

## Hearing Transcript

<b>Project:</b>	Springwell Solar Farm
<b>Hearing:</b>	Compulsory Acquisition Hearing 1 (CAH1)
<b>Date:</b>	17 July 2025

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File Length: 00:47:44

FULL TRANSCRIPT (with timecode)

00:00:06:10 - 00:00:37:18

Okay. Good afternoon. It's 330 in time for the hearing to begin. Uh, I'd like to welcome you all to the first compulsory acquisition hearing for the Spring Road solar farm project. Uh, can I confirm everyone can hear me? Yes. Thank you. I can I can also confirm with the case team that the live stream and recording for the event has started. Yeah. Thank you. Okay. Well, my name is Jonathan Manning. I'm a chartered town planner, and I've been appointed by the Secretary of State to be the lead member of the panel to examine this application.

00:00:38:00 - 00:00:41:10

Uh, I will now pass over to the other panel member to introduce himself.

00:00:42:02 - 00:00:50:22

Good afternoon. My name is Ben Northover. I'm a chartered architect, and I've been appointed by the Secretary of State to be a member of the panel to examine this application.

00:00:51:14 - 00:01:23:14

Okay. Thank you. And we constitute the examining authority for the application. Um, just a few housekeeping matters. Um, devices and phones on. Silent, please. Uh, the toilets are through the doors at the back of the room and down the stairs to the left. Um, there's no fire drills planned this afternoon. So in case of a fire, please exit through the doors behind you and follow the fire exit signage through the building. There will be hotel staff on each floor directing people to the emergency exits.

00:01:23:22 - 00:01:27:16

The meeting point is outside of the hotel near the Brayford Cadets.

00:01:30:15 - 00:02:04:10

Okay. The meeting will follow the agenda. Published on the National Infrastructure Planning webpage on the 4th of July. Um, which has been shared on the screen now. Thank you. Okay. The agenda is for guidance only, and we may add or, uh, or add other considerations or issues as we progress. Uh, we will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if these questions can't be concluded, then it may be necessary for us to prioritize matters and defer others to further written questions.

00:02:04:24 - 00:02:40:00

Likewise, if you cannot answer a question being asked or require time to get the information requested, then please indicate that you need to respond in writing. Okay. Today's hearing is being undertaken in a hybrid way. Many some of us are present in the hearing venue and some are joining us virtually via Microsoft teams. But however you choose to participate, we will give you a fair opportunity. A recording of today's hearing will be made available on the Spring World Solar Farm

section of the National Infrastructure Planning webpage, as soon as practicable after the hearing is finished.

00:02:40:10 - 00:03:06:17

With this in mind, please ensure that you speak clearly into the microphone stating your name and who you represent each time before you speak. If you're not able, sorry. If you're not at a table with a microphone, there is a row, then microphone. So please wait for this to arrive before you speak. The recording allows any member of the public who is interested in the application and the examination to find out what has been discussed here this afternoon.

00:03:08:06 - 00:03:46:10

As the recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation applies. Participants must do their best to avoid providing any information which would otherwise be kept private and confidential. If there is a need to refer to such information, it should be in written form, although this will still be published. Um. We will have the opportunity to remove any personal and private content through redaction, uh, before it's made available. Any person who is unclear on this point should ask the case team for guidance before they place personal and private information into the public domain.

00:03:47:07 - 00:04:01:17

Uh, a link to the Planning Inspectorate Privacy Notice was provided in the notification for this hearing. Uh, please, again, speak to the team. If you have any questions about this. In terms of timings, we aim to finish no later than 5:00.

00:04:03:12 - 00:04:32:01

Okay. In terms of introductions, I'm now going to ask those who are participating in today's hearing to introduce themselves. When I state your organization's name, could you state to state your name and who you present and which agenda item you wish to speak on? If you are not representing an organization, please confirm your name, summarize your interest and the agenda item again which you wish to speak and could ask the applicant to, uh, for your introductions, please.

00:04:33:24 - 00:04:55:14

Thank you sir. Good afternoon. My name is Richard Griffiths from law firm Mason's LLP, and we are representing the applicant, Spring World Energy Farm Limited. I'm here with my colleague Olivia Henshaw, and we also have a representative from the applicant's land agent, Jessica Beyer, Baer, technical director from Gately Hammer.

00:04:57:05 - 00:05:01:01

Okay. Thank you very much. Um, is there anyone from National Grid

00:05:03:01 - 00:05:06:10

with us? No. Okay. Thank you.

00:05:12:09 - 00:05:24:18

Okay. I think the other only notification I had, uh, to potentially speak was, uh, Ben Wales on the back half of the Haywards. Is that correct? That's right. Yes, please. If you could just introduce yourself with the microphone. Thank you.

00:05:26:06 - 00:05:27:06

Uh, Ben Wills.

00:05:27:08 - 00:05:29:02

Uh, on behalf of Mr. and Mrs. Heywood.

00:05:29:12 - 00:05:30:11

Okay. Thank you.

00:05:32:05 - 00:05:35:14

And is there anyone else who may wish to speak this afternoon?

00:05:37:12 - 00:05:38:13

Okay. Thank you.

00:05:40:05 - 00:06:15:19

Okay. We will turn to agenda item number two. The purpose of the hearing. Uh, so, as the name suggests, we're here to talk about compulsory acquisition matters. Um, and that will include updates on negotiations and power sorts at the National Grid substation site, protective provisions and articles 24, 31 and 32 of the Draft Development Consent Order. Um, are there any questions at this point? Okay. We'll move on to our first matter of discussion, which is updates on negotiations and powers sought.

00:06:16:00 - 00:06:31:05

Uh, yeah. I've been provided a revised book of reference and schedule of negotiations and powers, sort of deadline to which the examining authority, uh, have noted. Uh, is there anything a particular note that we should be aware of since the updated deadline to.

00:06:33:12 - 00:07:16:15

Which is on behalf of the applicant? Um, no. Um, I mean, I can just quickly run through the record as this is the first, um, proposed acquisition hearing regarding the blank near states as, um, as we've reported, the applicant has an option with the estate. We are varying that option for various reasons with the estate and that is under um, uh, progression and uh, should be completed before the end of the examination. Regarding the lease lease, the applicant continues to to engage with them, and we can report that the documents are now substantially agreed, and we expect the option agreement to exchange imminently and certainly before the end of the examination.

00:07:17:08 - 00:07:41:13

Uh, and regarding Mr. Mrs. Haywood, uh, we are continuing to engage with them, and I obviously understand the agent obviously is here today. Uh, we hope to still secure agreed heads of terms with them before the end of the examination, but no doubt will come on to that shortly. And then finally,

just on the Ministry of Defence, you heard earlier at issue for that this afternoon we received the Crown consent from the Ministry of Defence.

00:07:43:15 - 00:07:44:24

Okay. Thank you.

00:07:47:03 - 00:08:00:08

Uh, we'll come on to plot 11 one, which, uh, Mr. Wills is here to discuss is the applicant summary of where we are in negotiations. Accurate? If you could confirm that for me. Thank you.

00:08:00:10 - 00:08:01:08

Yep. Confirmed.

00:08:02:06 - 00:08:06:17

Okay. Thank you. Is there anything you'd like to add to the hearing today, particularly on that plot?

00:08:06:19 - 00:08:08:04

Yeah. There is. Um.

00:08:08:11 - 00:08:38:14

Firstly, thank you for the opportunity to speak. Um, I represent Charles Peter Hayward, freehold, owner of plot 11 one, and also the occupier. Him and his wife, who trade as a partnership. Um, they really wanted me to flag today at this hearing their concerns around the CPO process, specifically regarding the rights over plot 11 one. Plot 11 one extends to 29.7 hectares, 73 acres. It's a very significant area and a significant area of my farm and my client's farm.

00:08:39:00 - 00:09:18:06

Um, whilst we acknowledge that the proposal is only for an easement over part of it into the new substation, we see no reason why such a large parcel has been included. We have plans from National Grid showing where the connection will be into the substation, and we find it unnecessary that such a big part of the farm is included in plot. 1101 it could be much, much smaller. We don't think it's appropriate in the many statements and assessments and reports online. I think the last count, 452, we don't think that anywhere in that it assesses the impact upon my client, who is one of the few people that are really impacted by this losing land as a part of the CPO.

00:09:18:13 - 00:09:50:09

And so we really would ask, has that been considered? And to use my client's words, if he were here, he feels that we really have the cart before the horse. His words I think we're having ongoing negotiations with the gateway. And in the last option proposed, and again, the full parcel was proposed to be included. This really isn't necessary. It just needs to be the cable route from the site into the substation. And we acknowledge and we really want to flag this, that CPO is absolutely a risk of owning land.

00:09:50:12 - 00:10:21:04

We don't want to go down that route. We really do want to find a way to get an agreement with, with, with gateway and the wider team. However, it must reflect the fact of what is needed. The sums

offered to take an option on an entire field of nearly 75 acres are just not realistic. It's not necessary. And we've been in ongoing dialogue with National Grid, and it's a shame that they're not here. And we have absolutely no visibility. Whether they will CPO this land from my client or negotiate a purchase.

00:10:21:06 - 00:10:54:21

And the reason I flagged that is the mental toil on them is huge. We, I think, at the moment have five other parties trying to negotiate cable easements through Peter Heywood's farm. Every field on the whole farm has a cable easement proposed coming through it, or to come through it so that the wider impact is enormous. And we would just ask that that really is considered as part of this process. And they would have liked to have been here, but they really felt it be a little bit too much for them. And the current heads of terms were having good discussions with Gately.

00:10:55:03 - 00:11:33:08

I really hope we can find a way forward, but there must be a detailed plan. And in terms of this CPA process and the easement that we're looking at, it really is essential that we have full visibility on exactly what is needed. At the moment. We've just got an area within a field we can't operate on, giving an option on 75 acres for an area within a field. And I think the only reason we decided to attend today was in the last part of those negotiations, we were informed that an annual easement wasn't appropriate because the landowner will still have the ability to farm the land after the cable is installed.

00:11:33:17 - 00:12:11:15

Either National grid are not linked up in this process, but the plans we've got where your cable easement will go. We absolutely will not be able to farm that piece of land. The layout just just will not work. Really, just to summarize, we really do want to find a way forward to get it sorted. We've got these five other ongoing conversations with other people about cable easements. And I would just ask that has this process properly considered the cumulative impact? It seems that National Grid and the substation is parked, and it is assumed it is definitely going on this field that is owned by my client.

00:12:11:17 - 00:12:33:13

We have no CPO process on that field. We have no negotiating the purchase on that field. They're proposing to build something there, but there is no certainty. Is it really right that will be granting CPO rights ahead of knowing whether that substation is going there. And so I really ask that that is considered as part of this process. Thank you.

00:12:33:16 - 00:12:52:06

Okay. Thank you, Mr. Wilson. Um, could I ask for a response, please? And maybe a particular interest and whether you can, um, the amount of land that's required, it probably links to a question we asked under our written questions in terms of the cable corridors, whether it's justified in terms of the amount of land that was being sought.

00:12:53:15 - 00:13:25:11

Thank you, sir. Richard Griffiths for the applicant, the reason why the whole of plot 11 one is included is because whilst, um, we have seen layouts of where the substation is proposed to be located, that

planning application has not yet been submitted into to the planning authority and has not yet been, and therefore has not got consent. If we had a consented substation on this plot, then we would have more confidence in where we could route the, um, cable.

00:13:25:13 - 00:13:55:18

But until there is, uh, a consented substation on that plot, then we need the flexibility for the easement to, uh, go um, or any of the flexibility over that plot until we see that consent. Um. The easement. The land is blue. We're not seeking the acquisition of it. Of course. Um, the, uh, the rights that we're seeking are clearly marked as purely the substation connection.

00:13:56:00 - 00:14:26:05

Right? Um, that won't be, um, that they will be constrained to a particular area. Um, so potentially, um, ten meters wide, uh, maybe slightly wider in terms of protection for the cable. That's what we'll be seeking. That's what the, um, the, the easement will be for. It's not it won't be a right. The rights may exist over there. Should we get policy acquisition rights? But they can effectively float over there until we can lock in the easement when we see National Grid's substation.

00:14:26:11 - 00:14:57:09

That's a usual approach that, um, compulsory acquisition takes, uh, when you need that flexibility. Um, I can't comment on National Grid plans for of whether it's agreement or compulsory purchase. I can't comment on that at all. Um I can't. Um, the financial issues that was raised. I'm nothing to do with this examination. Um, regarding the option, head to terms. Um, uh, the option relates to plot 11 one, but it's not an option for that whole plot.

00:14:57:11 - 00:15:06:17

And I'll bring in, uh, Jessica Bear here to confirm what the heads of terms are saying, what the option will do in respect of that, um, cable.

00:15:13:22 - 00:15:44:09

Hello. Hi there. Jessica. There. On behalf of the applicant. Um, at the moment, the proposal is for an easement within the option area and within 11 one for a ten metre easement somewhere within that. And like my colleague Mr. Griffiths has, has highlighted, we are unable to confirm where that location will be. So the proposal is for us to be able to take a ten meter permanent easement within somewhere within the plot once at 11 slash one.

00:15:46:07 - 00:16:20:24

Thank you. Uh, the applicant and, um, we must bear in mind as you set out in section five of the grid connection statement, in terms of responsibilities between the applicant and national grid in constructing in under the connection agreements the applicant has with National Grid, um, National Grid or Net will be responsible for the construction of the substation. Uh, the applicant, under their connection agreement is responsible for the relevant generator bay within that substation. So until we know where National Grid wants us to put that bay, we can't confirm that connection route, hence the flexibility.

00:16:21:03 - 00:16:30:10

The intention absolutely is to minimize the easement required. We anticipate it's only ten meters, but at this point, we can't confirm the precise location.

00:16:33:00 - 00:16:35:20

Thank you. Mr. Wales, would you like to respond with anything?

00:16:35:22 - 00:17:14:01

Yeah. Ben Wells. Um, I think for me, that sort of sums up the process. Imagine living in the farm in the middle of all of this. Imagine all the correspondence that comes around this. Imagine having this same process with five different sets of individuals at the moment, plus National Grid. And there are all these documents, 400 odd online. You know, the statements of common ground with National Grid, who sadly are not here. Surely as part of this process, if you're building a road and you take land, you work out what you need and you take out what you need and you work out what's designed.

00:17:14:12 - 00:17:47:01

My clients comment the cart before the horse. You need to go and find out from National Grid exactly what's going where. Have an option plan for the smallest area you need and show where that easement is. The option is on the entire. The option is on the entire field, not just a small part of it. We have been provided with a plan by National Grid. We can see where the point of connection will be. That surely must be able to be shared so that the option can be narrowed down, and we can have a really defined area of what's being taken.

00:17:47:04 - 00:18:13:13

My point for flagging in here is yes, the easement refers to an area within a 75 acre field. I'm sure that this process relies on a lot more narrowing down than that. The documents in the are publicly available cover all sorts of analysis and assessment, and it feels very much to me like from a CPA point of view, my client's interests have not been properly covered. And that's why we're here.

00:18:15:24 - 00:18:19:08

Okay. Thank you. Anything else you wish to add?

00:18:19:24 - 00:18:52:01

Rich was on the applicant. No. Um, I've explained the why the flexibility is needed until we have that confirmation of the location in precise location in the field and where the bay will be. That's the critical point. Um, uh, we have a from our own design team. We think we know where we'll go in if the bay was in a particular location. But until, um, National Grid has, uh, um, progressed its application with, uh, the district council and has obtained that consent.

00:18:52:03 - 00:19:27:08

The bay location cannot be locked down. So we in turn, can't lock down that precise location. If we could, we would, but we can't. We've minimized our compulsory acquisition as far as reasonably possible. Um, and in order to ensure this, um, urgent need can come forward, then, um, we have to have the flexibility, as I have outlined, uh, we, of course, continue to commit to, um, dialogue with, um, uh, Mr. Wills and his clients and, um, and see and have that continuous dialogue over the option.

00:19:27:16 - 00:19:40:17



And we do think we can get to agreement with them before. Hopefully that's. I think both sides have said that today. Um, but in terms of flexibility needed for now, until we see more from National Grid, the plot has to remain as it is.

00:19:42:24 - 00:19:45:21

Hey, Mr. Wilson, I'll give you one more opportunity if you wish to say anything.

00:19:46:00 - 00:20:18:11

Thank you. And I guess the only thing I can say is that means that, you know, we sit with having to grant 5 to 7 options, to 5 to 7 different sets of people. You all need to work together. There is a new code of practice that's just been launched about how these rights over land work. And I just really, really plead the impact on my client is huge. When you've got all of these cables coming through, all of the different directions through every field now on the entire farm, not all to do with you, I admit.

00:20:19:03 - 00:20:33:06

But has that been properly considered? Do we really have to wait for the substation planning to determine where people are going to go? I think this is going to be raised again and again in other applications. So I think there needs to be some joined up thinking.

00:20:34:10 - 00:20:53:02

Okay. Thank you. Could I ask that you, um, each deadline, you maybe provide a summary of where you and your client are, and it's just be helpful for us to, to keep an ongoing. Uh, I know it will be probably negotiation in the schedule. It will be updated. But from your client's point of view, it'd be useful to hear that, too.

00:20:53:04 - 00:20:57:08

Yeah, not a problem at all. Very happy to. And I am confident we will get something sorted. I really hope we will.

00:20:57:11 - 00:21:06:04

Okay. Thank you. I'm sure I'll come to you at the end of the, uh, agenda item or this particular agenda item. Um,

00:21:07:24 - 00:21:26:18

coming to the, uh, applicant, please. The latest book of reference. Um, Springvale Energy Farm Limited has been added to quite a few plots under category two. Uh, further. And as a result, Barclay's um, have been removed from some. I just wondered it wasn't clear why that change had taken Taking place.

00:21:28:12 - 00:21:48:08

Just on behalf of the applicant. I might have to take that one away for you and report back at the end of the hearing. If I just ask a colleague, I suspect that they have written to us and confirmed that they no longer have rights in that. Following updates of, uh, a Land Registry refresh, um, and ongoing dialogue with, with landowners and impacted parties.

00:21:49:05 - 00:21:59:09

Okay. Thank you. Um, moving on. And is there any update on unknown landowners at all and work that's been going on to identify those?

00:21:59:20 - 00:22:25:00

Uh, Jessica, bear, on behalf of the applicant. Uh, we are I have not been made aware of any further landowners that are unknown. I believe there are no unknown, uh, category one parties within the book of reference. Any unknown parties are either a category two or category three person within the book of reference. But we do continue our diligent inquiry in order to be able to identify any unknown landowners within the book of reference.

00:22:25:09 - 00:22:33:12

Okay. Thank you. Understood. Okay, that's all my questions on number three. Uh, Mr. Williams, did you wish to say anything?

00:22:42:15 - 00:23:14:14

Mark Williams, on behalf of Springwood Action Group. Um, first of all, I'd like to thank Mr., uh, Haywood, agent, for attending and actually giving us some clarification on some of the issues. And I expressed my concerns and good wishes to the Haywards in this process. Um, but one of the things that he's clearly mentioned, um, is and we've all said it cart before the horse, and it is really good to actually see the applicant's, um, legal firm finally admitting there is no consent for a substation.

00:23:14:19 - 00:23:38:01

Um, so that was a real critical point. There is no consent yet. Um, and until they get that consent, then the knock on effect of where cabling etc. goes. Can't be determined. So again, I greatly request that the planning inspector takes that really on board. We can't consent this application until we know what's happening with the substation. Thank you.

00:23:39:09 - 00:23:41:01

Okay. Anything from the applicant?

00:23:42:13 - 00:24:21:09

Richard Rivers, on behalf of the applicant? Um. No, sir. I think I discovered all these points at issue four. Uh, we were talking about, uh, naval substation. Um, and, uh, the fact that, uh, 4.1, 1.8 of NPS in one, um, clearly, uh, anticipates that, um, electricity generating stations may well come forward in advance of and separate to, um, the connection uh, given, uh, there are two separate bodies, it clearly envisages that it is not an unusual situation.

00:24:22:02 - 00:24:53:06

Uh, and, uh, flexibility that the applicant is seeking in this one plot. Um, is uh, is is a standard approach. It's been done before, uh, and will continue to be do. So I appreciate, um, the pressures that Mr. Wells has highlighted on his clients. We, uh, for our part, uh, through Gateway hammer are doing our best to to continue that dialogue, um, to reach agreement, uh, with them and provide them with the information.

00:24:53:16 - 00:25:24:04

Um, so we are actively doing that and we will continue to actively do that. Um, but the flexibility is justified. Uh, until we have that certainty of where the substation, um, uh, will be located. Uh, in order to, you know, so located so that we then know where the bay will be, which is our responsibility, and so that we can then construct, um, uh, the Design the cable to lock down where that easement will be. Until we've got that point.

00:25:24:09 - 00:25:37:18

We can't progress this any further. If we can, we will. And that'll be a commitment from us. If we can, we will. But until that point, um, our position remains that this is justified in order to deliver this, um, this project.

00:25:40:05 - 00:26:04:13

Thank you. Okay. We have agenda item number four and the, uh, substation site. I did have a few questions for National Grid to clarify their position. Uh, I will put those in writing to them. Um, so really, it was, uh, anything left really is. If the applicant gave an update on protective provisions and the overall position with National Grid, if that's moved forward at all since the last deadline.

00:26:07:10 - 00:26:41:09

Olivia Henshaw for the applicant. The applicant remains in negotiations with seven undertakers, as outlined in our schedule of negotiations and powers sought. Submitted at deadline two. I'll just run through each of those. Um, and including the national grid, as you've mentioned, with excellent pipeline systems and Anglian Water. Negotiations with these parties are progressed and have progressed, progressed since deadline to the applicant has returned comments to the statutory undertakers on their bespoke protective provisions. And in the case of excellent pipeline systems, we've received some additional minor comments back from them since then.

00:26:42:16 - 00:26:57:16

The Network Rail since deadline to the applicant has continued engagement with Network Rail, and the parties are in negotiations in respect of bespoke protective provisions and accompanying agreement and other matters under discussion. As we updated earlier

00:26:59:04 - 00:27:34:03

in respect of National Grid energy distribution, National Grid Energy Transmission and Cadent Gas Limited, the parties are continuing with their engagement since deadline two and were in active negotiations with these parties. And we have heard back from National Grid, um, energy transmission. Just today or yesterday. So that's all progressing and heading in the right direction. Based on the current status of negotiations, the applicant considers that it should be able to reach agreement on the protective provisions with all of these parties by the end of examination, and we will update the examining authority in due course.

00:27:34:21 - 00:27:53:10

In addition to those mentioned already, the applicant has been trying to engage with Openreach in relation to telecommunication assets who have not engaged with the applicant since deadline two. However, protective provisions are included within schedule 15, part two of the order to manage the impacts on their operators.

00:27:55:24 - 00:28:02:03

Okay, thank you for that useful update. And again, we have another update at deadline three, if that's possible please.

00:28:05:07 - 00:28:44:11

Okay. We move on to agenda item number six, which is in relation to articles 24, 31 and 32, the Draft Development Consent Order. Um. Article 24 relates to permanent rights. Uh, and the examining authority. Note the applicant's response to our first written question. 1.6.7. Um, the response, however, does not seem to address our question of providing evidence to show that persons with an interest in any land, um, are not included in either schedule 9 or 11 were aware that undefined new rights may be sought over that land, and were consulted on that basis.

00:28:45:05 - 00:28:51:04

Uh, can the applicant set out where in the application documents? Uh, this was made clear to them.

00:29:01:22 - 00:29:07:09

Olivia. Olivia Henshaw for the applicant. Um, would you just be able to repeat the specific point, please?

00:29:07:18 - 00:29:25:09

Yeah, absolutely. So, um, we're of the view that the response, um, does not address our question of providing Hiding evidence to show that persons with an interest in any of the land not included in either schedule 9 or 11, were aware that undefined new rights may be sought over that land, and were consulted on that basis.

00:29:38:21 - 00:29:51:14

Would you agree with some things? I'm not quite clear on the question. The. We carried out statutory consultation under section 42 against all the people with an interest in the land in that consultation. Um,

00:29:53:07 - 00:30:01:05

we're not obliged to highlight, um on every single plot. Um, what, uh, um,

00:30:02:24 - 00:30:34:07

what, um, compulsory acquisition would be we highlighted there. The the consultation requirements are to write to the, the affected landowners that they are a person with an interest in the red line boundary. Uh, and to, um, invite them to comment. I'm not quite what I'm here. If I understand you correctly, you are asking us to give you evidence that we wrote to someone saying, um, your plot X, um, would be subject to complete acquisition of the these rights.

00:30:34:09 - 00:30:45:11

And in relation to ultimately, the article seeks permanent rights across all of the border land rather than the defined particular plots. The right it does the way it's worded.

00:30:45:13 - 00:30:56:04

No no no no no it doesn't. The article 24 only grants only gives the applicant rights over, um, the land in schedule nine.

00:30:57:18 - 00:31:03:05

So the blue land on the land plans are the land on which those rights are being sought.

00:31:03:23 - 00:31:12:02

Okay, we'll take that away. But I think we, the way we read article 24 is that it gives undefined rights across all of the order land?

00:31:12:10 - 00:31:44:03

No. So schedule article 24. Article 24 um states um, so 2041 is subject to paragraph two. It then allows us to acquire rights, but it's subject to paragraph two. Paragraph two says, um, that we are granted the right set out in schedule column two of schedule nine. Schedule nine then lists all the plots references to which which are the which is the blue land on the land plans to which we are granted rights.

00:31:44:15 - 00:32:14:09

Um, for the pink land, which is a freehold acquisition, we don't need to acquire rights because we're acquiring the freehold. And then on the green land, on the land plans, which is temporary possession powers, we are not allowed. The, um, uh, article 24 links into article 30, uh, one temporary use of land which says we on the Greenland we can't, um, compulsory acquire rights on that green land. So article 24 is purely in respect of the blue land.

00:32:16:03 - 00:32:23:12

Okay. Again, we may be interpreting what's written differently, but we'll we'll take that away and come back to you if we need to.

00:32:24:17 - 00:32:25:07

Okay.

00:32:25:10 - 00:32:36:22

Thank you. And again articles 31 and 32. Um, it was the same question really about, um, consultation. So I think probably the same applies. Um, for, for that one too.

00:32:38:02 - 00:33:09:00

Would you agree with some part of the applicant. So an article 31. Excuse me. Um, that has a two structure to it. So under article 31 the land shaded green is the land which only temporary use, um, is is being sought. Uh, and we're not seeking any other powers. We're not seeking compulsory acquisition of the Greenland. Just temporary use. The temporary use power, though article 31 can be exercised across the whole of the land. So over the pink land and over the blue land.

00:33:09:21 - 00:33:47:08

Precisely because you want to minimize acquisition. So take the cable corridor, for example. We can use article 31, our temporary possession power, to go on the site land microsite, identify where the precise location of the easement would be. Um, uh, once we've designed that, we can then

permanently acquire that easement, thereby minimizing the compulsory acquisition under schedule under article 24. So article 31 has a say that two two tier structure Greenland only, which is only ten possession.

00:33:47:10 - 00:33:52:21

But it can also apply across the site before we exercise compulsory acquisition in order to minimize the acquisition.

00:33:53:05 - 00:34:20:16

Okay. Turning to maybe the consultation or point on on in relation to article 132. Um, the written question. Uh, will the answer to the question provided by the applicant referred to uh persons um discussions during voluntary agreement discussions, for example, and what discussions will happen with with other people who have an interest in the land, not necessarily the landowner. Were they aware that such rights were being sought?

00:34:23:00 - 00:34:25:17

Can you just give me the your first written question reference number, please?

00:34:25:19 - 00:34:27:17

Yeah, it was 1.6.8.

00:34:29:22 - 00:34:31:19

I think it was point A of that.

00:34:53:16 - 00:35:01:19

So are you talking about the consultation process? Should be should the order be granted giving us temporary possession. That's what that's what the question is aimed at.

00:35:02:03 - 00:35:10:11

It's the regulations have been met in terms of consulting parties whose consent. Now?

00:35:12:22 - 00:35:45:02

Jessica bear on behalf of the applicant. So all parties were consulted on section 42. Um, both category one, category two and category three parties. All parties were also sent a land interest questionnaire, along with plans showing the interest and outlining their interest in the parcel of land, in particular, um, and they were given those contact details as well, should they wish to come forward and have any queries. Some impacted parties did so more than others. Um, but we made every effort to be able to engage with parties and many.

00:35:45:20 - 00:35:52:05

Are you able to provide any of that sort of material in terms of what was sent to them? So we can be clear what was provided.

00:35:52:10 - 00:35:57:03

Of of the section 42 notices and of the land address questionnaires as well.

00:35:57:11 - 00:36:08:05

So your question 1.6.8 isn't on that point. That's why I was getting slightly confused. So apologies for that. That was to do with a notice period should when we exercise ten per session.

00:36:08:11 - 00:36:12:21

Okay. Sorry. Maybe I had the slight wrong reference. Sorry I apologize if that confuses right.

00:36:12:22 - 00:36:28:14

I was getting a bit confused. Um, so, um, but what you all seem to be getting at here is consultation, which has been a consultation report which contains all this information which has been accepted by the Planning Inspectorate on the adequacy of consultation.

00:36:29:12 - 00:37:01:21

I think it relates to the fact that there has been previous, um, direct consent orders where temporary rights across the whole water limits have been refused. I think Manston Airport was one where the Secretary of State wasn't satisfied that there was sufficient consultation in line with the CCA regulations, and wasn't happy that all parties were aware, um, what powers were being sought. So it's really along those lines to be so we can be sure that there's been sufficient consultation to meet the CCA CA regulations.

00:37:01:23 - 00:37:02:18

Hopefully that's

00:37:04:13 - 00:37:40:11

Jessica Bauer on behalf of the applicant. Yes. As I mentioned previously, we we issued everyone with statutory notices and land interest questionnaires. Those interest questionnaires were followed up if we hadn't heard back from anyone. So we made multiple attempts at contacting impacted parties that were included within in the book of reference, some of which did. Our schedule of negotiations predominantly focuses on those category one parties and not those category two interested parties. Um, but should we can compile a list of those that did reply to our land interest questionnaires, should that be of interest?

00:37:40:15 - 00:37:41:21

Okay. That would be useful.

00:37:41:23 - 00:37:48:12

Thank you. Uh, assuming you don't want to share the actual results of what? Those questionnaires. Just a list of who replied to those.

00:37:48:21 - 00:38:12:22

I think so, yeah, just it's just sort of just so we can be sure who, you know, that there was sufficient consultation. That's the the key point for us. Perfect. Okay. Thank you. Okay. No further questions on agenda item number six. Uh, okay. We'll come on to your procedural decisions. Um, okay. Before Mr. Williams, would you like to say something?

00:38:22:06 - 00:38:56:12

Mark Williams, spring or solo action group? Just probably a point of clarification. I, I think the majority of us were under the impression that the Blankley Estates would be leasing the land to the applicant for the duration of the 40 years. Is that not the case? Just having heard what the, um, applicant's legal firm said, they own it on freehold. So at the end of that 40 years, the applicant's team have always said it will go back to farming.

00:38:56:17 - 00:38:59:16

So who actually will own that land at the end of 40 years.

00:39:00:17 - 00:39:02:15

Okay, I could answer that. To answer that.

00:39:02:17 - 00:39:42:04

One. Thank you. Richard Griffiths on the applicant. Um, so the applicant has reached agreement with the black estate for the option agreement, which is an option for a lease, um, that leases for certain properties the life development and the, uh, at the expiry of at least the land is then handed back to the estate in accordance with the terms of that lease. That is the that is the position. Um, the reference to freehold is an approach that you take for infrastructure projects that, um, should, should um, the, um, a landowner, um, not comply with the option agreement.

00:39:42:13 - 00:40:13:18

Then the fallback, uh, for a nationally significant infrastructure project is the compulsory acquisition of that land that is only there as a fallback should a landowner, um, fail to comply with their their agreed contractual terms under their option contract. That's the only reason why it's there. And we are not. We cannot compulsory acquire their land under the terms of the option, but if they breach the option, then that ability is there for the applicant and that is standard across all nationally significant projects.

00:40:13:20 - 00:40:21:20

But the the the stated position is the full intention between the parties is the option agreement and the lease for 40 years.

00:40:23:12 - 00:40:35:08

Okay. Thank you. Um, we will adjourn just for ten minutes. Just so there were a couple of action points there. So just before we, uh, finalize those, we'll adjourn until 4:20. Please.

00:42:03:18 - 00:42:10:04

Okay. Thank you. We will also we will resume. I think the applicant may wish to say something if you'd like to come in now.

00:42:10:09 - 00:42:26:17

Thank you, Sir Richard Griffiths, because I just want to go back to the point that you mentioned regarding Manston and try and just clear this up. Um, we've been doing some work in the ten minutes to try and understand the point. Um, Manston is quite convoluted. It was, I think, went to the High Court. We determined back again.



00:42:27:00 - 00:42:30:11

Um, I was, I was on the panel, so I know it quite well. Yeah.

00:42:30:17 - 00:43:01:12

Um, I appeared briefly, uh, until the deal was done. Um, so, um, article, article. I've got the version of the order before, uh, the amendment to article 29 and article 29 nine is the offending article, so to speak. Uh, which Secretary of State then amended? Um, and that article doesn't apply. Um, here. Um, sorry, the article nine um, doesn't apply here.

00:43:01:14 - 00:43:33:15

2009 in that that article, um stated that the applicant was not precluded from acquiring new rights over, um, that part of the land under article 22. Um, so they could, as they were proposing, acquire rights over the temporary possession land. That's not what we're that's what our article does. I explained earlier in the hearing. Um, so there is a difference between the two in that that drafting is in this order.

00:43:34:02 - 00:44:06:08

And I just want to reassure the examining authority that as set out in the consultation report, um, paragraphs 5.4. 7 to 5 .4. 13 sets out all the diligent inquiry the applicant has done and identifies the section 41 D Consultees. Appendix E1 to F1 sets out all the letters that have been sent to all those consultees. We are update continually updating the book of reference as you seen. The only additional interest that's gone in is spring one itself.

00:44:06:14 - 00:44:37:07

Uh, following the option agreement, um, and uh, section 7.2 of the consultation report also confirms that when we did our targeted consultation due to amendment, um, we identified new interests and consulted them. So we are that the consultation report clearly identifies the process we've gone through. In the examination now we are doing refresh of the book of reference. Um, and in any event, the point you highlighted isn't in the order. So hopefully that tries to clear up that point.

00:44:37:12 - 00:44:43:10

Yeah, I think it was not within the order because the Secretary of state, um, removed it ultimately.

00:44:47:12 - 00:44:58:01

I know the. mail order doesn't have it in. But the draft did. Sure. And then took it out because of that reason? Yes. We're not even in that position because we haven't included it in the first place.

00:44:58:03 - 00:45:29:02

Like I understood. We'll take the back the applicant's position away with us and come back if we need to. Um, okay. We'll move on to the action points. Um, I've only got three. Um, the first one was, uh, for Mr. Wills just to provide an update on your client's position at each deadline. Uh, if that's still okay. Thank you. The second one is for the applicant. Um, again, standard procedure, but just to update on progress and protective provisions. Uh, at each deadline or deadline. Three the first time.

00:45:29:15 - 00:45:44:23

And thirdly, for the applicant, um, to provide the summary of consultation, those additional things that we discussed. Um, for people who have an interest in land and subject to powers under articles 24, 31 and 32 of the drafting consent Order.

00:45:47:00 - 00:45:49:08

Okay. Any questions on any of that?

00:45:51:19 - 00:46:27:19

Okay. Thank you very much. Okay. In that case, we'll come to our last agenda item. And um, again, just a reminder for post hearing notes, uh, documents and answers prepared in response to hearing actions. Uh, deadline three is on the 12th of August, 2025. Um, so I now proceed to close the hearing. Uh, thank you, though, for everyone who's coming along this afternoon. Uh, as always, your contribution is greatly appreciated. And obviously, thank you to everybody who's come along over both this week and last week and contributed to the examination.

00:46:28:01 - 00:46:59:08

Uh, it's been greatly appreciated by both of us as the examining authority. Um, also a huge thanks to the case team. Uh, at the back, who's offered a valuable support to us and the smooth running of the, uh, the hearings this week and the examination as a whole. And also to the gentleman from CVS who have laid on all the technology, uh, and ensured that, uh, again, we've had a smooth running of hearings, uh, all week. Uh, just a reminder to those attending the site visit tomorrow.

00:46:59:20 - 00:47:10:20

Um, we will meet between 915 and 930 at the venue in Avon. Be okay. Mr. Williams, did you wish to just say something before I close?

00:47:15:09 - 00:47:16:08

Sorry, sir.

00:47:19:04 - 00:47:33:11

Oh, yeah. I would just like to take the opportunity on behalf of the action Group and the residents of Scotland, to thank you for your, um, impartiality. Um, and we very much welcome seeing you in our village tomorrow. Thank you.

00:47:33:18 - 00:47:41:14

Thank you very much, Mr. Williams. Okay. In that case, it is, uh, 4:25, and I closed the hearing. Thank you.