

# REDACTED\_AUDIO\_FOSSEGREEN\_CAH2\_SESSION2\_120326

Mon, Mar 23, 2026 12:14PM • 1:43:37

00:05

Good afternoon, everybody. It is now up past two.

00:12

Like to welcome everybody to this compulsory acquisition hearing two concerning the proposed FOSS Green energy project, project. Firstly, can everybody in the room hear me? Yep, and can I check with those who are participating online? Can you hear and see us? Can somebody please indicate

00:36

yes, we can. Thank you.

00:44

Can I check the case team the live streaming and recordings commence. I'm getting indication that has.

00:52

My name is Graham Gould. I'm a charter town planner, and I'm a planning inspector, and I've been appointed by the Secretary of State to be the lead panel member to examine this application. I'm now going to ask my colleague, Mrs. Wilkinson, to introduce herself, and she'll carry on and complete the introductions for this hearing. Thank you. Thank you. Good afternoon. My name is Frances Wilkinson. I'm also a chartered town planner and planning inspector, and I have been appointed by the Secretary of State to be a panel member for the examination of this application. Together, Mr. Gould and I

01:27

constitute the examination examining authority for this application, I

01:32

would also like to introduce members of the planning inspectorates case team who are supporting us today, and some of you have probably already spoken with the case manager, Mr. Raywood, and also Jessica Dunlop, who is the case officer.

01:47

In addition, we also have in attendance today technicians from an audio visual company, production 78 who have been contracted by the applicant to provide recording and live streaming services. If for any reason, during the hearing, you observe us speaking to any member of the production 78 staff, it will be because we've had a technical issue, which we're trying to resolve with them.

02:15

I'll now deal with a few housekeeping matters.

02:19

First of all, just a reminder to turn all devices to silent.

02:24

The toilets are behind us, to the right hand side of Mr. Gould. We aren't expecting any fire drills today, so if the alarm does sound, please make your way out of the building using the fire exits. And we've been told to gather outside gates one to three and wait until a member of staff tells us that it's safe to return back into the building.

02:49

Today's hearing is being undertaken in a hybrid way. That means that some of you are present with us in the room today, and some of you are joining us virtually, using Microsoft Teams. We will make sure that however you have decided to attend today, you will be given a fair opportunity to participate in the hearing.

03:11

For everyone present in the hearing venue, please ensure that your devices are all switched off. Say that again, just to make sure for those of you who are participating or observing via Microsoft Teams in order to minimize any background noise and disturbance. Can you please make sure that you mute your device unless you're speaking. If you are participating online and do want to speak at any point in today's hearing, please use the hand raise function in teams, but if you can't make that work, put on your camera or put your hand up, and one of us will make sure that we bring you in to make your point.

03:51

A recording of today's hearing will be made available on the project website as soon as practicable after the hearing has finished. But with this in mind, please ensure that you speak clearly into a microphone, stating your name and to you and who you are representing each time you speak.

04:11

I think everybody participating in the room is at a microphone, so that's fine. We probably won't need them roving microphones

04:21

along to the planning inspectorates privacy notice was provided in the notification for the hearing, and we assume that everybody has read it and is familiar with it, so I'm not intending to go through that in detail today.

04:36

However, if you do have any queries about it, please speak to a member of the case team,

04:42

as I indicated earlier, this hearing is being recorded and will be live streamed the digital the digital recordings are retained and published and kept as a public record.

04:54

The planning inspectorates practice is to retain the recordings for a period of five years following.

05:00

The Secretary of State's decision. Consequently, if you participate in today's hearing, it is important that you understand that you will be recorded, and you are therefore consenting to the retention and publication of the digital recording, the examining authority will only ever ask for information to be placed on the public record that we consider is important and relevant. It will therefore only be in the very rarest of circumstances that we'd ask you to provide any personal information of a type that most

of us would prefer to keep private. Therefore, to avoid any need to edit the digital recordings that are being made, we ask that you try your best not to say anything in public that you'd rather was kept out of the public domain.

05:46

The only official recording of today's hearing will be the recording that is placed on the project website. However, if anyone else does wish to record the hearing, then please feel free to do so, but please ensure that you do so in a manner that is respectful of the participants and doesn't interfere in the Proceedings of the hearing.

06:07

We did publish an agenda on the third on the fourth of March, and will broadly follow that this afternoon. It's Library Reference, E, v8, 001, and it would be helpful for you. If you had a copy of the agenda in front of you this afternoon,

06:26

I would point out, however, that it is just for guidance, and we may add other considerations or issues as we progress through the afternoon.

06:37

We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to, but if the discussion can't be concluded, then it may be necessary for us to prioritize matters and defer other matters to written questions. Likewise, if you cannot answer the questions being asked, or require time to get the information requested, then please indicate that you need to respond in writing,

07:04

I'm now going to ask those of you who are participating in today's hearing to introduce yourselves. So when I state your organisation's name, can you introduce yourself, stating your name and who you represent in which agenda items that you want to speak on, if you're not representing an organization. Please confirm your name, summarize your interest in the application, and confirm the agenda items that you want to speak to.

07:30

Please. Could you also let us know how you want to be addressed so Mr. Ms doctor and so on.

07:37

So I will now turn to the applicant. First of all, please, Mr. Taylor.

07:47

Reuben Taylor, for the applicant, I've got Mr. Snedden to my right. I think it's probably just going to be Mr. Snedden myself.

07:59

Okay? Thank you.

08:06

I'll now turn to field Fisher, who are acting on behalf of the British pipeline agency. Do we have MS Tetley Jones online? I think?

08:18

Yes. Good afternoon.

08:21

Emily Tetley Jones for Phil Fisher, on behalf of British pipelines agency, in turn, acting as agents for Prax downstream, UK Limited, and Prax Lindsay oil refinery limited, both in liquidation. Now I'm joined by

08:40

at field Fisher, I suspect it will just be me speaking, but we might need feed in from the other two. Thank you.

08:49

Oh, and

08:50

please cannot be addressed as MS, Teddy Jones,

08:57

thank you. Ms, Telly Jones. And I think when we did the first compulsory acquisition hearing, I think you were content for us to refer to the organization as pracs. Are you content for us to do that this time as well? Yes, thank you.

09:15

And then, Mr. Luke Daniels,

09:18

yes. Mr. Luke Daniels, dweller of Grange cottage.

09:22

I was just going to really speak on the effect it has on me personally, as it's the only chance I've really had to try and get something out there. So I'll just bring up, well, if I can get chance to just speak and go through things and be told not to say this or not, would be much appreciated. I'm just going to check with the because the nature of this hearing, because it's largely property interest related, are the applicants content that we give Mr. Daniels

09:51

a bit of discretion, because he didn't get the opportunity to speak at the open floor hearing last night because of time constraint, and this is his first opportunity.

10:00

Easy to really say anything, and because he's an affected person, he has a different status to

10:06

other interested parties. Yes, yes, sir. Reuben Taylor, for the applicant, of course, we are. It would be grossly unfair if we weren't

10:18

so bearing in mind the purpose of this hearing, which is to hear from persons with a legal interest in the land affected by the proposed development. I'll just ask if there is anyone else today who does want to speak this afternoon, if you can, please raise your hand.

10:38

Councilor Marianne Overton, district and county councilor representing residents in the area, not expecting to speak today, but just want to

10:49

I'm here to assist if it's if I can. Thank you very much. Not representing the district or county councils, of course. Thank you.

11:00

Thank you. Mr. Elvin, good afternoon. Mr. Elvin, resident of Digby, also involved in Cliff villages solar Action Group.

11:10

I'm very keen to hear the proceedings, but also to perhaps intervene

11:19

and make some points are beyond at some stage from the agenda.

11:27

Mr. Digby this hearing that probably won't apply, because this hearing is expressly for parties who have property directly affected in terms of acquisition powers or temporary possession powers that the applicant is seeking over that land.

11:46

Or I understand that I find some of the

11:51

issues being raised by this deeply troubling. We understand that we've heard you both

11:59

at various hearings, but this, the purpose of this hearing is very different, to say, the issue specific hearing that we we concluded this morning and held yesterday, where we were looking at environmental matters in general. This This hearing is focused on those parties who have land for which the applicant is seeking powers to acquire or to use temporarily.

12:25

Yeah, I understand that, or I'll sit and listen to the proceedings. Yeah, okay, thank you. So yeah, we go all right, thank you.

12:37

So that takes us to item two of the agenda, which is the purpose of the hearing?

12:44

As my colleague has said,

12:49

the purpose of the hearing is to hear points concerning the compulsory acquisition and temporary possession powers the applicant is seeking, with particular regard to the legislative conditions for compulsory acquisition, that includes the need and proportionality, whether full consideration has been given to reasonable alternatives to compulsory acquisition, and whether there is a compelling case in the public interest for all of the land subject to the compulsory acquisition powers sought by the applicant to be acquired, the

13:21

examining authority will hear any relevant submissions from affected persons and the applicant and ask any questions, as we consider necessary. When you are answering our questions, please ensure that you provide the thought answers. So for example, where a question is deserving of a yes, no type answer, then please respond accordingly, followed by any amplification that's necessary.

13:46

So before we turn to the main points in the agenda, are there any comments or questions that anyone wants to raise on the procedural matters relating to the hearing in the room or online? I'm not seeing any hands in that case, I will pass back to Mr. Gold to take us on to agenda item 3.1 Thank you.

14:10

Thank you. And we'd like to start with Mr. Daniels.

14:18

I suspect a lot of what you're going to say may be not directly related to compulsory acquisition powers or temporary possession, but if you can summarize your position, explain what your concerns are, and if they have any particular

14:35

property related

14:38

effects, if You can highlight those as you go. Yes, thank you. I'll keep it as best I can and slightly personal, obviously, because it is on that basis, yeah, one thing we would say is try and avoid saying anything,

14:55

remembering this is a public arena, so try and avoid saying.

15:00

Anything that you wouldn't want kept permanently on the

15:04

permanent record, because the hearing is being recorded. So yeah, if,

15:12

for instance,

15:15

you have a relative that might have an ailment, for some avoid mentioning things like that and nothing like that. Thank you. Luke Daniels, dweller of Grange cottage, Auburn. I just like to raise a number of concerns that hugely as a hugely affected individual.

15:33

One concern, which I'll go through very quickly, and obviously I appreciate it's not being submitted, is that is the lack of appearance on any map that's been produced by FOS green, and I have many here that have been sent to me, the ones online

15:48

and my property itself, other properties in the area are all highlighted in gray. My property has been missed off. When I spoke to

16:01

I was told that it was unfortunate that my property wasn't on the OS map that they were required to use.

16:10

And for me, I think that was very convenient that I'm not on the map, given the proximity of the best storage and solar I do have which I will submit? 1975 OS maps I have Blythe, Blythe map,

16:29

tithe maps from 1848 showing the property. Any map you go back through Grange cottage is on there, and no map that's been used by FOS green or Windle energy. Is there any mention of Grange cottage? The first time it got mentioned on the map visually was for the planning inspectorates trip on Tuesday.

16:52

So I just think it's it needs highlighting that that property has not been put where it is. The property has been stated by

17:03

window energy

17:05

or FOS green, should I say? Have been 205

17:08

meters, 204 meters, sorry, from my property dwelling, my garden, is 75 meters, and therefore it takes me 229

17:18

meters my property to the battery storage, which is less than the length of a rugby pitch. Now, I'm sure if you've ever been to a rugby match or a soccer football match, you've got a very clear view of both ends of that area. So that's what I'm faced with looking out upon with this battery storage. Grange cottage is a grade two listed building a historical asset. It's 2236

17:47

years old, built in 1790

17:52

I have received a letter on the third of March last year which stated the first line of this letter was, Please note your property is not affected. I have many points in here that they then go on to write in the same letter, stating that

18:07

the primary significant adverse operation noise effects identified Grange cottage. Lots of many other comments from them, saying that that all the adverse conditions affect only one building, and that is Grange cottage. Again, I find that unusual that having noted that it's there, that it's the only building that gets all of the adverse effects that, again, is not on the map.

18:32

The other thing that I'd like to clarify is the operating noise levels of how these are measured, whether this is a singular unit or it's a multiple of 328 units,

18:45

having looked into this sound damping walls of 2.4 to four meters are suggested to cover this type of noise at such close proximity, as a constant sound of refrigerator hum or moderate rainfall

18:58

will be heard.

19:00

So go in by the notes that have been said at 15 years to take a hedge to build up to the right height. Have I got these noises at my home for 15 years before a sound buffer is active?

19:16

Lots of the comments, when you read about it, it says the plantation, etc, will be on the east side of my property. Now the east side of my property is unaffected. It's a farmer's field and remains so according to the plans, the field, in effect, with the battery storage, is the south of this property. So the directions are incorrect where the property is also,

19:45

obviously the fire risk is huge.

19:48

Being so close, it's a big worry.

19:51

You were saying yesterday, you talked about two or three of the caravan parks in Thorpe on the hill, and said these were solar areas, but they were one to one and a half kilometer.

20:00

Which was sufficient distance not to worry about any views, etc,

20:06

that goes into the landscape and visual for me, the methodology you said was not based on the impact of a property or view. It was impact is based on a person.

20:16

And that you also said that some views are more important and should be protected. I would like to know who decides what is important for one person and not another.

20:28

In response to last May, you also sent me a letter stating that you would send me

20:36

a developed landscaping master plan that I was not to show to anybody I have asked on a number of occasions, and have yet to receive that.

20:47

Going through again, I can submit this also. What also worries me is a wind and energy project that's been done a case study in Carlisle. You quite clearly, stay in the noise and visual impact due to a successful site selection process, the site itself is well screened from most residential properties, with the exception of a single homeowner, when the property is situated circle 100 meters from the proposed infrastructure. Because of the distance from the equipment, this homeowner would have experienced unacceptable levels of noise, as well as impacted on their view of the landscape. Now, having already done this once that and you made this a case study, that does concern me, that I am actually again being missed off and pushed aside.

21:34

Also, with regards to technology changes, quite clearly stated that lots of the technology will probably be out of date very quickly. What is going to become of the area if you decide that actually solar panels no longer and you want to change that? Does this clarify you to allow you to do this as a solar farm

21:57

when I leave my gate across the road, which is, however, wider road is five meters that I will be met as my first instance in the morning with the 3.44 meter solar panels. My concern with these is as they're drilled at nought point four meters into the ground or hammered in, or whatever process you call this piling. My house is 1790 it has no foundations at all. It is a old under keepers cottage. It's built on soil. It gets very damp, wet.

22:31

That's the house it is. But my worry is that if I've got constant drilling

22:38

on my property, near my property, in literally within 20 meters. That will cause a massive effect of my house with no foundations. I also will have 100 lorries, as you've told me, going past my house every day. So I've had 50 within a meter of my house and 50 within three meters of my house going the other way the road. Currently probably only gets about 20 lorries a year coming down it, because it's a slip road through. If you go in round the 846, you go through Haddington. And if you're coming from basingham, you come over from Haddington. You don't come past Grange cottage.

23:14

The project lighting,

23:17

if, as you say, the air will be wildlife friendly,

23:20

will all the lights be set off in the evening time that you stayed to there for security,

23:28

we buy all the animals at night.

23:32

The land that you are putting the bez on

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has been quoted to me as 69% grade 3b which is moderate and gross cereal, 28% grade three A, which is best and most versatile land, grade three a land is generally not considered suitable for development due to its high productivity. Grade three A is considered a finite resource and prioritized for protection against development.

24:00

The property value

24:02

of my house.

24:04

Again, I won't go into personal things of cost, etc, but having purchased that house and spent a considerable amount of money renovating it, doing it up from scratch, additional parts to it,

24:18

Neil Titley

24:20

has stated to myself that I shouldn't really worry, because property prices go back to the full amount after 15 years of completion, and bearing in mind, completion won't be for another six years, that's 21 years. You know, that's not acceptable for me not to be able to sell my house. Should I want to?

24:42

So from 21 years from now, I'll be

24:46

my daughter, sorry will be

24:53

no I'm sorry. Let me just retract that. Sorry

24:57

from 21 years from now, at the earliest.

25:00

Years. So years from the planning to building and year thing my daughter will be,

25:07

and possibly grandchildren, if she has them, will not even get the benefits of my home inheritance, as in not being able to sell it in the where it is. We'd possibly looking at the great grandchildren at best,

25:21

which is a long time for you to be held in your house hostage.

25:37

They will

25:41

the one big thing I do get concerned about is developers are consistently targeting large, regular Greenfield sites with large substations in open countryside, often near small villages rather than big towns. On paper, the planning statements talk about logical siting and good grid access, reading between the lines, it looks a bit like cheaper land, fewer neighbors, less organized opposition, and there's a harder question lurking underneath, if there's a serious incident, is it somehow more acceptable if it happens next to a hamlet and next to a housing estate? No one will ever write this in the planning document, but the siting pattern speaks for itself. Large scale beds instill new in the UK. We do not have decades of data on how these systems behave as they age. We do know that lithium ion batteries can go into thermal runaway, a chain reaction that produce an intense heat and toxic smoke. Think of the vape shop firing Glasgow, but bigger Fire Service say beds fires are hard to extinguish and can burn for long periods, and many state they don't even put them out. Incidents have already occurred in the UK, in my

26:50

opinion, the industrial complex of battery storage and substation along with solar panels, are far too close to a historical asset of grade two listed property that has stood there since 1790 and is a residential property, along with affecting the view from the dwelling and the environment surrounding the property and the decimation of wildlife and food production, I would strongly disagree that this proposed development does not go ahead, and thank you for listening to me. I really appreciate that. Thank you. Thank

27:35

does the applicant want to make any response to

27:40

what Mr. Daniels has just said, it sounded like from some of what was being described, there may be some merit outside of the hearing,

27:52

if

27:55

a meeting is set up so that Mr. Daniels can raise various technical type points, which may assist him.

28:05

I got the feeling that you have made approaches to the applicant, perhaps have not got a level of feedback from them that we you would like, but if we ask for that dialog to take place within the examination, it might have a bit more force behind it. I just Luke Daniels Grange cottage. The answer I have received from the two gentlemen I mentioned earlier is that the planning application the solar panels are and they have this recorded. The solar panels have been given national planning so are therefore going ahead. And I was also told by the two gentlemen, when I said that the best is local planning, that, and what happens generally then is it gets rejected and goes to appeal, and then National Planning decide, and it goes ahead. I was I was receding cases in the country this last couple of years. I was then told, because it is attached to the National Planning solar panels, that the battery storage is also national and is also going to go ahead. These are the words from

29:10

and the other gentleman. I've forgotten his name. I can't comment on what you've been told directly. All I can explain about the process is it's the role of Mrs. Wilkinson and I to consider this application, hear all the evidence from the various parties. At the close of the examination, we hear no more or receive no more evidence. We go away, write a recommendation to the Secretary of State as we sit here now, we have no idea what that recommendation will be, because we're still gathering evidence.

29:48

And as far as any application for any other

29:53

project, whether that be the substation or, for that matter, any other solar farm proposal, I.

30:00

Whether it's a national infrastructure project or one that we dealt with under the Town and Country Planning Act, and therefore be for the local council. Again, that process is is for whoever is deciding that application.

30:15

And if a Town and Country Planning Act case

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goes to appeal, then there will be different inspectors appointed to determine that appeal, and it's their responsibility to hear the evidence, or see the evidence and make it an independent decision. Understand, and I think it's fair to say that neither Mrs. Wilkinson or I will be involved in, say, the

30:45

substation, the National Grid substation application, if that ever got to appeal, we would have to declare that we've been involved in another project that relates to it. So we certainly would have nothing to do with that determination. That application will be that both of us are appeal inspectors as well as being infrastructure inspectors,

31:06

but certainly, once an appeal is lodged, as far as we're concerned, that is an independent process.

31:14

We often hear parties saying it should be approved, it should be refused, we just have to review the evidence and make a decision on the basis of what's put to us in evidence. For the NCIP side of thing, the national interest, that is different. We don't make the decision, but we make a recommendation, but we base our recommendation on the evidence and then our views of what we've heard and seen. Does that provide any clarity? Yes, thank you. I understand that it was just the way that I've been dealt with, as in ending the conversation when they don't want to, want to talk being fed that that it's going ahead anyway. So whatever you say to us, Mr. Daniels, doesn't matter,

31:58

and that's where I'm at with where I'm living, and it's obviously not the nicest time. I'm going to turn to Mr. Taylor and see whether or not he's got any comment, particularly in terms of the facilitation side of things, in terms of getting an active dialog to explain some issues, certainly, sir, I can certainly say from this side of the room, Mrs. RUBIN Taylor, for the applicant,

32:25

that, self evidently, through this process, no decision has been taken that this project is proceeding. If that were the case, we would all be wasting our time here, wouldn't we? The decision follows, as you just heard, a recommendation by the examination panel is taken by the Secretary of State.

32:48

And if you've been given the impression that this was a done deal, then I can only apologize, because that certainly isn't the case. We are very happy to facilitate further discussion with you, addressing the wide range of points that you just put. Unfortunately, I don't have the entire team here to be able to address those points now, but we will respond in writing as indeed we indicated we would, to everybody who who attended last night at the open floor hearing, I think you sort of deferred your appearance there for this morning, so we will provide a response to what you've said this morning, in the same way

33:30

in relation to

33:32

the assessment of impacts on on Grange cottage itself, it has in fact, formed A careful part of the assessment process, as you can see if you read

33:45

the various chapters of the environmental statement. So for example, the potential impact of the project in noise and vibration terms on the on Grange cottage has been very carefully considered and mitigation identified. Similarly, it's specifically considered in relation to the impact on on heritage assets in the heritage chapter of the environmental statement, and indeed, it is shown on a number of maps in the environmental statement.

34:17

Further to that,

34:19

my understanding is that the change that was permitted earlier in the process in terms of drawing back

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the

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panels in relation to field 46

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was in part related to reducing impacts on Grange cottage, so the applicant has been alive to the potential impacts on your property from the beginning, and has sought to

34:48

to mitigate his impacts, but is very happy to continue those discussions to identify whether there are further aspects of mitigation

34:57

that we can identify to.

35:00

Reduce those impacts still further.

35:05

Thank you. Sam,

35:24

Daniels, did you want to say anything in response to what has just been said on the applicant's behalf by Mr. Taylor, Luke Daniels, Grange cottage, appreciate the reply. Yes. I have spoken with regards to field 46

35:39

where they say they're going to withdraw these solar panels, which is good, obviously, the less the better around me that is on the side field, and it would have come around the side, and the solar panels would have actually been the blocker for the best storage. So I've visually looked out at any solar panels now I have, instead of the fencing. I do have an area of 50 meters where I at least get to see part of the field that is there now, before then the big fence, which they're planning to put up, goes up to cover the battery storage.

36:15

So my view now will be

36:19

it's been put down as a gray fence. I think they have to put the worst case scenario,

36:23

which they'll plant shrubs in front of

36:27

my big concern with that is the distance. I mean, it just seems terribly close when we're talking at just over 100 meters from a from a property.

36:40

But I guess I'll speak to them later on and get some answers on the distance.

36:45

I did ask why it couldn't be further back there is a further field called Auburn more,

36:51

and I was told I have response here that it basically the transformers are so big that they don't want to put them through a field further than they need to put them so that it's the easiest place to put them in off the road,

37:07

so it's going in, I would imagine, for ease, rather than going further into the fields of Auburn more, which would be affect nobody at all.

37:17

Thank you. Me, 111,

37:21

thing that comes to mind. You're aware that we did an unaccompanied site inspection sorry, we did an accompanied site inspection on Tuesday this week, we viewed your property from, in effect, the proposed best site. We haven't had the opportunity to go and view your property from within the grounds. I've certainly we've seen your property from the public highway.

37:50

There is a visit type that we could use, and I'll just check the in the minute the applicant is content, which is called an access required site inspection, where through the Case Manager or case officer, we would arrange a time that was mutually convenient for you where we could undertake say, what we say is describe as an access required inspection, where you allow us to enter your property.

38:17

And we then would walk around to get a feel for the proposed development from the from your side of the fence. We don't hear any evidence. There's no engagement. It would be solely to view

38:32

the proposals from your your property. Is that something that you would like us to do, if the applicant is agreeable that we can use that procedure. It's a procedure that's used a lot with either Mrs. Wilkinson or determining appeals.

38:50

Lou Daniels Grange cottage, having any assistance, advice

38:55

and understanding, from my view, would be greatly appreciated. Mr. Taylor, any observations from the applicant site. I was almost about to say a pen avoided the Freudian slip Ruben Taylor for the applicant. That's a mistake I can keep on making. I think so. Don't worry about it. Certainly, from from the applicant's point of view, we think it's a very sensible idea. I think the more information you can get to inform your your recommendations, the better. Yeah.

39:24

I mean, if, if you were content as part of that visit for us to do an internal inspection from the habitable part of the property, we can do that. That does mean that somebody would need to be present, in effect, to allow us into the property. And then when we particularly went upstairs, we'd have to be allowed just to go upstairs and have a look by ourselves.

39:53

Yes, Lou Daniels Grange cottage, again, anything that's available to assist and possibly help and.

40:00

Yes, that's created. Will, via the case team, arrange a date. We will probably suggest some dates, and if, if they are suitable for you, that's fine. If they're not, then we'll ask you to suggest a date, and then we'll try and accommodate that accordingly. I shall make myself available. Yeah, thank you. Thank you.

40:23

If that was all you wanted to say, you're welcome to leave the hearing if you wish, or you can stay to the end of it, it's entirely up to you. Luke Daniels Grange cottage, I'm happy to stay if that's okay. We got the strike you.

40:46  
Right? And

40:52  
I think we can turn

40:55  
to Prax and here,

40:59  
presumably, from Miss Teddy Jones,

41:03  
yes, thank you, sir. There's what I would say. There's there's no point or no need to,

41:11  
in effect, recite what you said to us during the course of compulsory acquisition. Hearing one, I think really, if you could provide an update of your client's position

41:21  
from what's happened since compulsory acquisition, hearing one, if you can provide that update summary, and then I'll ask the applicant to respond, and then I may have some questions.

41:36  
Yes, sir. Emily Tucker Jones for BPA Prax,

41:41  
in summary, what has happened since the last hearings is, unfortunately, very little.

41:48  
In our last oral submissions, we had explained that our clients were still waiting for adequate safety data to be provided,

42:00  
and

42:02  
what this was safety data that was originally chased on the second of April

42:08  
2025

42:11  
safety data was provided, or a risk analysis was provided on the 29th of January 2026

42:21  
however, as has been set out in our submission,

42:27

as one to nine, the data provided

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was both insufficient and based on incorrect underlying calculations.

42:45

This was problematic because the applicant's representation, R, E, p2, 032,

42:55

stated that the risk assessment that I've just referred to concluded that there is no corrosion risk to the pipeline, and

43:05

as set out in our

43:08

additional submission as one to nine, the applicant's reliance on that risk assessment is incorrect and potentially dangerously misleading,

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as it contains a number of unproven and untested assumptions on the interference, potential interference of the project, vis a vis the pipeline.

43:37

Since then, we have been chasing for further

43:43

data and risk assessments to be carried out. The latest update I have from my client as of the 10th March is that a com the applicant's agents are looking to carry out further investigations and testing, but as yet, that has not happened. Why that's important? Because that means in in the absence of this,

44:16

this data,

44:19

our clients have no way of assessing whether the project as planned can go ahead safely, and whether or not any mitigation work that might be required can be guaranteed to be carried out.

44:36

And as we have said in our previous

44:40

submissions, this is obviously nationally important energy infrastructure, and perhaps in this week of all weeks that is

44:50

worth reiterating.

44:54

So as far as our client is concerned, as at this current point in time.

45:01

Our position is that the applicant cannot currently demonstrate that it has adequately

45:09

assessed the risks or impediments,

45:15

or that the order can deliver the necessary powers to cross the pipeline and protect it,

45:23

or that it can acquire any necessary land it might need to deliver necessary mitigation works, and therefore the public versus private interest test cannot be said to have been met. The potential risks and impediments have not been adequately managed, and the potential for damage to the pipeline has not been adequately taken in to account. One further point to note on the safety data

45:54

is that currently, even though the Safety Data provided is, as we have pointed out,

46:03

insufficient and based on incorrect underlying calculations. The initial assessments by BPA Engineers has concluded that even even just based on the data that can potentially be usefully extrapolated, there is a material risk to the pipeline posed by the project, and that has been further detailed in as one to nine as an additional point.

46:37

Practices we've stated previously, both practice entities are in liquidation. Prax really has no interest in wanting to still be part of this examination. It would infinitely prefer to have agreement and be able to exit stage left. But there is the issue of continued lack of engagement in terms of trying to

47:02

seek resolution on these specific safety issues

47:09

and to preempt a question for later on, hopefully to save some time

47:17

in terms of protective provisions, as yet, none have been provided

47:22

in the all parties meeting on the in November of 20, 25/26

47:31

of November 2025

47:35

when we raised this issue of the AC interferences in the first and only all parties meeting that has to date occurred. We suggested that if this issue of safety was not adequately resolved in a hurry, the only way to address this in terms of protective provisions would be to

47:58

draft bespoke protective provisions, which would include

48:06

essentially not allowing the project to be energized until the safety concerns could be addressed. We referred the applicants solicitors to

48:17

precedented forms of protective provisions that had been used as part of the net zero T side DCO that point was not picked up. We have recently received

48:34

draft protective provisions from the applicant. These are generic in nature and based on protective provisions typically applied to statutory undertakers who have a wide range of compulsory rights and powers available to them, which is including transfer provisions, which, of course, is not the case for pracs. Pracs do not have those compulsory rights and need to be able to transfer their rights to successors

49:06

we are, or rather, we have drafted protective provisions based on published protective provisions

49:17

as part of net zero T side,

49:22

and we can supply the references for that in our post hearing submissions. It's currently with our client for approval.

49:31

We have amended these to take into account this the safety issue previously addressed, and would propose submitting those

49:44

as part of our post hearing submissions to the planning Inspectorate as well as to the applicants solicitors.

49:53

Thank you, sir. Thank.

50:00

Apologies. Just one more point to note. As one to nine contains a very useful tech note. It's defined in that document as the tech note, which sets out in very basic terms what the risks are associated with AC interference. Thank you, sir.

50:25

Thank you Miss. Tony Jones,

50:28

the thing from the applicant,

50:30

sir, thank you. Reuben Taylor, on behalf of the applicant,

50:36

the starting point for considering where we are with the representations that you've just heard is that it is not part of practices case that a solution cannot be found. It is not raising an in principle objection to the DCO.

50:56

What it is saying is that a specific solution, detailed solution has not yet been found.

51:05

The the difficulty that is being experienced in the negotiations between the parties is founded upon an expectation from Prax that a a

51:19

defined and detailed solution, including a specific location

51:24

can be found at this stage. That is not the case. And that is not the case because of the way the scheme is designed. It retains flexibility over the cable routing.

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So the issue for the parties is how to define provisions within the DCO

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that will enable a safe, detailed design to come forward at a later stage,

51:57

the applicant

51:59

is engaged in a process of exploring how those provisions might be drafted, and exploring the the data and science that needs to feed into that process. As part of that process, it has undertaken AC interference modeling that was provided to pracs, and they've raised they then raised issues regarding soil resistivity assumptions. I've spent ages trying to figure out how to pronounce resistivity, so forgive me if I don't,

52:34

and

52:36

there is indeed further soil sampling being undertaken to inform further modeling At present,

52:48

the applicant is keen to explore further, by way of sensitivity analysis, whether parameters can be identified to form a solution that will enable drafting of bespoke provisions within the DCO that will resolve matters,

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but Praxis needs to appreciate that a specific, detailed design will not come forward. We have to identify a solution based on parameters.

53:24

Now, with that in mind, in parallel to the discussions, the

53:30

technical discussions that have been ongoing on the 20th of February, the applicant solicitors sent practice solicitors some draft protective provisions based on those agreed for the benefit of CA TS North Sea limited as part of the net zero Teasdale order of 2024

53:53

we see those very much as a Starting Point, and the appellant is looking forward to receiving comments on those provisions, but to date, since the 20th of February, no response has been provided.

54:12

So we see very much as the way forward further discussion at a technical level to identify parameters and then using those parameters, perhaps with the benefit of sensitivity analysis

54:29

as the basis for identifying the wording that needs to go into the DCO to ensure that Praxis interests are suitably addressed, but also to enable the flexibility that's required in order for the applicant's interests to be addressed, because there is no in principle objection, we believe that with effort on both sides,

54:58

suitable drafting can.

55:00

Be identified, and perhaps will get their wish and they will be able to walk away from involvement in this examination.

55:10

And thank you very much.

55:22

Thank you, Mr. Turner,

55:25

in this process, what is the log jam? Is it sorting out some of the technicality, or is it the legal? It sounds like the first step is to try and sort out the technicalities. Are the respective technical experts in active dialog, and is that decoupled from involvement with lawyers? Because often, when you get trying to get technical people and lawyers all in the same room at the same time, that just seems to drag things out.

56:03

And I'm saying that from experience, when I wasn't in this type of chair, but I was in local government

56:11

and sometimes certainly instructing solicitors on my side of the table seem to make life difficult,

56:20

where those of us

56:22

on the more technical side just wanted to find a resolution.

56:27

So how does the applicant want to characterize that data? And then I'll ask. So thanks room Taylor, for the applicant. I'm not going to get dragged into that kind of debate, particularly because I'm not a solicitor, but, but

56:43

but the My understanding is that the technical the technical discussions are being undertaken between the technical experts

56:51

without

56:54

the the

56:55

detailed involvement of The lawyers. I hope that I'm getting that correct.

57:02

So there are technical discussions ongoing, but the difficulty that's being encountered by the applicant is an insistence by the technical side of Prax on the identification of a detailed solution. An example of that is the

57:21

insistence on on soil sampling. Now we've gone away to undertake some soil sampling, but we understand that Prax has asked for a vast length of the pipeline to have soil sampling undertaken completely disproportionately.

57:43

What we are seeking to do by way of sensitivity analysis, is to look at a number of the input assumptions, for example, the angle of intersection, the depth of the cabling, as well as looking at soil resistivity,

58:01

to see and explore the extent to which they interact. Because, for example, it may be that if a parameter was identified that the cable has to go underneath the

58:14

Prax pipeline by more than, I have no idea, x meters, that the soil resistivity doesn't actually influence the the AC

58:28

interference modeling significantly, and so therefore soil resistive resistivity becomes a non concern. We can also look at that in terms of the the angle of intercedence between the two, between the cabling and the pipeline. Those are all matters that can be explored in order to identify, effectively, a series of parameters that will ensure the safety of the pipeline, but will also enable flexibility in the in the routing of the cable, and the difficulty we've got is that that latter part, the flexibility in the routing of the cable, is not being recognized by pracs. So

59:33

Miss tedney Don't certainly in reading the technical note that's appended to

59:39

as one to nine, certainly, one of the issues that your client has, as Mr. Taylor has alluded to, is the angle at which the crossing potentially would be made.

59:53

Now just reading the note, it seemed that the.

1:00:00

Are

1:00:01

those advising pracs, perhaps are working on the basis that

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that crossing wouldn't be perpendicular, and that potentially you would end up with a lot of

1:00:16

the applicants proposed cable running almost parallel to the pipeline that as a lay person, doesn't seem practical because it would involve, no doubt, extra engineering works for the applicant. I might might ask the applicant whether they can advise as to what

1:00:37

angle they think a crossing is most likely to happen at

1:00:44

I can't speak to that, sir.

1:00:49

I think the applicant, via Mr. Snedden, might be about to give some indication.

1:00:55

You and Snedden, on behalf of the applicant, we are going to endeavor to have the crossing as close to perpendicular as possible,

1:01:07

given that currently, it's unclear exactly where we'll connect into the bay and the National Grid substation

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and the flexibility required in The Crossing, in the cable route at this time, we can guarantee a right angle crossing, but we would look to get as close to that as we possibly can,

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as cross as close as feasible. And as you say, any running parallel to the pipeline, it does that doesn't take us closer to the the substation. So I would say that as being extremely unlikely,

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we've also

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from discuss discussion with the BPA engineers,

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we will be adjusting the model to accommodate some of their requests, such as the depth of crossing,

1:02:07

which previously on our AC interference model, was 300 millimeters beneath the pipeline, they're requesting 600 millimeters, which we will accommodate. And as my colleague

1:02:22

Mr. Taylor stated, if it required to cross further under the pipeline than that, we would accommodate that to minimize the AC interference. And that's the last thing I'd like to say on the soil sampling that's actually being undertaken as we speak

1:02:42

so today,

1:02:44

and we will be updating our model with the results when we have them.

1:02:49

Thank you.

1:02:53

Are there any further meetings scheduled with the respective technical

1:03:01

experts?

1:03:05

You and Snelling on behalf of the applicant. I actually don't know the schedule at the moment. One of my colleagues is handling that. There was proposed to be a meeting on, I believe, Monday that got canceled due to the availability of BPAs engineers. So I assume We'll reschedule that for

1:03:23

the future. Yeah. I mean, it does seem that

1:03:29

the parties need to be in active dialog. There is new information obviously being gathered by the applicant,

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if whatever parameters can be set sooner rather than later. That might also assist,

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potentially, just

1:03:51

taking a common ground that is due in a couple of weeks won't say a lot more than where we are sitting around this table, which isn't very helpful in

1:04:03

terms of progressing things, because we will no doubt find it necessary to ask further questions to try and get some resolution talking of Questions.

1:04:17

Miss tedney Jones, can I just seek clarification?

1:04:22

Does the pipeline have the status of being a core fuel sector activity for the purposes of the Energy Act 2023,

1:04:33

and and if so, does that status have any particular implications for Well, I guess I'll say the operation of the pipeline, given that perhaps might not be the future operator.

1:04:48

I've had some involvement with this part of the Energy Act, I think to Section 268

1:04:55

269

1:04:59

where I.

1:05:00

Think there are now duties on

1:05:03

operators, because if it's a core fuel sector activity, the Secretary of State can make certain requirements of operators, but Miss techney Jones, does that part of the legislation apply to this pipeline?

1:05:21

We can check, we can check that definitively afterwards and include it in our post hearing submission. But I believe it is. I would also

1:05:31

like the opportunity to be able to respond to some of the points made earlier, because I believe there are some misunderstandings

1:05:39

on some of those points. So just before I ask you to respond to the applicant,

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I'll, I'll declare I have some understanding of the other end

1:05:51

of this pipeline, because I examined, or partly examined

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the immingham roll on, roll off terminal

1:06:01

and Prax has a jetty that was affected by that development.

1:06:07

And some of these issues particularly about the Energy Act, but it was, it was still a bill at the point we were examining that case,

1:06:14

but we got some explanation of what was expected to find its way into the act, and it did ultimately find its way into the act,

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and it does appear the legislation does place some additional

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burdens on operators of this type of infrastructure,

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and that also then places extra duties on the Secretary of state to protect

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infrastructure that is in this category.

1:06:50

Apologies, so we will check that, but I believe it is

1:07:12

yeah, I

1:07:14  
got a mind standing. Is it section 267,

1:07:19  
and 268,

1:07:20  
of the Energy Act,

1:07:24  
where these these provisions in that legislation start to kick in, including some quite interesting enforcement arrangements for the Secretary of State if there's non compliance.

1:07:42  
Miss Ted Jones, did you want to respond to what you've just heard from the applicant before I interjected,

1:07:51  
yes, I would welcome that.

1:07:55  
Just a few points.

1:07:59  
We completely take the point, and it is not anticipated that

1:08:06  
what the applicant would be producing at this point, point in time is a fully fleshed, detailed Method Statement and specification that that is not what is being requested.

1:08:20  
And we also understand that at this stage, we're more looking at parameters rather than specifics. That is also understood.

1:08:31  
The issue that I felt important to draw out is that

1:08:41  
the particular problem that we have at the moment, in the absence of a risk assessment based on some parameters that establishes that this crossing can occur safely, and particularly within the British safety standards

1:09:05  
without further mitigation. That is important, because

1:09:09  
until we know that that can happen,

1:09:13

it could be the case, and we've had this happen on another crossing, also by an electricity cable, where the AEC interference on the pipeline is so great that mitigation work is required. Now this is in respect of the Norwich Tilbury DCO that's going on at this point in time.

1:09:34

And there,

1:09:37

the applicants appreciate that whilst no one is expecting a finalized method statement that there do need to be

1:09:47

agreements on methodology, and the reasons that our clients have asked for the levels of technical data that they have requested is because this is.

1:10:00

The level of technical data that they are getting from the other DCO and is necessary in order to establish what form of protective work might be required. Now, why, you might ask, is it necessary to establish what form of protective work might be required? Why can't that just simply be worked out as part of the rock shell envelope later on, and built into the order works. The reason we cannot assume that is because, in the absence of safety data, that tells us that either mitigation work is not required, in which case fantastic or mitigation work is required and can be delivered pursuant to the order rights within the order limits.

1:10:44

Now what we're finding on the Norwich to Tilbury DCO is that it cannot be delivered within the order limits. Not only can it not be delivered within the order limits, there are over two kilometers worth of mitigation required outside the order limits, because AC interference. Interfere interfaces not only with one particular section of the pipeline that is within the crossing zone, but it obviously impacts the whole much larger stretch of pipeline. So the question then becomes,

1:11:19

in the absence of safety data

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is mitigation required, and if it is required, can it be delivered by the order as drafted with the order limits as drafted? This is why we have not sought

1:11:35

to push the

1:11:37

protective provisions more than we than we have done, because, as we pointed out in our meeting in November, we really want that analysis to have been done initially so we know what to put in the protective provisions in terms of engagement. And

1:11:56

you know, lawyers versus engineers, engineers versus lawyers, there has been almost zero engagement from the applicants, solicitors, other than sending over protective provisions. And in terms

of the interaction between the teams, the engineering teams, our clients, engineers, have been seeking engagement, and we can populate this in the timeline that we send over.

1:12:25

But to date, there have been, I think, only two meetings with a con. You asked whether a meeting had been scheduled, and it was mentioned, I believe that the BPA meeting on Monday have been canceled. That went ahead yesterday, and the update from that call was fundamentally to say that more safety data, more safety testing would be carried out. But I believe including that call, that's only two calls from the technical team in terms of working out what is going to go into that technical assessment, and the basis of that technical assessment, it may be three but long and short of it is there's not much engagement on the legal side, and there's not much engagement on the technical side. So

1:13:18

practs are very happy to move this forward, but they do need to know that the project can be delivered within the order limits, within the order powers.

1:13:29

And for that, they need the safety assessment, or rather, the requisite risk analysis. So that's why we've got a bit of a chicken and the egg scenario in terms of agreeing protective provisions, I hope that sets the

1:13:48

context for for where we are.

1:13:51

But just to reiterate, my client is not expecting a detailed method statement at this time. It is simply looking for certainty that the project can be delivered safely, and It hasn't had that comfort to date.

1:14:07

Thank You. Thank

1:14:41

kind of scratch ahead time now, because there needs to be movement.

1:14:49

We would dearly like to see significant movement by the time the statement of common ground is prepared. Otherwise, it sounds like that statement of common ground could well have.

1:15:00

Have two sets of protective provisions in it, one that the applicant

1:15:08

provides on the basis of its best

1:15:12

endeavors to draft something and something that tax submits,

1:15:19

which could get rather messy. Could be rather

1:15:25

wasteful of both time and effort on the party's behalf, because no doubt, following that, we will come back and say, Well, what's to be done to try and narrow the gap?

1:15:38

Turning

1:15:42

to the applicant first, when do you think you could have

1:15:49

a reasonable set of protective provisions, from your perspective, available for us to see

1:16:02

what's so we we've got, already got some protective visions we sent on the 20th of February, to which we've not had a response. And those are substantially

1:16:13

Teesside Net Zero, with some adaptation to Yes, some adaptation Yes, in terms of where the technical work is going. I'm afraid I don't have instructions on how, how quickly that is going to

1:16:30

transform into parameters that could be used. I mean, as you say, it's in everybody's interest to do that as quickly as we can, and to try and reach agreement on parameters as quickly as we can. Certainly, from our side, we intend to move this forward as quickly as we can, whether we can meet the deadline for a statement of common ground, I simply don't know at this stage, but we will do our best to if we can't, then we'll have, obviously have to continue discussion beyond that time with a view to reaching an agreement at a later stage, but

1:17:06

rest assured that from our side, there is a determination to get to a solution that's acceptable to all parties.

1:17:19

Miss Teddy Jones, similarly to you, when, when do you think you would be in a position to present on your clients behalf your preferred set of protective provisions?

1:17:35

Emily Dudley Jones, PPA practice. We they are currently with my clients.

1:17:41

We sent them out last night.

1:17:44

They there's quite a lot of stakeholders that need to sign off on them. I'm hopeful that we could get them across to you within

1:17:55

are we today, Thursday, by the middle of next week?

1:18:03

Much in this scenario. It's not so much for the examining authority. It's it's what you can provide to the applicant.

1:18:12

But it might be, if progress doesn't pick up, we will set a guillotine. Now we might have to decide that

1:18:22

we disengage from deadline three A, which I think is the one that we've set for protective provision statement common ground. But if we do impose a guillotine, it will be and you will start to see a very grumpy examining authority

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in increasingly demanding to see

1:18:46

better provisions and or the accompanying technical work so that we can understand

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and I have got grumpy with applicants and flatter IPs in other cases to try and break the log jam

1:19:04

listed, sir,

1:19:07

so Ms, tately Joan, the set of protective provisions that you're working on with your client. At the moment, when do you think you might be in a position to share those with the applicant?

1:19:19

I'm hoping by the middle of next week,

1:19:36

just to flag that obviously, in the absence of the necessary safety data to show that even on parameters, the project can be delivered safely it will need, yes, we're working from a version contained within net zero T side,

1:19:56

unprecedented within net zero T side, but we've had to add.

1:20:00

Add wording specifically around emergencies and deactivation if AC interference gets basically to unsafe levels. Thank you.

1:20:16

I think what the examining authority would ask is that you make your set of protective provisions available to the applicant as soon as possible.

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And we'd also ask that, as far as the technical

1:20:31

work is concerned, that the parties continue to engage and speed up the process of engagement. And

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I think there's an action arising out of this hearing. We'd like to be informed as soon as possible

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when meetings of a particular the technical nature are scheduled, and then receive confirmation as to whether or not they've been held or rescheduled,

1:21:01

to keep some impetus going.

1:21:08

Thank you, sir. I think at this stage we, we certainly don't want to see working drafts of the protective provisions until we get to the deadline that we we've set within the timetable,

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we'll all then be able to take stock. But if there's still not progress, then I suspect we will set a new guillotine, and it will probably a new date inserted into the timetable

1:21:37

for progress to be made. So

1:21:44

yes, I understood.

1:21:54

If before we move away then from Brax, is there anything else you wish to turn your client's behalf, Miss Tetley Jones.

1:22:06

Emily Tetley Jones for BPA Prax, no, thank you sir. Thank you. Anything from the applicant on Prax briefing Taylor for the applicant? No, thank you, sir. Thank you. I

1:22:27

Now, when we set this agenda up, we thought we might have had some of the other parties

1:22:33

present with land interest, including those with interest in protective provisions.

1:22:39

As far as I understand, national highways are due to attend the DCO hearing tomorrow. So

1:22:48

I think if parties are concerned, we carry on sitting with we're almost an hour and a half, but it may well be that we'll be finished by

1:23:00

half past four, if we carry on tiling, your hands is, if you want to carry on or you want to take a short adjournment room, we're very happy to carry on.

1:23:19

If we then move on to agenda item 3.2, which is an update from the applicant in respect of land rights negotiations. Has there been much movement since the last update that we were provided with?

1:23:33

Reuben Taylor, the applicant? Not much movement, but some movement.

1:23:38

We provided you with an update at the first compulsory acquisition hearing in January in relation to the principal site, there's now only one option agreement awaiting signature,

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and the applicant is expecting signing to take place on that imminently.

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That remaining option agreement relates to land within the principal site, which is required only for interconnecting cables and environmental mitigation,

1:24:08

in other words, not for the solar or best infrastructure.

1:24:13

So all the land within the principal site required for solar and best infrastructure is secured under option the documents for the final landowner are in an agreed form, and as I've said, we're just awaiting final confirmation to issue engrossments for signature

1:24:32

in relation to the cable corridor. Heads of terms are agreed for 10 out of 14 landowners,

1:24:41

and legal files have been open to progress

1:24:46

in respect of option for easements with solicitors instructed for the majority of those landowners and in person landowner meeting took place between the applicants and 10 the 10 landowners.

1:25:00

Within the cable corridor who have signed the heads of terms on Tuesday of this week. So two days ago, to progress the option agreements for the cable route. One landowner was unable to attend that meeting, but their solicitor represented them. The parties present agreed the documents in principle. The applicant's legal representatives are now drafting the agreed amendments, after which the landowners will undertake a final review prior to the documents being issued for signature,

1:25:33

so that in respect of the four landowners, respect to which engagement is ongoing

1:25:40

for one of them, an in person meeting was held in mid February between the applicant, the landowner, and their land agent to continue negotiations on the heads of terms. And those discussions continue

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the

1:25:56

respect of the second

1:26:00

they have had heads of terms issued already, likewise the third, and in respect of the fourth,

1:26:12

the applicant has received confirmation that heads of terms are agreed and signature of the heads of terms pending.

1:26:43

So it's looking like

1:26:46

voluntary agreements

1:26:49

have almost been agreed with all affected parties. That's, that's, yes, that's a fair, fair summary of the position. We're not certain that we'll get to the point where everybody

1:27:04

has signed voluntary agreements, but we're very hopeful that we will thank

1:27:45

and for those cases where agreements have not been reached, are, are there any particular reasons that are holding things up, or is it just the way the process is working?

1:27:59

Reuben Taylor, for the applicant, So, definitely the latter. So,

1:28:47

thank you.

1:28:57

And

1:29:00

in terms of protective provisions, I think

1:29:03

we'll setting aside national highways, and I can't recall whether the Environment Agency due to attend tomorrow or not, but in terms of other protective provisions, what's what's the position there, we don't need to go into practice, because we've discussed that some length this afternoon.

1:29:25

Reuben Taylor, for the for the applicant, we

1:29:29

are continuing to engage with with all the relevant policies in progressing the negotiation of bespoke protective revisions in line with the expectations that you've set us, and we're intending to incorporate provisions which are not already included in the draft order at deadline three a that's the 24th of March. And although the applicant will seek to incorporate fully agreed protector provisions at that point, it may be necessary to include partially agreed.

1:30:00

Action protective provisions for some undertakers with the intent of replacing them with fully agreed provisions in a later iteration of the draft order

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in relation to

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cadent gas, limited

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bespoke protective provisions were have been agreed and were incorporated into the draft DCO at deadline two, and Caden has withdrawn its objection to the proposed development at deadline two. In respect of Lincolnshire fire and rescue services,

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the applicant has agreed protective provisions with Lincolnshire fire and rescue services, and those were incorporated into the draft order at,

1:30:48

I think deadline two in relation to Anglian Water Services Limited. The negotiations are ongoing, but I'm instructed that the parties are nearing a point of agreement on the form of protective provisions with only two minor points outstanding. The applicant hopes to be in a position to incorporate fully agreed protective provisions into the draft order of deadline three a but if that isn't possible, then we'll incorporate substantially agreed protective provisions and update in relation to those two outstanding issues, or maybe one at a later iteration,

1:31:26

in relation to national grid electricity transmission. Again, negotiations between the applicant and get are ongoing, but the parties are nearing a point of agreement on the form of the protective revisions with only a few points outstanding. And similarly to the position relation to Anglian Water, the applicant hopes to be in a position to incorporate fully agreed provisions in the draft order at deadline three a

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but if that's not the case, then it will incorporate substantially agreed provisions and update them accordingly in the future.

1:32:05

In relation to national grid electricity distribution West Midlands,

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negotiations between the parties I'm instructed, are nearly concluded. The form of the protector provisions is agreed. However, a few points remain outstanding in the asset protection agreement the APA. Since the protective provisions and the APA effectively operate together, the applicant will not be in a position to incorporate the agreed protective provisions into the draft order until those outstanding points are resolved. And so if the applicant is not in a position to incorporate fully agreed protector provisions in the order of deadline three, a will incorporate substantially agreed provisions and update that at a future iteration of the order.

1:32:51

And then lastly, in my instructions in relation to open reach limited,

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having sought to establish communication with open reach limited since July 2025, providing a copy of the generic protection provisions for comment. The applicant finally received confirmation on the 27th of January that the generic protective provisions are acceptable. The only other outstanding

1:33:23

matter in relation protective provisions, relates to Network Rail. I know you've got a specific question on the agenda about that. You want me to set out our position in relation to Network Rail.

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So in relation to Network Rail,

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the applicant has had difficulty in ascertaining the exact extent of network rail infrastructure, limited land interest within the order limits.

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And indeed, we noted that the examining authority requested clarity on that in in the second written questions,

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although Network Rail have provided their standard form of protective provisions to the applicant, the applicant seeking to ascertain whether or not bespoke protective provisions are required, given that it's unclear whether network rails land interests within the order limits are part of any active railways, and it's therefore unclear whether the proposed development proposes any risk to network rail's ability to safely operate and maintain active railway land.

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Network Rail has an interest in respect of restricted covenants and easements in plot 13 three, in respect of rights and access in plots 13, six, derived from two separate conveyances dated November 1977

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these plots are required for the installation of the cable corridor, which is work five A from the main solar PV site.

1:35:01

Eight, the applicant carefully reviewed the relevant conveyances, and you've used both the land registry Map Search and Google Maps to inspect the relevant areas, and it's apparent that there is no operational railway infrastructure within these plots or in the surrounding area. The land registry plan indicates disused railway, and Google map shows this area to be a field with no noticeable infrastructure or access points to the sea the supposed track stretches. And so the applicant's position is that it believes that there is no existing infrastructure that warrants the implementation of bespoke protective provisions for the sake of safeguarding national rail infrastructure. We've put that position to Network Rail via its legal representatives, and we've requested the provision of further information with regard to the direct, indirect impacts that Network Rail believes the proposed fund will have on its assets and rights. And in particular, we requested that if there are any rights held

1:36:06

by Network Rail in respect to the proposed development in addition to those known by the applicant, that those details be provided. And we've the applicants recently carried out a refresh of the land registry data and that he didn't identify any new Network Rail interests. We've provided a draft statement of common ground directly to Network Rail in December of 2025 we have received a response from network rails buried services team, which stated that the proposed development is some distance away from any of network rails infrastructure.

1:36:42

So that's where we've got to on that point. There are two further points. Concerns have been raised regarding the effect of glint and glare on signals on the railway line we discussed that the other day to the north. That's the railway line to the north of the order limits and an additional signal siting reports be requested.

1:37:03

The appellant's position is that the glint and glare assessment report part one, which is rep one, hyphen, 027,

1:37:10

presents the glint and glare assessment that reports considered impacts on rail lines at 20 modeled rail receptors. Seven rail receptors were screened out as they're located within the no reflection zones. Geometric analysis was conducted at the remaining 13 locations, and the assessment shows solar reflections are theoretically possible at all 13 rail receptors assessed within the one kilometer study area, the initial pulled Earth scenario, in other words, assuming none of the existing vegetation exists. Identified potential impacts as high at five receptors and low at eight. Upon reviewing the actual visibility of the receptors, taking into account gradient vegetation and structures, glint, glare, impacts are reduced to none for all rail receptors. Therefore overall impacts on rare receptors are considered to be none in the report, but discussions on that point are ongoing and will be reflected in the statement of common ground between the applicant and Network Rail.

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Additionally, Network Rail requested further information regarding the proposed wider construction travel route for the proposed development so that you could understand whether there could be impacts from abnormal loads. And the

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what has happened is we provided subsequently information to Network Rail concerning the abnormal load. So we've provided figure 13, five, which you can find in as hyphen 073,

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which is headed abnormal in indivisible load routing, which shows the anticipated abnormal indivisible load, the AI I routing to the site of The proposed development.

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And that is in respect of the route to be used for the transformer, because that is the component for the on site substation that requires an ail for the solar farm construction. The other components of the solar farm will not require ail. In other words, the panels, for example, for example, do not require that. In addition, the buried export cable circuit may require a il for the cable drums, and the route for

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the ail for cable drums is shown

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in

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in in the drawing that I mentioned.

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And so we also point to rep one, zero, 15, Chapter Three of the proposed development of the ES, which explains that it was anticipated there would be two to three. Ai.

1:40:00

Rail deliveries in total to deliver the Transformers for the on site substation and possibly also the 400 KV cable drum. So as with glinton glare, discussions are ongoing, and we hope to reflect positive outcome of those in the statement of common ground between the applicant and Network Rail. So

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thank you. Mr. Taylor,

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certainly

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having looked at land plans, the book of reference and network, it was difficult to work out what operational land might be affected and therefore might require protective provisions. It sounds like your

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consideration is coming to the same conclusion. So hopefully, in concluding the statement of common ground, you'll arrive at the position that there are no operational

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effects on the railway line, at least within the order limits, and that protects provisions are not required.

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Reuben Taylor for the applicant, yes, sir, that's what we're hoping to get to. We're trying to get to. We just need a little bit more engagement from Network Rail, and perhaps we will get there arising

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from the summary that you've just given that given that I don't have any questions

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that then takes us on to any other business. I've got it right this time

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for this hearing. Is there anything from the applicant?

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

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Then I think really, the only actions that arise from this hearing relate to

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some dialog between the applicant and Mr. Daniels,

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a lot more dialog between applicant and pracs, really, to get some momentum going into sorting out

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protective provisions with some technical support. And then there is, of course, the action really on the examining authority that we make arrangements to undertake an access required site inspection of Mr. Daniels property in due course,

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Reuben Taylor for the applicant, yes. So those are the actions that we've got to I can multitask as well. Then

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you shave from the last time we

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ran the hearings

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that then, I think, does bring us to the close of this hearing. Thank you very much for your attendance,

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and no doubt, see some of you tomorrow morning for issue specific hearing four, which will look specifically at DCA matters, we may need to re explore some protective provision matters relating, as I say, to national highways and the Environment Agency. I've just been advised the agency argued to attend Torah.

1:43:30

Thank you very much.