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SUMMARY KEYWORDS

Compulsory acquisition, land rights, biodiversity net gain, bird mitigation, land plans, negotiations, option agreements, public interest, environmental impact, landowners, pipeline location, ecological mitigation, examination library, statement of common ground, risk assessment.

SPEAKERS

Speaker 2, Speaker 6, Speaker 5, Speaker 7, Speaker 3, Speaker 4, Speaker 1

Speaker 1 00:03

It's a little bit beyond five to 12. Apologies for the delay and resumption, but Mrs. Wilkinson and I were hunting for some plans which we're not sure have actually found their way into the system those plans, or the plan was that was referred to just before we adjourned by Miss Teddy Jones, in relevant representation, rr, hyphen, zero, 38 does the applicant call seeing a plan attached to anything that the pipeline isn't. Sorry, practice. Have submitted.

Speaker 2 00:59

Reuben Taylor for the applicant. So I'm instructed that we have got the plans, because we got them directly from practice, but we're not sure whether they've been submitted, so we'll check that

Speaker 1 01:16

Yes, miss having looked certainly at the relevant representation. Are item 38 that we've got access to. There doesn't seem to be a plan accompanying it. I'm going to ask the case team whether they can check in the background whether for the prac submissions, there was any attachment that perhaps didn't get published in the examination library. I think we'll come back to this point at the end of the hearing as to whether or not I need to make the request again for a plan, or it might be something usefully that could be appended to the statement of common ground that the applicant and practice will hopefully be working on for submission at the midpoint of the examination.

Speaker 3 02:16

Emily Tetley Jones for prac, we can certainly submit that plan as part of our post, hearing submissions,

Speaker 1 02:26

content, that a plan of that nature can go in the public domain. There are no national security type issues that mean that it shouldn't go in the public domain. Do you want to take instructions on I will

02:43

take instructions on that, sir. Thank you.

Speaker 1 02:51

Think then we can move on to agenda item 3.2, which is of alternatives to compulsory acquisition, although we've kind of partly dealt with that through your update on where you are with negotiations. The introduction that the applicant gives to this section perhaps does not need to be as full as it must have been planned. Sorry, I'll get an indication. Yes, sir, text. Can we wait for the mic?

Speaker 4 03:34

Thank you, sir. Thought over here, I'd just like to go back and comment and my thanks to you for selecting field two, stroke four within the boundary, Thorpe on the herd of questioning, the reason for the large scale of land that's called into this project, particularly as yesterday, I highlighted at Thorpe on the herd be giving 75% of its land. The particular field that you selected in questions is 17 hectares in science. Thank you. Thank

04:16

you very Are you leading on this?

Speaker 2 04:20

I'm this is rube Taylor for the applicant I'm leading on 3.2 and indeed, all the other items fair enough.

Speaker 1 04:33

But just before you begin, Councilor Overton,

Speaker 5 04:38

Councilor Marianne Overton Cliff villages, soil Action Group, just to end representing the area. Just a clarification, if I could, there are a number of remote properties that are isolated, properties that are in that area. I hadn't realized that the whole area was likely to be put forward towards. Compulsory purchase, but presumably there needs to be some good safeguards for those individual small properties. Sometimes it's just a shed that are in those areas that would need to be protected. Thank you. Just assurance that that's in place.

Speaker 1 05:20

I think that's that's not a matter for compulsory acquisition hearing that is something more for environmental type considerations. The point you're raising is, what, in terms of effects of the works on the occupiers of an individual? Yeah, that's definitely, this is solely about the effects of the land right powers that the applicant is seeking, and whether or not what's being sought is compliant with the legislation from a land owning perspective, sorry.

Speaker 5 05:55

Marianne Overton, Clifford solar Action Group, yes, I understand what you mean. The points I'm guessing at is that some of these properties are very small, very isolated. I just wanted assurance that they're not going to be included in the compulsory purchase order. Thank you.

Speaker 1 06:09

Yep, the applicant has identified through the red line that it's drawn in the application document the powers, or the extent of the powers that it's seeking. And it cannot seek powers if they're not covered within the red line area.

Speaker 5 06:32

I think I have assurance Council, Marianne Overton, just to have assurance that the red line area is very large, I think, but there are some properties within that area, but I think you're telling me that they will be excluded.

Speaker 1 06:44

Thank you. Are you referring to the yellow areas which are excluded land, although they, they sit in the white Yeah, they they are not subject to the powers that are being sought the land plans clearly identified that they've been excluded from the compulsory acquisition powers being sought by the applicant. Thank you. And the microphone is just on its way.

Speaker 4 07:14

Morning. Gordon Cove is short on here. Apologies if you feel that this is not relevant to this session. Yesterday, I did raise the issue of the land, existing land use that the applicant is seeking to acquire to put solar plants on. For example, the whole of the block of land around stocking wood at the bottom of clay name Thorpe on the Hill is currently cropped up to three, three croppies a year for the digestate. And there is a conflict of land use there. But are you going to address

07:54

that's not for this, that's not for this hearing. Thank you.

Speaker 2 08:09

Thank you. Are we moving on to 3.2 Yeah, in relation to whether full consideration has been given to all reasonable alternatives to compulsory acquisition and temporary possession. It's inevitable that the scheme of this size will need compulsory acquisition and temporary possession of land in some form, the applicant has given consideration to all reasonable alternatives to compulsory acquisition, designing proposed development and determining the land subject to compulsory acquisition and temporary possession powers. The applicant has considered alternatives and modifications to the proposed development in a way that minimizes disruption to the relevant owners. The applicant has also negotiated agreements and modifications to the proposed development have been considered prior to making the application. Indeed, that has continued since the application was submitted. For example, see the request from December relation to the change notification, the applicant has successfully entered into voluntary agreements with the freehold owners of the majority of the principal site already, and expects to enter into two further agreements with the remaining freehold owners of the principal site so that the entirety of that site will be under option. And is progressing well in relation to the agreement of similar options in relation to the cable corridor, the applicant's use of compulsory acquisition powers is intended to be proportionate, where practicable, lesser powers of temporary possession will be will be used. I don't know whether I need. To go further than that in my answer, or whether that's sufficient, I've got a number of paragraphs I can go into in relation to the alternatives considered and the negotiations that have been undertaken, but I suspect that summary may be enough for your purposes. I

Speaker 1 10:30

thank you. Mr. Del I think at this stage that that's sufficient. Unlike some cases where you begin an examination and there's still a lot of options that haven't been agreed even heads of terms haven't yet been agreed with for this case, somewhat further ahead, in fact, because of the progress that the applicant has been making in that regard, I don't have any questions to raise in this section. And I think we can quite swiftly move on to agenda item 3.3, which is specifically looking at whether for the purposes of section 1223, of the Planning Act, 2008, there's a compelling case in the public interest for and I'll stress all of the land subject to the CA pals sought by the applicant to be acquired compulsorily, Mister Taylor, perhaps just in the background. I don't know whether mister Snedden still got access to the plans, but we may well be referring again to sheet two of both the land plans, the works plans, and the equivalent sheet in the framework, limp

Speaker 2 12:17

rub and Taylor for the applicant. So yes, Mr. Snedden has actually got those plans open already. He's He's raring to go, but he's gonna have to listen to me for a bit at first.

Speaker 1 12:26

I'm afraid he does seem to be a bit of a mind reader, because there were instances yesterday when in York was coming next.

Speaker 2 12:32

There are many of us on this side of the room that think that in relation to item 3.3 I can begin by confirming, again from the applicant side that there is no land subject to compulsory acquisition, which is being acquired only for biodiversity net gain purposes where compulsory acquisition of land is sought for the provision of biodiversity net gain that land is also required for other purposes, and that can be seen from the schedule of negotiations and the power sought. Annex A of the statement of reasons, AP zero to zero, which sets out details of all the plots included in the book of reference and the purposes for which that land is required by reference to the works numbers in schedule one of the draft DCO, which is at a, p, p, 016, pursuant to section 123, of the Planning Act, 2008 a DCO can authorize compulsory acquisition if the decision maker is satisfied that the application included a request for a compulsory acquisition to be authorized and that is met in relation to the proposed development through the book of reference. Secondly, that all persons with an interest consent or the prescribed procedure has been followed. Paragraph eight of the compulsory acquisition guidance states that the applicant will also need to demonstrate proposed interference with the rights of those with an interest in land is for a legitimate purpose, and that it is necessary and proportionate in respect of the that third condition in Section 122, paragraph 13 of the compulsory acquisition guidance states that the Secretary of State will need to be persuaded that there's compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. In a paragraph 14, the compulsory acquisition guidance states that in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits of a scheme. What will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition, in addition to meeting the urgent national. Need for secure and affordable, low carbon energy infrastructure. The proposed development will deliver other benefits, many of which have been maximized and will be delivered as a result of the proposed development's careful design. The proposed development is committed to delivering biodiversity net gain in accordance with requirement eight of schedule two to the draft DCO, which is a P, P, 016, and a set out in the B and G assessment report, A, P, P, 194, the proposed development is predicted to result in a net gain of some 30% for area based habitat units, 50% for hedgerow units, and 10% for watercourse units. The proposed development would also create approximately 9.5 kilometers of new permissive paths to supplement the existing public rights of way network. Additionally, the order limits include a significant portion of retained arable land affording benefits associated with ground nesting birds, alongside retention of current farming practice. The proposed development commits to 181 hectares of retained harrable land, of which approximately 116 hectares is comprised of grade three a best and most versatile land, the applicant estimates the construction post development created a peak of 600 full time equivalent jobs, and an average 350 gross directs FTE jobs over the 24 month construction period. And it's estimated that 45% of these jobs could be sourced from the local area in order to maximize the economic benefits to the local community, a framework employment skills and supply chain plan has been developed, which identifies potential opportunities for activities relating to skills, supply chain and employment, which the applicant could take Forward post consent that includes apprenticeships and workforce training. Additionally, the gross value added the GVA from construction is estimated to contribute 27 point 4 million pounds to the national economy, as with any nationally significant infrastructure project, the proposed development as a whole would result in some adverse effects. It's considered that these individually or collectively, would not outweigh the significant benefits

of contributing towards the urgent national need for secure and affordable, low carbon energy infrastructure. The applicant considers that there is a compelling case in the public interest for the power to compulsory acquire land and rights over the land, together with the imposition of restrictions to be included in the order as stated, compensation is payable to all affected landowners and occupiers where voluntary agreements cannot be reached in the first instance, there is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the proposed development. The extent of the order limits is no more than is reasonably necessary for the construction, operation and maintenance of the proposed development, and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with. So thank you very much.

Speaker 1 18:41

Thank you, Mr. Taylor, before I move on to my questions, Mr. Tetley Jones, is there anything you want to say on agenda item 3.3 in response to what the applicant has just said in respect of the case you're making for your client.

Speaker 3 19:00

Emily Turley Jones on behalf practice. So yes, I did have just a few comments to make, which will I'm sure you'll be happy. Mercifully brief, in context of my comments, it would be quite useful to call up the land plans specifically, sheet 15 and 16. I'm happy to share those, if I'm given the ability to do so, or

19:33

I'm sure Mr. Snedden is sorting that out as we speak. Lovely.

Speaker 3 19:42

So the sheet 15, that slanting line that starts at the top right hand corner of the box labeled J and. Those slanting lines are the Prax pipeline. And if we scroll down to sheet 16, that shows the remainder of it, so it goes all the way through K and L and down the bottom. So in light of the fact that the pipeline is, in fact, shown on the land plans, do we need to supply further plans in terms of the location of the practice pipeline? Or will that be sufficient for these purposes?

Speaker 1 20:43

I think it would be helpful only in as much that when Mrs. Wilkinson and I are looking at these various documents on screen, even when we enlarge some of it and we've got multiple things on screen, it can start to get quite challenging. That's fine when we're back at base and I'm afraid, as the applicant has experienced, I like paper sometimes, and Mrs. Wilkinson does. So we like to print things out, or ask parties to print things out, just because sometimes, when you're doing stuff fully electronically, it can become a bit challenging. So yeah, I tend to like bits of paper and separate things just because of the way I work. So yeah, I think if we could have a plan that would assist, but it is concerning that you believe you did submit something.

Speaker 3 21:38

But yes, we'll check we'll check it our end. I think it's because it was submitted as part of the registration that maybe that's, that's the reason why. But we can, we can certainly, we can certainly resubmit that as part of the post hearing submission. So if we could just scroll

Speaker 1 21:59

back, I've just got clarification. Case team have checked I've just been passed a note they can't find it now, it may well be you did submit something that, unfortunately, our system has managed to lose or

send somewhere else because we are going through a change in the platform that we use, and it may be that in that change, we are encountering some issues with documentation not ending up where it ought to have gone. But yes, I think so. In that case, I make interpretation easier. We would have a plan.

Speaker 3 22:43

We can submit the whole thing, including the two missing schedules as part of our post, hearing representations. Right? So in terms of land plan 15, we've referred to the practice pipeline being the diagonal line. The reason between, I believe, for the discrepancy, because it does look like two pipelines, is there's a slight discrepancy between the plotted location of the pipeline and the pipeline as it's shown in the land registry records. So my understanding is there is only one pipeline, not two, so that for everyone's information. So as promised, my comments in respect of whether there's a compelling case in the public interest for all of the land to being acquired compulsory will be short as touched on as part of the earlier submission, the concerns by Prax is that there's been something of a blanket approach taken to the acquisition of rights, and that as yet appreciating that this may be addressed by the protective provisions there is, there is no ability to or no exclusion of rights in terms of safeguarding practices, ability to access, repair, maintain and replace that pipeline. And yes, we understand it will be an underground crossing, albeit, as said, we have yet to receive those details of the Prax pipeline, but we would have thought it should be perfectly possible to exclude the Prax land rights in respect of its more superficial demise, or grant out of the ambit of the DCO rights being taken. And yes, that, that in short, was all we wanted to say on this point. I.

Speaker 1 25:32

Did the applicant say anything in response to what Mr. Tech Jones has just said?

Speaker 2 25:42

Sarah, Reuben Taylor, for the applicant, no, we don't have anything to say in response, thank you.

Speaker 1 26:01

We'll turn to my questions, and the first of those does relate to bng provision. And if I could ask Mr. Snedden, if you could bring up, it will start with sheet two in The Works plans, please, which s 006, they're already there. The area. I'm just I'm just using this as an example. Again, it's easy just to use the sheet to and it's a point, so nobody should draw anything into it in terms of showing particular favor for a particular location. The green area immediately, well, the furthest east, the the isolated plot, which is plot 213 on the land plans and on the works plans is, is a work number nine. And then when you look at the framework length that that plot is identified in. I think it's for bird mitigation. And just using this as an example, if hours were not granted, in respect of lot 213 could that lead to a decision made by the Secretary of State that consent ought not be granted?

Speaker 2 28:42

A Reuben Taylor for the applicant, my understanding is that that area of land is required to provide bird mitigation, and in the absence of that mitigation, then a judgment would be made to the effect that there would be a conflict with the approach to ecological mitigation in the NPS, and so therefore, yes, that land is required in order to mitigate suitably and satisfactorily the impacts of the scheme, I believe, that Mr. Snedden has something to add on that if

Speaker 6 29:48

Mrs. Snedden, apologies, you and Snedden, on behalf of the applicant, the proposal for the burnt mitigation for screen energy is to have areas that are rotated between burn. Bird mitigation land and retained as arable land throughout the project, should a particular plot that has been identified for bird

mitigation not be consented. The rotation on the other parts of the land that have been assigned to bird mitigation could be there for longer or rotated less frequently. However, the requests for the ability to do this has come from the existing landowners to allow them to continue to farm parts of the project in a sustainable manner, thus trying to balance the use of the land from retaining it for arable and providing word bird mitigation areas.

30:58

Thank you.

Speaker 1 31:07

Just, just using this pop as an example, yes, it's identified for bird mitigation. Is that counting as part of the bng provision, the calculations that lie behind what's required to you.

Speaker 6 31:27

Incident for the applicant, I don't know I would need to speak to Neil, who you spoke to yesterday on bng, sir.

Speaker 7 31:37

Emma Harling Phillips on behalf of the applicant, we can confirm in writing with our ecologist, but my understanding is that whilst it may help contribute to the bng score, as explained earlier, it is not within the order limits solely for the purpose of delivering bng. It is therefore the essential mitigation identified previously. But whether or not it contributes to the bng score, will we will respond to in writing,

Speaker 2 32:06

Ruben Taylor for the applicant, in other words, because that field has to be included as part of the mitigation for other purposes the bng the applicant has sought to take advantage of the fact that it is there To increase the delivery of bng so

Speaker 1 33:31

certainly clarification from the applicants ecologists would assist. I'm just mulling through my mind as to whether or not, certainly, for some of these bird mitigation areas, we can have a better understanding, provided that shows how each area is contributing to the bng score.

Speaker 6 33:59

Have a you instead, on behalf of the applicant, have a little someone's feeding me some information that says the bird mitigation is included in the bng calcs. But if, if the application has flexibility for arable or grassland in a particular field, and then it's the calcs assume it will be arable. So within the areas that are being rotated as arable, if we we have assumed that, for the purpose of the calculation of bng, that that would be arable at the time, and then some of the bird mitigation land is labeled as grassland only, again, at the request of the landowners, which does add to the bng calculations, and that's as a side consequence of the land being required for bird mitigation purposes.

Speaker 1 34:56

I think it's going to be helpful if we can have a note, possibly. From the ecology, they've explained that where we've got work number nine, we've got multiplicity of functions. Quite how those functions are expected to pan out. It sounds like that in years, 2035, this plot might be counting as bird mitigation, but then in 2037 say it's not. But another plot is is taking on that role, some clarity in that regard would assist us,

Speaker 2 35:38

or even take it for the applicant. We take the point, we'll take that away, and we'll produce a response to you to explain in more detail how fields of the kind that you just identified have been taken into account in the bng process.

Speaker 1 36:16

I've noted that as an action arising out of this hearing, but whether it's best placed as a document that sits within this room, because most people will miss it, because a lot of people possibly are not paying a lot of attention to compulsory accession, it might be better that it's a as we had a technical guide yesterday, that we have, In effect, a bng technical guide that sits there's a free standing document, because we might want to come back to it as the examination progresses.

Speaker 2 36:49

Reuben Taylor, for the applicant, said, take the points entirely. We'll make sure that it is when it comes in that it is noted in that way.

Speaker 5 37:02

Councilor, thank you. Chairman, Inspector sir Marianne Overton, Clifford, solar Action Group. The point about the biodiversity net gain worries me, but it's where you've got a moving target, where a migratory bird perhaps has got to find the plot that's available this year was not available last year. Then also you've got the issue of insects building up in an area. If it's allowed to be in one area for a long period of time, that's how you build up the diversity of an area. So moving it from one place to the next does is damaging for wildlife and be much more advantage to the bng was in one place.

Speaker 1 37:46

I think. What I'm going to suggest is, once the technical note is available, it will be published as a examination document, everybody will then have a better understanding of what the applicant is posing. And if you've got any concerns about it, then you'll have the opportunity, once it's available, to comment at the next deadline and raise any issues that you might have. It might well be the other parties who aren't in this hearing, and I'm looking to the left and the council's in particular, and for that matter, some of the other parties with an interest in ecology might raise some matters true. Thank you. Think that's the end of the questions that I thought I was going to need to ask in this section, another one has been, in effect, answered through your summary. Is there anything that anybody wants to raise on Agenda Item three, three, before we move on, seeing any indication, then I think we'll move on to Item three four, which is update with respect to negotiations relating to land rights between the applicant and affected persons. You have largely, I think, given the update as we've gone along in other sections, is there anything you want to add at this stage in terms of an update? No.

Speaker 2 39:58

Sir. Reuben Taylor, for. For the applicant, I've given you the figures already, in terms of 88% of the principal site being under Option, with the two final remaining landowners having options with the wording agreed. So we anticipate those being secured imminently. And in respects of the cable corridor, I think I said before 75% of the cable corridor is heads of terms have been reached, and the I'm instructed that the applicant solicitors are engaged in transforming those heads of terms into options, with a view to securing agreement on those and of the remaining land owners where heads of terms haven't been agreed, efforts are continuing to achieve heads of terms and Then the view to reaching agreements on options, but we can update you on progress. But as I think you've identified, certainly in my experience of these sorts of projects, in terms of why we reached in relation to agreements, the applicant is very well advanced. Thanks, Mr. Taylor,

Speaker 1 41:31

nothing. I really only had one question in respect of this item, and that's, I suppose, in respect of are there any landing interests and situations where the applicant doesn't have confidence at the moment that options will be concluded by the end of The examination, and if there are any in that category, are there any particular reasons why that might be the case?

Speaker 2 42:10

Reuben Taylor for the applicant. So in relation to two of the remaining landowners, in relation to the cable corridor, there has been difficulty in getting engagement, and we are uncertain at this stage where we will get to in relation to those landowners. However, we are certainly not giving up in engaging, and we will certainly keep you informed as to where we get to. I suspect by the time we have the second round of hearings in March, the position will be much clearer, and we can take appropriate steps at that stage to let you know where we've got to, and indeed to address in detail at that stage, if we need to the position in relation to The compelling case for the acquisition of those particular rights.

Speaker 1 43:23

But at the at this stage, in respect of those both landowner needs interest. Is it more? It is engagement, rather than matters of principle, that are causing any delay

Speaker 2 43:39

until we Reuben Taylor for the for the applicant, until we actually get engagement, meaningful engagement, is too soon for us to be able to say

Speaker 1 43:56

It might be helpful in your post hearing submissions, if you could just identify which of the plots are are in that category at the moment, and just helps us to keep a track on what's going on.

Speaker 2 44:11

Reuben Taylor, for the applicant, I'm glad you said that, because I don't have the bottlenecks in front of me. I

44:49

just before we draw a conclusion to Agenda Item three,

Speaker 1 44:56

is there anything on behalf of Prax and. And Miss tedley Jones that you wish to raise for your on your client's behalf.

Speaker 3 45:05

Emily Tetley Jones on behalf of Prax, just a few summary comments to pull together what we addressed earlier with the short reference to the statement of common ground as touched on earlier whilst drug protective provisions have been provided, these are inappropriate, and we, we are grateful to hear that we will now be receiving engagement on that front. Similarly, of course, there is no side agreement currently in place, and hopefully, once we receive the awaited risk assessments, we can make progress. One comment on the statement of common ground, Phil Fisher emailed the applicant solicitor on the 25th of November to note the inspectorates requirements that the parties engage urgently in respect of a statement of common ground. That draft statement was provided on the 22nd of December, 2025 and is currently with our clients for consideration. We would note, however, that the statement of common ground will be dependent on the issue of what the risk analysis shows. So progress on that particular item will will follow the results of the risk assessment. So um, yes, those were the only comments that we had to make on behalf of Brax. Thank

Speaker 1 46:55

you. Thank you, Mr. Jent, just just on the point of statement of common ground, I'll reiterate that this is something that the examining authority said during the course of the preliminary meeting. Just because we get to the midpoint of the examination when we've said we want signed and final statement of compromise to be submitted, that doesn't mean that parties can't continue to negotiate with one another, and that there might be progress in resolving matters in what remains of the examination, but the important point about it is the examining authority wants to see As a flag any issues at that midpoint that are potentially not agreed, so that we can potentially focus on that through either written questions or any subsequent hearing after the midpoint of the examination. Hopefully, that's something that you and your clients are aware of when we're not suggesting that we get to the midpoint and everybody just puts their pens down and walks away from whatever negotiations might be ongoing at that point.

Speaker 3 48:16

Thank you, sir. Emily Tedley Jones for perhaps Yes, that's understood. Do

Speaker 1 48:27

right then I think we can move on to Agenda Item four, which is any other business, anything from the applicant, with respect to compulsory acquisition, compulsory acquisition or land rights, much easier.

48:40

Reuben Taylor for the applicant, no sir. Thank you very much.

48:47

Is Tetley Jones? Anything from yourself?

48:52

Emily Tetley Jones for practice? No sir. Thank you. Thank you.

Speaker 1 48:58

And before move on to engine, Councilor Overton,

Speaker 5 49:02

Thank you. Just I just like to ask a question, if I might. But in many ways, from our public's perspective, this looks premature, because we don't know where the archaeology is going to be, so they're trying to purchase a much wider area. We don't know which landowners are going to not sign up to an agreement. In a way, it would be better. And I understand firstly, that you are doing your you are putting in place a number of things that have got to be required to be brought to you before the midpoint, as you said. And I understand that you're doing absolute best to accommodate, to make sure that that works, but I'm not sure that those landowners had any idea that this would be compulsory purchased. You know, if what is there in the process that the app? Could extract themselves from under what conditions could they extract themselves from those agreements set up in order to just bring in the compulsory purchase?

Speaker 1 50:13

Thanks? I'll ask the applicant and whether you want to give an explanation of the process, because the options the heads of the they are agreements that, in effect, contracts that are binding on both parties. But if you want to explain the position and also what happens if one of the parties, in effect reneges on what's been agreed in an agreement.

Speaker 2 50:44

Indeed, Ruben Taylor for the applicant. So the position is that everybody who has an identified interest, which is set out in the book of reference, which you can look up in the examination library, is notified of the fact that the applicant intends to seek compulsory acquisition powers over their land or interest. That's been done, and so everybody has been subject to Section 42 consultation invitation and notice many of the landowners have given permission, for example, for survey access in order to inform the scheme in terms then, of what happens. Compulsory acquisition is, of course, a power of last resort. Nobody wants to for somebody to have to give over their land in that sort of way, and so the system is set up, and indeed the government guidance is set up to encourage negotiated agreements between those with land interests and applicants such as my client in this particular case. So the applicant, in this case, has sought to agree option agreements with the landowners, and has been very successful in doing so in relation to the principal site. And those are agreements whereby the landowner agrees to give the rights to the applicant to enable the applicant to then build out and carry out and deliver and operate and decommission the development that's proposed if a landowner seeks to renege on those on that option agreement. And the option agreement becomes the subject of a dispute, then, in order to deliver the scheme to the timescale that it's been assessed against the compulsory acquisition powers sit as a backdrop, as a fallback, so that they can then be invoked against that particular landowner who's reneged on the agreement and the scheme can still proceed. And so that's, I hope, a fair and summary of the position. I hope that that was understandable too, but if it wasn't, I'm happy to talk to you outside of the examination.

Speaker 5 53:16

Thank you. Thank you very much. Marianne Overton Cliff villages, whole action group. I do appreciate that. The question also is, what if the applicant wants to withdraw from the agreement and then impose a compulsory order instead of the agreement, which would be less beneficial for the applicant, for the landowner, of course. Thank you.

Speaker 2 53:45

Reuben Taylor, before the applicant, my understanding is that there will be in place a procedure whereby the use of compulsory acquisition will be as a matter of last resort. In other words, the applicant won't be in a position to withdraw from those option agreements and simply rely upon compulsory acquisition. Thank you. Thank

Speaker 1 54:26

that then, I think brings us to Agenda Item five, which is the review of action points. I was noting some down. Were you or somebody else do you want to run through? There weren't many. I think, I think we've got two or three along on along the way.

Speaker 7 54:50

Thank you. Emma Harlee Phillips, on behalf of the applicant, thank you, sir. I've got four that relate specifically to the compulsory acquisition hearing, and one that we agreed would be added to the list for the. The ecology agenda item from ish one. So starting with the list specifically relating to the compulsory acquisition hearing. And I have down four actions. The first is the applicant to provide a note the final land take required for the various works that form part of the authorized development once the development has been implemented. Second is for Prax to resubmit the plan of their pipeline location. The third was for practice to provide a note on the background the pipeline and its significance. And the final one was for the applicant to confirm the plot numbers relevant to the landowners where the applicant has not yet entered into option agreements or heads of terms. So and then sir, in relation to the item to be added to the action list from yesterday's ish one under the ecology agenda item, you've requested the applicant to provide a technical note on the bng to be delivered as

part of the scheme, and I've noted that that's to include, specifically an answer to the questions to whether or not any of the schemes bng land will be available for the trading of bng units, and how the fields provided for bird mitigation are considered within the bng calculation. So

Speaker 1 57:08

thank you that I think already tell us what with my scribbled notes. Just check with Miss Tetley Jones for Prax. Are you content with what you've just heard from the applicant in terms of the actions for your client?

57:31

Yes for Prax,

Speaker 1 57:35

thank you. That therefore does bring us to the close of this hearing. Thank you all for your contributions and attendance. It's now 1255 so we've even managed to keep to the one o'clock deadline that was suggested in the agenda. This hearing is therefore closed for the benefit of those of course attending issue specific hearing two that will open at half past two this afternoon, and registration with case team start at two o'clock for that, from the applicant's perspective, are you still all going To be attending in person, or are some of you going to be disappearing and leaving others to

Speaker 2 58:30

so we're going to be here in person. That's Reuben Taylor for the applicant. Okay?

Speaker 1 58:38

You can take for that the examining authority will also be here. Okay, then compulsory acquisition hearing one is closed. And thank you very much.