be clear, it is not intended to discuss all matters relating to compulsory acquisition today. Equally, please do not raise any matters that could be considered vexatious, frivolous or slanderous. We want to hear information that is going to help us make our recommendations to the Secretary of State, and if any oral submission appears to be straying into matters of such nature or inappropriate to the matter at hand.

00:06:48:05 - 00:07:18:25

We will interject. We are also aware that commercial negotiations are still ongoing between affected parties and the applicant, and these are confidential in nature. This is not the correct forum in which to discuss those specific financial issues, so please do not disclose any confidential information for confidential financial information during this hearing. Finally, in regard to post action hearings, should they arise during this hearing.

00:07:19:06 - 00:07:49:09

Actions will be noted as they emerge. These will then be issued as soon as practicable. The assumption is that post actions hearings will be expected at the next deadline. In this case, deadline sixth on the 20th of October. However, acknowledging any resourcing constraints at your end, if you feel that meeting that deadline will be difficult for you, please do raise that in the hearing itself so that we, if possible, can accommodate that in the deadlines set out in the post action hearing notes.

00:07:49:29 - 00:07:52:29

Are there any questions on the matters that I've just outlined?

00:07:56:21 - 00:08:00:26

Thank you. I'll hand over to Miss Cassini, who will lead us through item three.

00:08:01:23 - 00:08:36:25

Thank you, Mrs. Metcalf. So if we start with the first bullet point of agenda item three so we can turn to the applicant, please. I'm aware at deadline five, you submitted the latest version of the Land and Rights Negotiation Tracker into the examination, which has, um, examination library reference CR 213. However, I'd like to begin by asking if there have been any significant updates since that submission. If you could just focus your answer to table one and two of the tracker at this point, because we'll deal with statutory undertakers at a later agenda item.

00:08:39:26 - 00:08:44:01

On behalf of the applicant. Thank you madam. I'll pass over to my colleague, Mr. Williams, for this one.

00:08:46:11 - 00:09:08:29

Martin Williams, on behalf of the applicant. Thank you madam. Um, so in terms of updates from the change request, two conversations have been ongoing with various parties. None of the agreements have been completed, i.e. change from orange to green from that particular deadline. However, several of the discussions have moved forward, whether there are only now a few minor points outstanding on a number of the agreements.

00:09:09:28 - 00:09:37:03

Thank you. I don't intend to go through each line on the tracker, but I do have questions on a few specific apps if you could help me out on that. So the first one, in terms of negotiations with the Punch Partnership Limited. Um, there originally was an issue in terms of the option for easement agreement, but I know from the update at deadline five discussions were looking more positive. Our discussions ongoing. And where have you reached?

00:09:38:05 - 00:09:52:03

Yep. Martin Williams on behalf of the applicant. So with Punch Partnership we are now. All but agreed. So all terms have been agreed and it's just going through their internal process for sign off now. So we are awaiting that and hopefully that will be completed by deadline six.

00:09:52:22 - 00:10:01:27

Thank you. Um, can you give me an update with regard to the position of Smith and Sons? Has a meeting taken place and is a cable route agreed yet?

00:10:03:24 - 00:10:28:24

Martyn Williams, behalf of the applicant. So with Smith and Sons we have held a meeting since deadline five with the interested parties agent that has resolved a number of the terms within the Heads of Terms agreements. However, there are a few outstanding points, but they did point out on that particular call that there is the intention for them to reach a voluntary agreement, and we're

hopeful that we will reach that likely with the delays after the end of examination, but we are hopeful we will get there.

00:10:29:07 - 00:10:38:11

Thank you. And with regards to the farmer service station, the unregistered plot, what has happened with that? Has the ownership actually come to light?

00:10:39:20 - 00:11:08:28

At Bharti Williams behalf. The applicant. So in terms of the ownership has come to light? Not as yet. So that remains as it was at change request. Um, we have had meetings with the interested parties, legal team, and some documents have been provided to suggest that the ownership of that unregistered plot is within the garage's ownership. We are not comfortable with that as an applicant as it stands, and we are requesting further information in those conversations are currently ongoing with the two legal teams.

00:11:09:11 - 00:11:27:18

Thank you. Um, I'm grateful that Siemens Healthcare Limited are here today. So I'm going to kind of bring you forward while we're talking about the tracker now. Um, can you first of all, give me your update in regards to Siemens Healthcare Limited and then I'll turn to yourselves.

00:11:29:26 - 00:12:08:25

Marci Williams on behalf of the applicant. So yes, in terms of conversations with Siemens Healthcare Limited, we have had, uh, ongoing dialogue and discussions. The latest was the teams meeting Monday to the 6th of October. That was between all parties to discuss the representation that's been made. At deadline five, and obviously the ongoing negotiations and agreement with regard to Wharf Road and the plots that are owned by Siemens from a property perspective, since the last deadline, we have received a markup of the terms now from Siemens representatives, and we'll be going in and discussing those and negotiating from that point.

00:12:08:27 - 00:12:14:04

With regard to plots 1129, which falls into the freehold ownership of Siemens.

00:12:15:01 - 00:12:40:17

Thank you. Can you just run through some in respect of Siemens and Wharf Road? Can you just run through how the proposed mitigation in the DCO would ensure that it would remain open with no obstructions? Because I believe this is a point that Siemens raised in your deadline five submission at rep 5134. Can you just explain that to me in a bit more detail, please?

00:12:41:27 - 00:13:16:03

Toby. On behalf of the applicant. So that was fairly central to the conversations we had on Monday with Siemens, as you'd expect. Um, and I think the conclusion we reached was that by way of mitigation that's secured in the dossier. That's something that we need to bolster for deadline six, because the works powers that we'd have under the DCO and the commitment that the applicant has to comply with the Oxfordshire Permit Scheme, would facilitate the delivery of the works in a way which means that the road could be managed and will be managed, but then that's not being carried across at present into the secure documents.

00:13:16:06 - 00:13:47:05

That's something that the applicant will do in time for deadline six. And that'll be the Constructive construction traffic management plan, which is an appendix to the Code of Construction Practice. And my colleague Mr. Watkins, who I'll pass on to shortly, can give more detail as to what those measures might look like. I think the key here from the applicant's perspective, and I'm sure Siemens will obviously give their representations here too. But we understood from their deadline five submission that what we're talking about here is the operational risk and the access.

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As Mr. Williams said from a property perspective, as a result of the change request, which has been accepted into examination, as far as humans land ownership goes, that's now been massively reduced in response to feedback that would receive that we're no longer looking to acquire and interact with the land that goes into the facility. We're primarily looking to use the adopted highway, and then it's The Verge that's just to the north of that highway. That is then the Siemens property that we're looking to enter a voluntary deal with. And I suppose, in summary, from the applicant's perspective, we're not adding at all to any existing risk that already does exist along that road.

00:14:28:08 - 00:15:19:11

And my colleague Mr. Watkins will add more substance to this. But at the moment, with it being an adopted highway, there's an uncertain use of that road with users that are not currently managed, which results, as I understand it, in half of that road being primarily taken up by parked vehicles that aren't seaman staff but are just users of the adopted highway. So what the applicant is looking to achieve here is we're effectively going to replace that existing scenario with a scenario whereby we can maintain the use of Wharf Road and keep that open, which is what the principle of seaman's submissions has been, but then actually mean that that road can then be managed in a way that ensures that the access that Siemens currently don't have control over would then become managed traffic and controlled.

00:15:19:21 - 00:15:23:21

I'm probably not the best person to explain that. It'd be my colleague, Mr. Watkins, if you wanted to test that.

00:15:28:01 - 00:15:28:24

John Watkins.

00:15:28:26 - 00:15:30:06

On behalf of the applicant.

00:15:30:10 - 00:15:30:28

Um.

00:15:31:10 - 00:15:32:23

As um, Mr. Yate said.

00:15:32:25 - 00:15:33:10

We're.

00:15:33:12 - 00:15:58:05

Um the it's an adopted highway by OC. So we're utilizing the, um the permit scheme that OC um, um, have for doing works within their highway. So the, the intent will be that we would, um, designate the whole of Wharf Road as part of the, the permit scheme, and that then gives you a working zone that which allows you then to, um, people not to be.

00:15:58:07 - 00:15:58:26

Able to park.

00:15:58:28 - 00:16:36:02

On, on Wharf Road. So that will then mean that Wharf Road will. Currently it is it's a, it's a, it's a dual access road. But people park on there. So the access into um Siemens currently is on one side of the road. So the intention will be that we would um, they're not parking bays or it's not suspending parking bays, but it's not allowing people to park because of the permit. And then for the duration of the works that we've, um, estimated will be a for a three week period, we would then have a traffic management system. So we would have traffic lights at the beginning of Wolf Road, and then we would be looking at doing works probably at 20 meter sections.

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So um, that we would do undertake the works. And then the um, the traffic light system would be then moved down Wolf Road to, to facilitate the works. What this would then entail is that the access into Siemens is then controlled. So vehicles coming in and out of on the public highway will be controlled, where currently they have to wait, um, for vehicles coming on. That's on the side of the road going down a single, um, single road. So what we're then doing is controlling the access for Siemens.

00:17:09:21 - 00:17:21:08

Thank you. Um, could I turn to Siemens now at a hearing? Obviously, from the applicant. I'd like to understand your views, your current position, and if there's anything else you'd like to add to what I've just heard.

00:17:23:03 - 00:17:52:13

Thank you. Ma'am. Then standing for Siemens. So the concern, as you would have seen from our submissions, which we won't repeat, although if you do want some more details, I have, um, finance director from Siemens who could explain exactly what the impact is. And I think that would be useful to hear maybe later in the hearing. But to summarize, our position is looking at the wording of the development consent order as it currently is.

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Wolf road is identified as an area where works can be undertaken, and there are powers within the DCO in part three to to close roads as they consider reasonable. Now we've heard from the applicant to say that they they think they could manage this so that the road stays open. But as currently drafted, there is nothing in the DCO and the DCO documents which secure this and as identified by the Applicant.

00:18:24:03 - 00:18:47:09

That was the focus of our discussions on Monday. So this is an area which is being being considered at the moment. At the moment, there is 24 hour access, 365 days a year, including Christmas and Bank holidays, which runs. It's one of only two of these factories for Siemens Worldwide. It's a key part of the supply chain.

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What we are concerned at is at the moment there hasn't been surveys of of Wolf Road. I don't think there's a complete understanding of what they are going to encounter, and it's the unknown that we're really concerned about here, because although the intention might be to keep Wolf Road open and only one lane used, if something is found, that means that they've got to close more of the road. There's an issue. Then we consider there is a real risk that actually it might have to be closed, and even a closure of a few days will have a big impact.

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But a closure of, say, three weeks could be £100 million or more of a direct impact to Siemens. What we're talking about is a really significant impact, both financially and for local people. The factory employs over 600 people, 90% local. So our position we can go into this in more detail, but the summary of it is we would argue that actually we should remove Wolf Road entirely from the order limit.

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That's our primary position. But we realize that we're here to assist the examining authority. And I've seen the questions you've asked. And we are we will enter into negotiations with the applicant. And we've drafted some. So we've drafted some protective provisions. It's a slightly different way round of providing the protection. But from our perspective it's important that there's an obligation for us to cooperate. Um, no notice periods for works being done and access plan agreed between us. Because we know what's what's going to work for us and what doesn't.

00:20:31:12 - 00:20:56:28

Uh, and then in indemnity, to really focus the mind on actually making sure this this works. Um, so obviously that's not in prejudice to our main position, and it shouldn't go from the outline, although we should remove the off road from the Or the limit. But then there will need to be some more protective provisions as a fallback position within the DCO. And we intend to negotiate those with the with the applicant.

00:20:58:07 - 00:21:06:06

Thank you. Does your finance director wish to expand on anything you've said? Because obviously while you're here, it's we're happy to hear what you have to say.

00:21:09:25 - 00:21:12:17

I'm brilliant on behalf of Siemens Healthcare Limited.

00:21:12:19 - 00:21:14:28

Yeah. Could you just make sure you mute? Yeah. Thank you.

00:21:16:00 - 00:21:16:15

Um.

00:21:17:00 - 00:21:48:12

So. Yeah. So we are Siemens Magnet Technology company, part of Siemens Health Nurse, global healthcare provider. Uh, actually the company started over here in this building is actually this place as Oxford Magnet Technology a long, long time ago. Uh, obviously this building was too small. So we moved to Anshan to Wharf Road. Uh, like Ben already mentioned, we produce around 2000 superconducting magnets per year, which are part of an MRI scanner. We sell those MRI scanners globally.

00:21:48:26 - 00:22:19:21

We are one of the factories that are the ones in China for the Asian market. Uh, and we provide superconducting magnets for MRI scans, mostly for Europe, America, South America, Africa as well. Uh, we have 600 people working for us, 24 over seven. Uh, Christmas, we always open. We're always busy. Um, the concern from from my perspective, I'm not a planning lawyer or involved in planning and so on is that, uh, the access to the factory is a single axis. There is only one route.

00:22:19:28 - 00:22:52:25

There's one side. There's allotments on the other side. There is Wharf stream. If you know if you're familiar with the situation. So there is only one route that gives us availability to the factory on a weekly basis. We talk about around 5600 movements. Through the route, it is lorries that come in, uh, to bring in materials for the production, but also to take finished goods off our premises to Europe. Uh, those. It's a bit technical, but like the magnets contain helium.

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Liquid helium. That is the source of cooling. Um, and as soon as you take them off power, which is soon as you start the transportation process, you lose your helium because it starts getting warmer. It starts boiling off as it is cold. So, uh, one of our challenges is always to get, uh, a magnet as fast as possible from our factory to Germany. So that you can put it on cooling again, and then you can make the next step. Um, so every I would say a disruption in the transportation process of getting things off our premises will have an impact.

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Um, that is um, so that is in our field. That is our biggest concern. Um,

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again, we only have one route into the factory. Uh, the front is car park, so we don't do anything there from the district perspective. So all logistics, all lorries and so on, all needs to go to the back of the factory. And that is the one route we have. Uh, and that is the big concern. If it's happening, something happens on the route. Uh, that would be avoidable, uh, because we might feel there are other options. It just creates an enormous risk for our business on a global level.

00:24:07:07 - 00:24:12:06

Thank you. That's really useful. Do you have anything else you wish to add before I turn back to the applicant?

00:24:13:06 - 00:24:50:25

Yes. Thanks, ma'am. I've been standing for persimmons. Just a couple of extra points. We've heard about how he. I don't know, it's probably a management term for this. Is it just in time or whatever it is for the. The way the factory is, is run, but the the transport is so is so key. Um, so from our perspective, it's a really key material planning consideration that the impact on Siemens is, is considered. And right from the beginning pre-application from about June 2024, we have been talking about raising with the applicant the risk and the concerns.

00:24:50:27 - 00:25:21:13

And we've been asking for a an optionality report on, you know, should it be this or should it be casting and road has have our concerns been weighed into the balance. And there's a lot of chasing in relation to that. Um, and it was eventually provided a deadline for in in August. Just. Just gone. We have a number of we realized this is an interim. There hasn't a final decision on the routing has not been made.

00:25:21:23 - 00:25:51:23

And we understand why there is a why the request has been made for flexibility. But we do have some real concerns about what is in the the optionality report. I won't report everything that we said in our submissions, but it's it's words like going to Wharf Road, uh, avoids flood zone three for the most part. But actually Wolf Road is at least 50% in flood zone three and another 10% on top of that is in flood zone two.

00:25:52:10 - 00:26:23:21

And there's a real emphasis on sort of the impact on the cricket club, on potential access to sort of small businesses on Castleton Road. But there isn't really a knowledge acknowledgment of the serious risk of disruption. There's an assumption in the optionality report that there would be no disruption to Siemens. And actually because of the uncertainty, because I don't think we know what is in the road and how the project is going to be undertaken. The risk, the risk remains.

00:26:24:09 - 00:26:59:17

Um, so we what we're saying is that actually it does it's not as clear cut as the optionality report sets out. There's concerns about emergency access onto Cossington Road. But there is actually it used to be two way and the access is only stopped by bollards at a bridge up near the the A40. Um, I don't know if any assessment has been made as that bridge is capable of taking emergency vehicles. We obviously haven't done that. But these things haven't don't appear to have been looked at. So from our position, it would make a lot of sense to really explore.

00:27:00:10 - 00:27:28:20

Option two Cossington Road to to weigh this balance more, more fairly. At the moment it just feels like this balance sort of skates over the concerns of seamen, saying, we find because of air traffic management and doesn't look into some of the ways that casting tomorrow could be made more acceptable. Um, so that's that's why that's the reason we think it should be taken out of the, the order limits. But I thought it was useful to, to highlight that and our concerns around, around that area.

00:27:31:04 - 00:27:32:07

That's all. Thank you.

00:27:32:10 - 00:28:16:13

Thank you. That's really useful. I'd also like to turn to the applicant, um, for your response, but I do have a couple of questions. One, can you confirm whether any survey work has been done along Wharf Road? And secondly, in terms of option two, in regards of Cossington Road, I'd like to maybe if you could expand on the optionality report and give me a bit more detail as to why that is not considered, um, a feasible solution given the impact, clear impact which would um, occur on Siemens and also, could you comment on whether or not you think this issue will be resolved by the close of the examination? Because I am very conscious, as I'm sure you are, we are hurtling towards the close of examination.

00:28:18:20 - 00:28:19:16

Debates on behalf.

00:28:20:00 - 00:28:51:03

On behalf of the applicant. So I'll pass in a second to Mr. Watkins to give an update on the survey work. And then I'll pass to Mr. Archibald, who's just joined the table, who will give an update in relation to the optionality report and the assessment there. Just before I do on the point about it being resolved, I have confidence, absolute confidence that this can be resolved by the close of examination. I'd say that the applicant has tried to engage for a number of months with Siemens now on the use of that option, so the use of Wharf Road.

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But we understand obviously Siemens primary position has been to use Cossington Road and we've found until recently that's made it quite difficult to engage on the mitigation that we're proposing if we were to use Wharf Road to work on that working assumption that if we were to follow that option, how would that actually look? But we welcome the engagement that we're now having with Siemens on on that. Um, and as a result, given the submissions that have been made and the primary focus being around keeping the use of Wolf Road ongoing, and we're confident that we can deliver that, I think there's a reasonable solution here to be met.

00:29:24:15 - 00:29:26:18

I'll pass now to Mr. Watkins on the surveys.

00:29:29:02 - 00:29:56:27

John Watkins, on behalf of the surveys. Um, we've got public data regarding all the services within the within Wolf Road. Um, the actual surveys haven't been undertaken yet because that will be, um, when we do the detailed design and we have an appointment of an EPC. So the EPC contract would then work out, uh, would survey the route. But we've, we've identified where the services are being put in by the public utilities, which is um, which we've then utilised in our design.

00:30:07:27 - 00:30:52:27

For the applicant. Just to add to that, before we go over to Mr. Archibald, um, that approach that Mr. Watkins outlines is supported by the national policy as well. And this is referenced in section 3.1.3 of our Cable Optionality report, where we lean on paragraph 4.3. 11 of that national policy, which

recognises in some instances that it's not possible to have all aspects of the project settled. And as explained in the optionality report, which I won't repeat here. There's various matters in relation to both Cossington Road and Siemens that suggest that they are both feasible options for the project, but at this stage, based on the land negotiations, technical and environmental information that we have, we aren't in a position to determine which one is the most suitable for the delivery of the project.

00:30:53:03 - 00:30:57:28

But I'll pass over to Mr. Archibald now to touch on the report from a transport perspective. Thank you.

00:31:00:21 - 00:31:34:04

By David Archibald. On behalf of the applicants. Um, in terms of the optionality report. I guess the key premise there is on the basis of workflow can be kept open during the works, whereas Kensington Roads cannot. So that's why there's a distinct difference between the two in terms of the assessments. One obviously has implications terms of road closure. The other has implications more in terms of just there are roadworks on the roads. So that's not to say we're belittling any assessments on workload. It's more in terms of the premise in which the assessment is undertaken. There are different effects and the wording is in that context.

00:31:34:16 - 00:32:09:28

Um, the actual roadworks themselves, they are well respected within the UK. Um, they are government approved and figures 1.1 to 1.6 of the Construction Traffic Management Plan, which is appendix one of the Code of Construction Plan documents CR 2045 set. So um, some of those, some of the road work measures which can be undertaken. All of those show how the road works could be implemented whilst maintaining war road open to all traffic.

00:32:10:10 - 00:32:44:12

Um, there are nuances with those you can provide, um, you can provide, um, priority in one direction over another. So if there's an example whereby there's a known vehicle coming, you can switch priorities. So the green light appears and you can have control over over over the work switch on going there and the vehicles going through them. Um, in terms of emergency vehicle access, yes. In terms of Castle Road being closed, um, that would sever access for all vehicles, which would include emergency access in terms of wharf roads that would be retained.

00:32:44:14 - 00:33:15:00

So that's why there's a reference to emergency vehicles within the customer to an option relative to the to the waterfront option and option. In terms of the cricket club. Again, that's just one reference. There's also residents and some businesses at the eastern end of Castle Road as well. So in all those options, those accesses would be severed if we were to use Kensington roads. So again, that's why there's more of a context on that aspect rather than on the warfare aspect. So there are nuances between the two.

00:33:15:02 - 00:33:30:27

And the optionality report does cover those in that context. So I hope that covers the relevant transport aspects. But um, there was obviously the flood, but I think our flood risk expert is here today. But it may be something we can take away if need be.

00:33:31:24 - 00:33:35:10

Thank you. I think, Mr. Wallace, you have a question you'd like to ask?

00:33:35:25 - 00:34:12:15

Yes, indeed. Thank you. Um, obviously, in terms of Wharf Road, we've had that. There's an objection originally on compulsory acquisition, and I understand you're now seeking negotiations to overcome that objection on the compulsory acquisition side. But there remains the planning side if you look. Excuse me, the planning side, if you like, in terms of the Chessington Road option. Um, no disrespect to the cricket club, but I've not seen very vociferous representations to the examination from them in terms of the land negotiations along Kensington Road and those parcels there.

00:34:12:20 - 00:34:19:00

How are they going? Have they reached an impasse or are they close to being finalised? What's the situation? Please.

00:34:20:29 - 00:34:56:16

Toby, it's on behalf of the applicant. I'll pass over in a second to Mr. Williams, who can give an update on those negotiations again just before I do. Um, I just want to remind us all of the statutory tests that are applying here and the context for both Wharf Road and Cossington Road, and that context from a compulsory acquisition perspective, is that we're working entirely under section 122 of the Planning Act. So that's around the purpose for which we need each of those lands and the fact there's a compelling case in the public interest, which we've set out in our optionality report.

00:34:56:28 - 00:35:34:07

The reason I've flagged that and remind that is because we're not dealing with a situation here of the additional tests that arise under section one, two seven and one, three, eight where there's a statutory undertaking, we've not got that position here. So as Mr. Archibald has explained in more detail, it's an even balancing act of private businesses and public individuals across each of those, um, route options. So the powers that we're seeking over casting to the road that still has outstanding voluntary agreements have to be balanced against the same nature of land agreements that we're seeking over the Wharf Road option.

00:35:34:11 - 00:35:36:25

Mr. Williams will give more context on that.

00:35:37:15 - 00:36:00:28

Indeed. And just before well, I'll let you speak, but just in terms of that compelling interest, I appreciate that it's in respect of compulsory acquisition, just being devil's Advocate. Obviously it is a private business, but they are producing MRI scanners that go into public health facilities. Is there not a compelling interest in the public interest for that also to happen?

00:36:03:11 - 00:36:39:16

So on behalf of the applicant. Absolutely. I don't know the ins and outs of how Siemens run, but that's important. Important work that's being done. I suppose from our perspective and the applicant, the application that we're bringing, we have to deal with the land interest that we're seeking. And as you say on the planning matter, deal with the operational impacts that that may or may not have. And we

have confidence that it won't have an operational impact. And I suppose just a final point on that is that if the single use of one side of Wharf Road was such a vital threat to the operations, then that could have been controlled and managed to date with the council.

00:36:39:18 - 00:37:05:05

But at the moment it isn't controlled and managed, and that's open to use for any uncertain or unknown uses of the public roads, if it was so vital and such a threat that one side of that road could pose, then that could have already been managed, which, as I say, was sort of up to three week period. We're looking to do as a sort of benefit for that security. But it hasn't been, as far as I'm aware. So that's all I'd say on that for now. Um, that'll pass to my colleague.

00:37:07:15 - 00:37:08:21

Martin Williams on behalf of.

00:37:08:23 - 00:37:09:08

The.

00:37:09:10 - 00:37:42:21

Applicant. So with regard to Casterton Road, obviously that's an adopted highway as described by my colleagues, Mr. Watkins and Mr. Archibald with regard to the property agreements. The related property would be Smith and Sons, as we previously discussed. So relating to plots 11 03306, 31, 32, 33, 34, 35, 36, 37 uh, as mentioned earlier, discussions are now ongoing with Smith and Sons for the the wider option over their land from a property perspective. Um, and the intention being that we will reach an agreement with them in due course.

00:37:42:23 - 00:37:57:21

Um, obviously Smith and Sons, if we were to take the Wharf Road route as well. Also have an option from that side just with the orientation of their land. So Smith and Sons being the property agreement there would be used whether we went down Wharf Road or Cossington.

00:37:59:26 - 00:38:08:25

Thank you. Um, Damon, I don't want to keep going backwards and forwards, but do you have anything else to add? I'm not sure whether you were indicating you did.

00:38:15:07 - 00:38:45:19

Thank you ma'am. Ben standing for Seamans. We haven't got anything substantive apart from just to highlight the point that there is, I think the bridge on Cossington Road is quite key on the optionality report, because if you could open it up from the the other angle, that rather changes the balance in in the optionality because it allows that access from the other side, the access that you haven't got on on Wharf Road. Um, and it's also worth mentioning on the On Wolf Road.

00:38:45:21 - 00:39:12:20

It's actually relatively wide. So at the moment there are still two cars can still pass. Um, so two cars can still pass on that. Um, so the moment access is, uh, is not a problem. But obviously there's a real risk with what's being proposed, that there would be disruption because it's just of a different magnitude, a different size to what normally would happen on this road. Thank you.

00:39:12:22 - 00:39:16:26

Thank you. Is there anything else you'd like to add before we move on to the next bullet point?

00:39:17:16 - 00:39:24:08

Toby, on behalf of the applicant. You don't want to go back and forth, so I don't think. But my colleague, Mr. Archibald just wants to come back in relation to the bridge.

00:39:26:09 - 00:39:48:25

Thank you. David Archibald, on behalf of the applicant. Just something to note, is, um, far eastern side of passenger Road was stopped up when the the works to close that section was actually undertaken. Which means there's not a section of public highway for vehicles to maintain to maintain access there. So there would be implications by doing that for members of the public. In terms of public vehicles going across that land.

00:39:50:17 - 00:40:25:03

Okay. Thank you very much. Thank you for your input. It's been very useful to have you here today. I'd like to move on to the next bullet point. Obviously, I've noted the update you've just given in respect of a number of the land issues. Can you now provide me with a high level summary of the likely main outstanding matters you see to remain by the close of the examination and confirm what efforts are being made to resolve these. Can you also include in that your approach in regards of the remaining unregistered plots, please?

00:40:26:27 - 00:40:57:24

Yeah. Martin Williams on behalf of the applicant. So with regard to the property agreements, there are active, ongoing negotiations with with all parties and the intention being for the applicant to agree voluntary terms with all of those as we can and as soon as possible. With regard to any unregistered lands, we are continuing to try and identify. Ownership. So from the outset, on behalf of the applicant we've been carrying out. Diligent inquiry from a land referencing perspective.

00:40:57:26 - 00:41:40:02

So desktop referencing and contact referencing, including contacting local neighbours, residents and parishes to try and understand and identify the owners of those unregistered plots. In addition, we've been siting and maintaining notices throughout the period as well. And to date for a number of those specific plots, we have yet been able to identify who actually owns them. So one of those plots relates to a parcel of land to the north of Wharf Road. So plot 1127 and then there is a small plot in between the land owned by the ancient charity, which is north of Wharf Road and the Smith and Sons land, which is 1130.

00:41:40:04 - 00:41:56:03

And then there are various other small slivers of land with relation to unregistered. So we will continue to actively try and identify those landowners and if and when they should come forward, that an update will be provided, should it be before the end of examination in the next book of reference and schedule of changes?

00:41:56:23 - 00:42:28:28

Thank you very much. I'd like to move on to bullet point three. So this is where I'm going to invite submissions from affected persons. Um, I'd like to hear from those, um, the cases of those registered to speak. But before I do that, Mr. Sumner. Um, I'd just like to inform you that I do have several questions for the applicant regarding the issues that you have raised. Um, so that I'm proposing to hear from you at agenda item three. See, um, that's nothing personal.

00:42:29:00 - 00:42:35:24

I just think it would be useful to hear from you as a at that point. So I haven't forgotten about you.

00:42:38:12 - 00:42:45:05

So firstly, can I take representation from Oxfordshire County Council, please?

00:42:49:03 - 00:42:50:08

Yep. George Gurney, a.

00:42:50:10 - 00:43:29:06

Principal planning officer at Oxford County Council. Um, I don't have my legal colleague with me here today, so I've got a statement to read out. Um, Oxfordshire County Council is the local highways authority, and as such is in control of land within the highway network. And that includes all of the highways, land within the order limits. Article 22 of the draft DCO allows for the acquisition of rights over land, and the land. Plans and book of reference provide clarity as to which land parcels are proposed for the acquisition of new rights. Um ACC notes there are several places the applicant proposes the DCO to grant the power to acquire new rights over the highways land such as plots one, zero, one, two, Dash 15 and two Dash 17.

00:43:29:08 - 00:44:04:26

Those are just three examples. There are many more. Um. However, the Council also notes that articles 8 to 15 of the draft Eco. Provides the applicant with all the necessary powers to enter the highway and undertake authorised highways works, including maintenance. Given this, the Council does not believe that it is necessary for the applicant to be provided with powers to acquire rights over the highways land. When the DCO already provides sufficient power for the applicant to undertake the authorised work, without the need to acquire the rights. Furthermore, the highway obligation the highway authority, the highway Authority's obligation is for the safety and smooth running of highways network for all users, and this cannot be allowed to be compromised for this temporary development.

00:44:04:28 - 00:44:40:13

The highway network management and planned future highway schemes will be impacted, such as future cycle improvements, which is an imperative for the active travel and reducing goals that the council has. Another example of an impact of a CPO is a request by the applicant for the extinguishment of easements. However, highway easement are often required to maintain drainage to the highway. The highway authority needs to retain full control control of the highway network in order to ensure its smooth running, and so would request that a CPO is not granted in relation to any highways, land, or in relation to the land being safeguarded for future footway or cycleway improvements.

00:44:40:25 - 00:45:04:24

ACC recognises that a DCO is supposed to be a one stop shop for powers and consenting, but the council is satisfied that the power is being granted to the applicant to undertake the highways work. A sufficiently robust to prevent the applicant needing a fallback position of compulsory acquisition. The Council therefore does not see how the compulsory acquisition rights over highways land is necessary in order to facilitate the proposed development in line with one, two, two section 122 of the Planning Act.

00:45:06:20 - 00:45:11:03

Thank you very much. Do you wish to respond to any points made.

00:45:12:24 - 00:45:57:00

On behalf of the applicant? So by reference to section one, two, two, obviously split into the two parts of the purpose for which the rights are being sought. And then secondly, the compelling interest won't touch on part two because that set out in detail in our statement of reasons. Just CR2 dash 2015, but just coming back on. The purpose for which we need to seek K powers over the highway land, just to try and give comfort that the approach here is that it's about embraces approach. We agree that primarily the way in which the works will be carried out, we through street works, powers and the DCO and as we've explained for comfort, the applicant is or has agreed to comply with the Oxfordshire Permit Scheme, which will ensure OC do maintain the control over the highway.

00:45:58:06 - 00:46:32:15

The need for the compulsory acquisition powers for permanent rights. This is shown blue on the land plans is for various reasons and as I say as a belts and braces. Firstly, there's mixed case law on where the highway ends and where it becomes subsoil. So again, because we're cabling under the highway, we need absolute certainty that the rights and the powers would be there at the point in which the highway would become subsoil, if there is any uncertainty there. Secondly, if the works go beyond the zone of ordinary use in this case law that we can refer to in our written summary that supports that.

00:46:32:23 - 00:47:09:00

Then there's some doubt as to whether or not that is within the highway or not. So again, the K powers are essential there so that if it does go beyond the zone of ordinary use, there's sufficient certainty that we can deliver the works in accordance with the DCO. And finally, there's limited provisions but that allow a highway to be stopped up. And there are some protections for the applicant under the new Roads and Street Works Act 1991. But it's easier to deliver that as a proprietary right, which, again, would require compulsory acquisition rights in order to obtain that proprietary right.

00:47:11:24 - 00:47:15:28

Thank you. Is there anything else you'd like to add in response?

00:47:16:03 - 00:47:19:01

I'll have to take the applicant's comments and follow it with the written submission.

00:47:19:19 - 00:47:27:28

Thank you. Um, Mister Harry Saint John, on behalf of Mr. and Mrs. R cook. Would you like to come forward?

00:47:34:24 - 00:47:35:20

Thank you.

00:47:36:05 - 00:48:09:08

Thank you. I'm Harry. I'm a resident of ancient, and I'm here representing Mr. and Mrs. Cook, um, who own Hill Farm lower off Lower Road, Alhambra. Um, I want to just record, um, that they are now happy, um, that the land that they wanted removed from the project has been removed. Um, and as such, they are successful objectors.

00:48:09:26 - 00:48:44:03

Um, and obviously, I would like some guidance from the inspectors at a later date. Um, on the question of the costs that our clients have incurred. defending their position and being successful. Um, so that's sort of just for the record. Um, we have achieved what we wanted. Um, I still I've made numerous, uh, representations throughout this, uh, examination.

00:48:44:20 - 00:49:22:06

And in particular, I feel the applicant hasn't demonstrated that they have the sufficient funds to, um, uh, justify being granted compulsory powers under the guidance, uh, that the government have passed legislation on. Um, and I would request that the inspectors, uh, I don't think any of any of the inspectors are chartered accountants, but I think somebody needs to analyze the applicant's, uh, accounts, none of which appear to have been audited.

00:49:22:11 - 00:49:39:29

They're all unaudited accounts. Um, because, uh, if I've looked at the, um, the latest December 24th figures, the company seems to owe something in the order of £17 million. Um, and

00:49:41:20 - 00:50:09:19

also that also assumes that they have some tangible assets worth about £15 million. Um, but there's no explanation of what those tangible assets are. Uh, so I would like to request that the inspector, the inspectors have specialist advice to so that they can say to the Secretary of State this company is man enough to undertake what's involved. Um.

00:50:12:12 - 00:51:04:26

There doesn't appear to be any evidence forthcoming on, um, how the construction of this project would be funded. I would have thought by now. There might be some evidence forthcoming in the way of a letter from a bank or an investing fund that we will want to get involved to the tune of X on condition that you achieve a planning consent. But there's nothing like that forthcoming. So there's going to be a significant time required to find that funding, which, when we move on to the question of the licence to connect to the grid, um, which is, as I understand it, October 2027 and that's, that's been changed.

00:51:05:09 - 00:51:48:13

Um, the last time I looked, it was still being discussed between the NCT and the applicant. Um, it begins to indicate that The deadline of October 20th 7th May not be met and therefore should. Is it right for the Secretary of State to be granting consent to, and granting compulsory powers in the

process, when it can't be delivered on time? Um, that may I just so conclude that it seems to be a very large number of key questions remaining unanswered.

00:51:48:28 - 00:52:05:10

Uh, and is it is it right to be granting compulsory powers to a small private company? I don't believe that that was the Parliament's intention when they passed the act in 2008. Um. Thank you.

00:52:06:11 - 00:52:47:04

Thank you. We do have a section later on in the agenda about funding, but I have taken, obviously, the points that you've made. Um, moving back to your comments about the wards of cost. I can give you some information now if that would help. There is a guidance note issued by the Department for Communities and Local Government which is entitled Award of Costs. Examinations of applications for development consent orders. But in a very quickly, if I just talked you through the process and an application for the award of costs must be received by the inspectorate, um, within 28 days of um, when a decision has been made.

00:52:47:06 - 00:53:27:13

So you can't put your any award of costs in until the decision has been made by the Secretary of State. All costs applications are to be made in writing, and the cost application is dealt with by ourselves. Um, the examining authority that examined the development consent. Um, we will then invite parties or parties against whom costs are claimed to respond within a set timescale. Opportunity will be given for the final comment from the cost to applicant to be submitted within a set time scale and all applications, responses and final comments will be exchanged and taken into account before decision on the cost.

00:53:27:15 - 00:53:57:18

Application is made by the examining authority and where the costs award is made. The party awarded the costs should submit details of their costs to the other party, with a view to reaching an agreement on the amount. If you are unable to agree, the party awarded costs can refer the matter to the costs officer of the Senior Court's Cost Office for a detailed assessment of the amount. That's a lot of information I've just given you.

00:53:57:20 - 00:54:05:16

If you speak to our case team, they will be able to direct you to the guidance note, which sets it all out for you.

00:54:05:18 - 00:54:44:10

I have got that guidance. Um. Thank you. Um, the point I wanted to make was that quite often in a compulsory purchase scenario, um, the whole matter goes to the inspector and inspector. In your case, it's for, um. And the inspector decides one way or the other. Um, as to whether the CPO should be granted, I my experience is mostly with motorways and bypasses and things like that. Um, if you're a successful objector, it's only, um, you only become a successful objector when that decision is made.

00:54:44:19 - 00:55:05:02

In this instance, the cooks are already a successful objector because the, um, bit of land has been taken out of the draft compulsory purchase order. That's the mod. It is a slightly different scenario and that's why I wanted to make the point. Um.

00:55:08:13 - 00:55:32:27

Yes. No. Know, fully appreciate the nuanced, um, approach here. Um, my advice would be to speak to a member of the case team to get the most up to date information available to you and what the rights are within this, but do appreciate the cook's position that they objected. The land has been removed. They are to be treated as a successful objector in that respect. So no, thank you for bringing that to our attention.

00:55:32:29 - 00:55:34:00

Thank you very much.

00:55:34:03 - 00:56:03:17

And if I just may, um, come back on the two other points you made in terms of funds and funding, there will be questions later on in the agenda about funding. And do rest assured we will be leaving no stone uncovered, if you like, as we look through the funding information and just in terms of National Grid, a bit of a spoiler for the issue specific hearing tomorrow. Tomorrow morning, the very first set of questions will be about National Grid. So, um, we'll hopefully get some answers there in respect of those. Thank you.

00:56:03:19 - 00:56:04:29

So thank you.

00:56:05:18 - 00:56:09:27

So turn it back to the applicant. Is there anything that you'd like to add? From what you've just heard.

00:56:11:11 - 00:56:45:00

On behalf of the applicant. Yeah. Just to confirm that we are in contact with Mr. Saint-John and in relation to the cooks. And we have agreed in principle as well, that in recognition of the guidance and their status as a successful objector, it's at the moment just a commercially sensitive discussion as to what is considered necessary and reasonable in accordance with that guidance. And we recognise paragraph 20 of that guidance encourages agreement. I'd just like to thank Mr. Saint John for his email of yesterday. I need instructions before I can go back to him, but it looks like an agreement is close, which can save him the hassle of going through all of the award process.

00:56:46:09 - 00:57:06:06

Thank you. That's very positive. Moving on to bullet point four, is there any other affected person in the room? Not Mr. Sumner. I will deal with you, I promise. Um, who has any representations they'd like to make in respect of any outstanding concerns that haven't been discussed yet.

00:57:08:15 - 00:57:16:03

Sorry, Mrs. Williams, I did have you on my list, and I don't know why. I've forgotten to ask you. Please come forward.

00:57:24:00 - 00:57:54:24

Thank you very much. Karen Squib Williams, I'm going to apologize that I'll read this, but, um, there's a number of references that I can't possibly remember without having it written down. Uh, what I'd like to address on behalf of Mr. Dryden is the overall impact on an essential secondary access. Um, as well as the issues of security and safety in and around his home generally, that appear not to have been given either due or any consideration.

00:57:54:26 - 00:58:31:23

I say appear because it's possible that, in fact, the applicant has sought extinguishment of the easement. I'm going to refer to specifically at the moment. But if they have sought extinguishment of that easement, I have not been able to find the record. So I'm referring to, um, asp. Sorry. I'll forgive me. App oh seven The Map. Um, 2.4 on sheet ten and I'm referring to it's noted on their ASP 7P3,

00:58:33:14 - 00:58:50:16

sheet 58. So those are the three points that are marked on lower road. And the easement access I'm referring to is 1006 1007 and 1008.

00:58:52:04 - 00:59:26:20

What I'd like to say is, to date, there's been no negotiations or discussions between Mr. Dryden and the applicants regarding the rights they seek, um, to acquire, and the consequent effects on his secondary access to the home and farm. In the absence of the negotiations. What I'm asking is clarity around identification of the proposed mitigation by the applicants to ensure that, even if it's for safety reasons alone, for example, the secondary access is necessary should the primary access be blocked for the family and the livestock.

00:59:26:22 - 00:59:57:06

So even if it's for safety reasons alone, I would hope that the examining authority can assist in ensuring any compulsory acquisition of the right sort in relation to that cabling area is actively provided by the applicants directly to Mr. Dryden, and I make the specific point, because it's simply been impossible to penetrate all of the material to see if that has been done. All we know is that no negotiations or contact has taken place.

00:59:57:24 - 01:00:40:02

I'd just like to add But I imagine one response from the applicant may be that that's a matter it'll come particularly around. Um, ASP seven S.Ct. 58 and PA three, all of which are, um, turning that current access into a permanent access for the site. They may wish to say that they'll be part of the construction traffic management plan, but I would like to suggest that that would be very unfair to leave Mr. Dryden waiting and seeing when, of course, with a farming environment to provide for, he needs as much forward planning opportunity as possible, particularly as it's a safety and security potential issue.

01:00:42:23 - 01:00:43:27

Those are my points.

01:00:44:26 - 01:00:53:25

Thank you very much. Would the applicant like to respond? I'm particularly interested to know whether any discussions have taken place regarding the issues that have been raised.

01:00:57:13 - 01:01:14:26

Martin Williams on behalf of the applicant. So with regard to Mr. Dryden, Mr. Dryden is an occupier of the Van Land. So we've only been in contact on behalf of the applicant with the freeholder directly. So I can't speak to any negotiations that have been ongoing with the occupy.

01:01:15:24 - 01:01:26:05

Can I just correct that? We're talking about Mr. Dryden's occupation of Goose Farm. I don't know if the gentleman wants to listen to it. I'm going to say I'll wait.

01:01:31:07 - 01:01:34:25

On behalf of the applicant, may I suggest we take that one away at lunch and come back after the break?

01:01:36:05 - 01:01:44:19

I think that's probably to get to get a concrete answer, if that's acceptable yourself. I'll give the applicant team some time, and then we'll pick that up.

01:01:44:21 - 01:02:11:11

That is acceptable. I simply want to emphasize, because I've raised this point about any failure to make any approaches to Mr. Dryden, it is a fact that there have been none. And I just want to be clear. We're not referring to the land that Mr. Dryden occupies. That is under the Vanbrugh estate. I'm referring to the land that he is the freeholder of and the goose I farm. And the easement that I'm making this point about is part of access to that land.

01:02:11:25 - 01:02:17:21

Thank you. I think the applicant is clear on that point, and they will come back to us after the break.

01:02:17:23 - 01:02:18:25

Thank you very much.

01:02:19:18 - 01:02:24:05

Yes. Martin Williams, on behalf of the applicant. Yeah. That's clear. And we'll pick that up and we'll come back. Yeah. Thank you.

01:02:24:13 - 01:02:33:16

Thank you. Is there any other ape in the room who wishes to make a representation or virtually actually, at this point?

01:02:37:29 - 01:02:39:17

Thank you. Um,

01:02:41:06 - 01:03:23:09

well, we'll move on to bullet number five. Um, I don't have any questions, but I do have an action point for the applicant. Um, I'm aware that obviously, the final versions of the Book of Reference Lands and Rights. Negotiation Tracker and compulsory Acquisition Schedule will be submitted at deadline seven. However, just to add to the long list of documents, I'm going to ask you for something else as well. I'd like you to submit a Status of Negotiations document, and it would be very beneficial for the WSA to have a general summary document which details the number of option agreements which have been signed and exchanged.

01:03:23:11 - 01:03:53:18

Another section which details a number of legal agreements, which are being finalised and exchanged or expected to be shortly exchanged and right through to legal agreements that have started. But you've little progress. So it is a kind of like a new document. Um, in terms of format, it would be useful probably for you to look at the Portishead branch line schedule, which will show you the layout and detail I'm asking for in the Portishead Examination Library.

01:03:53:20 - 01:04:09:27

This has reference rep 763. I tried to look that up earlier in the week and I think it may have been taken down. So could I ask you to liaise with the case team and they will direct you, um, to that please?

01:04:11:18 - 01:04:17:28

Um, I'd like to move on to agenda item three B now, if we may.

01:04:20:09 - 01:04:33:16

Um, as with agenda item three, er, in respect of the statutory undertakers, have there been any significant updates since the submission of the Land and Rights Negotiation Tracker into the examination at deadline five.

01:04:33:18 - 01:04:34:10

Please

01:04:35:28 - 01:05:10:15

w on behalf of the applicant, you'll be glad to hear that. Yes, there's been good progress made. So if I just do a brief summary of each if that's helpful. So running through the order is set out in schedule 15 of the DCO, which is where the protector protective provisions are currently secured. At part four, you've got Network Rail Infrastructure Limited who are protected. And those protected provisions are agreed. Save for one placeholder that's currently in there. And this is in relation to provisions that are agreed in principle between the applicant and Network Rail.

01:05:10:17 - 01:05:47:04

But they relate to an impact on the way in which the applicant could exercise its compulsory acquisition powers. And so the applicant can't include those in the DCO at the moment until a voluntary land agreement has been entered, because otherwise there'd be held to run some over over that area of land. The same position applies for Thames Water Utilities Limited in Part five, where again, all of the substantive provisions are agreed, except for placeholders, which again relate to wording around the impact on compulsory acquisition powers that are being sought by the applicant.

01:05:47:06 - 01:05:50:06

It's the same principle as Network Rail applies there.

01:05:52:03 - 01:06:00:11

In part six of the DCO protective provisions for Southern Gas Networks. And again, those protective provisions are agreed.

01:06:02:08 - 01:06:34:12

And then in part seven, there's protective provisions for the benefit of the Environment Agency. And these were agreed on Monday. There's only one set of protective provisions that we intend to add into the detail that's not currently in the draft DCO, and that's for National Grid electricity transmission. An update there is that we provided an initial draft set of protective provisions back in March of this year, and this was based on precedent provisions that I'm sure you're well familiar with from other schemes for the benefit of National Grid.

01:06:34:18 - 01:07:05:19

So we don't expect them to be controversial. The amendments that we've made to those primarily are to add in provisions from the early, more offshore wind farm DCO, which National Grid referred to in its representations. The reason being the existing draft that we provided protects National Grid's existing apparatus. But then those provisions in the oil more offshore wind farm, which we have modified slightly for the purposes of this scheme, but that is to protect the future operators of National Grid as well.

01:07:06:12 - 01:07:41:17

So we're awaiting a response from National Grid on each of those. But we did get communications about an invoice through from their lawyers this morning. So they are engaged and they are looking at the protective provisions. And we've been in contact with National Grid in relation to the statement of common ground, part of which relates to protective provisions. So we're confident that agreement can be met with them prior to the close of examination as well. I have updates at deadline six. We'll update the DCO to capture the agreed provisions for each of the other ones that I've mentioned are agreed, obviously subject to the placeholders that will remain until the property agreements have been entered.

01:07:41:27 - 01:08:06:04

And I guess coming back to your point around additional documents that you've requested. At deadline seven, we're intending on submitting a closing statement as well, because we think that'll be useful. To summarize, outstanding matters might be a case that we append the document you've requested to, that we also plan to include a summary of where we're at with the starting to take is obviously from what I've just run through, hopefully it'll be fairly succinct and national good will obviously form a part of that.

01:08:07:26 - 01:08:45:04

Thank you. I mean, you've already answered my next question. I was going to ask you whether you anticipated any further protective provisions being added in. So you've answered that, um, going back to the statutory undertakers in that document, I was going to ask you to do a similar task

for the statutory undertakers. But where you haven't reached agreement in terms of bespoke protective provisions, um, it would be useful to get your version and the city undertakers preferred version of wording in that document as well, if possible.

01:08:46:29 - 01:09:11:06

On behalf of the applicant. Um, not had a version from National Grid, for example, so it'd be difficult for us to put forward what they do propose. But I'd say is at deadline seven, we would capture in the DCO the form of provisions that the applicant would put forward, and then that document would support that with explanations as to why we consider that suitable, which more or less aligns with what I've just heard around following precedent and seeking to protect them. But as far as we can, obviously look to assess the example.

01:09:11:08 - 01:09:41:09

I know National Grid aren't here, but you're obviously in negotiations with them. If you could either direct them to watch this or request that they do provide some bespoke wording. I appreciate you can only make that as a request, but I would be grateful if you could do that. Thank you. Moving on to bullet two. Are there any statutory undertakers present in the room or attending virtually who wish to make representations in respect of protective provisions? Are only any other issues I know we do have.

01:09:41:11 - 01:09:44:25

I think Thames Water virtually.

01:09:52:19 - 01:10:17:03

For your kind projects engineer on behalf of Thames Water, I think. Thank you for the opportunity. I think the applicant's legal team has rightly mentioned that we are currently working together to agree a suitable form of protective protective provisions, so we are on course and we don't have any pertinent representations to mention at the moment.

01:10:18:07 - 01:10:20:14

Thank you very much for confirming that position.

01:10:21:01 - 01:10:21:25

Thank you.

01:10:24:13 - 01:10:28:16

In terms of bullet three, um.

01:10:30:18 - 01:10:37:12

The Environment Agency, did you did you give me an update? Sorry. Did you. You did.

01:10:37:14 - 01:10:39:25

Get there. Agreed? Yeah. They're agreed on Monday. Yeah.

01:10:39:27 - 01:10:53:00

Thank you. Um. Are they. So there are no other, um, statutory undertakers that you are not able to continue negotiations with you? Everything is running as smoothly as possible at this point.

01:10:56:21 - 01:11:04:24

Um, in that case, does anybody have any comments they wish to make in terms of statutory undertakers and protection provisions who are in the room?

01:11:10:18 - 01:11:41:00

I will now move on to agenda item three C so this relates to funds and land. This agenda item is primarily for the ESA to ask any outstanding questions that we have. Um, so bullet one. Um, I'm going to talk to you about funding, if I may. Your response to XQ 2.5.2 in respect of the availability of funding is noted, and that is Rep 437.

01:11:41:12 - 01:12:11:13

As we've explained at various points throughout the examination, both the ex and ultimately the Secretary of State need to be satisfied that you'll have adequate funds available for the proposed development. In your response to XQ 2.5.2, you stated that it needs to be distinguished between proposed development costs, which have mostly been borne by PVD already, and construction costs, which will be borne by third party investors.

01:12:11:15 - 01:12:29:27

I think you are very aware that there are some concerns regarding your funding, um, situation. I just could you expand on your answer to 2.5.2 for me in a bit more detail, maybe to offer people in the room a bit more reassurance in terms of the funding situation? Please.

01:12:31:19 - 01:12:49:04

For me, it's on behalf of the applicant. Might have seen me whispering. I was just trying to find out who the author of that response was. I think it'd be best coming from them. I'm not sure if they're in the room with us at the moment, but they may be available in the back. So again, conscious of this being the final agenda item, but if we can come back on that, that might be more suitable.

01:12:50:11 - 01:13:06:29

Yes. So do you, do you, do you need some time now? Are you. Because I, we are on the final agenda item. Do you want me to continue or do you want me to adjourn now so that you can go away and get the answer to that adjourn?

01:13:07:01 - 01:13:07:29

That'd be useful. Please.

01:13:08:01 - 01:13:08:19

Okay.

01:13:11:00 - 01:13:26:04

Um, it's conveniently 1045, so I suggest we adjourn now till 11:00, where we'll give the applicant the opportunity to deal with that funding question and the response from Mrs. Williams as well. Thank you. This hearing is now adjourned.

