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FULL TRANSCRIPT (with timecode)

00:00:03:08 - 00:00:15:22

It's time for me to open this compulsory acquisition hearing for the One Earth Solar Farm project. Can I just confirm that everyone can hear me clearly? Uh.

00:00:18:06 - 00:00:48:20

Yeah. Okay. Thank you. And for those attending, virtually. Uh, can you also confirm using the hands up, uh, function that you can also see and hear as clearly? Thank you very much. My name is Edwin Maund. I'm a chartered town planner and planning inspector, and I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. I'll now just hand over my colleague to introduce himself.

00:00:50:12 - 00:00:51:10

Thank you.

00:00:51:15 - 00:01:04:18

My name is Alex Jack. I am a chartered transport planner and planning inspector, and I've been appointed by the Secretary of State as a member of the panel of examining inspectors to examine this application. Thank you.

00:01:06:02 - 00:01:12:21

I'll just ask Mr. Jack to deal with a few housekeeping matters this morning. Um, for those attending in person.

00:01:16:12 - 00:01:23:09

So, firstly, can everyone ensure that all devices and phones have been set to silent?

00:01:25:18 - 00:01:37:17

Secondly, if you need the facilities, the toilets can be found through either the double doors at the back, um, or alternatively, you can walk downstairs and they'll be on the left hand side.

00:01:39:26 - 00:02:04:04

We have been informed that there will be a fire alarm test at 11 a.m.. Um, if the fire alarm sounds before or after this test, please exit the building using one of the marked fire exits at either end of this floor. The meeting point is on the road opposite this building. Are any members of the press here today?

00:02:08:15 - 00:02:09:00

Okay.

00:02:25:23 - 00:02:58:23

Today's hearing is being undertaken in a hybrid way. Meaning some of you are present with us at the hearing venue, and some of us are joining virtually using Microsoft Teams. We will make sure that however you have decided to attend today, you'll be given a fair opportunity to participate. A recording of today's hearing will be made available on the One Earth Solar Farm Project section of the National Infrastructure Planning website as soon as practicable after the hearing is finished.

00:02:59:03 - 00:03:18:07

With this in mind, would you please ensure that you speak clearly into the microphone, stating your name and who you are representing each time before you speak? If you are not at a table with a microphone, there is a roving microphone. So please wait for one of those to be brought to you before you speak.

00:03:20:06 - 00:03:49:27

A link to the Planning Inspectorate Privacy Notice was provided in the notification for this hearing. We assumed that everybody here today has familiarized themselves with the document, which establishes how the personal data. Sorry, excuse me, of our customers is handled in accordance with the principles set out by data protection laws. Please speak to Mrs. Haraway, our case manager, if you have any questions about this.

00:03:52:09 - 00:04:03:07

So now I'll briefly explain the purpose of this compulsory acquisition hearing. The application for the proposed development includes and

00:04:04:22 - 00:04:35:21

includes a request for an order granting consent to authorize compulsory acquisition of land or compulsory acquisition of an interest in, or a right over land. This hearing will commence with the examining authority examining the applicant's strategic case in respect of the application. Part two will then move on to those affected persons who have been requested, who have requested to be heard and have been invited to speak today.

00:04:37:13 - 00:04:47:08

We would ask that all parties participating today to send your comments as post hearing submissions for deadline three, which is on Tuesday 16th of September.

00:04:49:26 - 00:05:01:21

Thank you. So if I can come now to the applicant team to introduce yourselves and make sure in doing so, you state how individual members would wish to be addressed. Thank you.

00:05:09:16 - 00:05:10:03

Good morning sir.

00:05:11:06 - 00:05:38:24

Good morning sir. My name is Richard Griffiths, partner at law firm Pinsent Masons LLP, acting on behalf of the applicant, One Earth Solar Farm Limited. I'm joined to my left by Jenny Bennett, senior

surveyor from Darklaw McLaren, and Mr. Robert Lees, the associate director also at McLaren. The applicant's land references, and we'll be speaking on on all the topics throughout today's hearing.

00:05:40:04 - 00:05:46:19

Thank you. If I can come then to other members around the room. And I'll start with Mr. Betts.

00:05:48:28 - 00:06:05:24

Good morning, Simon Betts. about planning major projects representing Newark and Sherwood District Council. And to my left is my colleague Jack Kent, um, legal officer, Newark and Sherwood District Council. Also, we're only intending to observe today rather than.

00:06:05:26 - 00:06:06:11

Speak.

00:06:06:13 - 00:06:07:28

Unless called upon. Thank you.

00:06:09:18 - 00:06:17:19

Thank you. And come now to the lady and gentleman opposite. Would you wish to introduce yourselves?

00:06:20:04 - 00:06:24:18

Hello, my name is Damian Griffiths. Um, I'm here representing and.

00:06:24:20 - 00:06:36:15

On behalf of my aunt and uncle, Peter and Christine Scott. We are landowners at South Clifton, which is. We have been notified of compulsory purchase on. Thank you.

00:06:38:20 - 00:06:39:14

Thank you.

00:06:41:19 - 00:06:47:25

So, um, is there anyone else present in the room who would wish to introduce themselves at this point?

00:06:51:03 - 00:07:05:03

Okay. So I'll then just then come to those attending virtually. If I can just see who is present, uh, attending virtually. I believe that, Mr. Walker.

00:07:08:13 - 00:07:40:07

Hello. My name is Craig Walker. Uh, I'm a resident of, uh, North Clifton. Uh, I've been informed by, uh, one of your colleagues that, uh, today, uh, is probably the best opportunity to speak about, uh, with a water pipe, which is not in the book of reference. Uh, you may be able to correct me if today's not the best time to speak about that.

00:07:40:23 - 00:07:43:00

That I'm sure.

00:07:43:18 - 00:07:55:03

No, no, that'll be fine, Mr. Walker. I think if we come to that in part two, because it's a specific part of your individual case that we will need to address at that point. Right. Thank you.

00:07:55:05 - 00:07:55:27

Thank you.

00:08:14:18 - 00:08:19:04

Um, Mrs. Walker, are you all. Are you also attending? Virtually?

00:08:19:21 - 00:08:20:06

No.

00:08:20:08 - 00:08:23:28

My name is Gemma Newell. I'm attending on behalf of the J.G. pears Group.

00:08:24:06 - 00:08:25:19

Okay. Thank you very much.

00:08:39:07 - 00:09:12:02

I think that's everyone we have in attendance. So I'll come then to the beginning of our agenda in in the main. So looking at the principles of compulsory acquisition and temporary possession, um, and the statutory conditions and general principles applicable to the exercise of powers of compulsory acquisition. Now, um, what we need to test is whether the purposes for which compulsory acquisition powers are sought would comply with section one, two, two, two of the Planning Act.

00:09:12:16 - 00:09:44:05

The section of the act sets out the purposes for which compulsory acquisition may be authorised, namely where the land is a required for the development to which the development consent relates, or B is required to facilitate or is incidental to the development. There is a subparagraph C, but that's not relevant to this application. Now, in the applicant's statement of reasons, which it's now revision three, which is rep two zero 11 in support of the application.

00:09:44:18 - 00:10:19:29

This sets out the purposes for which compulsory acquisition powers are sought, including the associated development, and explain why the applicant considers the proposed associated development to be consistent with the principles set out in the associated development guidance. Produce four applications for development consent for major infrastructure projects. Now, those principles require there to be a direct relationship between the associated development and the principal development. Be subordinate to the principal development and proportionate to the nature and scale of the principal development.

00:10:20:01 - 00:11:01:23

And we'll come back to that point later. In respect of the battery storage and the response we had to our first written question, 1.0.7. But then can I then come to the applicant in seeking to understand the evidence you have of how the proposed development and the approach taken to compulsory acquisition and temporary possession. Meet those legislative tests coming first to part A, whether the purpose for which the CA powers are sought would comply with section one, two, two, and whether there is a compelling case for the proposed development.

00:11:04:04 - 00:11:35:20

Thank you, Sir Richard Griffiths, on behalf of the applicant. So, as you quite rightly pointed out, the applicant's case for compulsory acquisition and temporary possession is set out in the Statement of reasons revision three rep two hyphen 011. Particularly section five, which sets out the source and scope of the powers sought in the DCO. Section six, which is the purpose of the powers, and section seven justification for the compulsory acquisition powers.

00:11:35:22 - 00:12:14:18

And in summary, those sections state that the applicant has included Compulsory acquisition and temporary temporary possession powers in the draft DCO to enable the applicant to protect the proposed development, to mitigate its impacts where necessary and in order to ensure the proposed development can be built, operated and maintained in the absence of those powers. The order planned may not be completely assembled. Therefore, uncertainty would prevail and the applicant's project objectives, and indeed those of government policy would not be achieved.

00:12:15:17 - 00:12:54:08

Appendix A to the Statement of Reasons and also in the Land and Rights Land Rights Negotiations Tracker, which is revision three. Rep two hyphen 017. Both those documents set out why each plot is required for the proposed development, by reference to the relevant works package of the author of the proposed Developments, thereby demonstrating that the applicant knows precisely how each plot is to be utilised in the scheme in relation to permanent acquisition, which is the land colored red on the land plans.

00:12:54:12 - 00:13:30:23

Part one of appendix A identifies those areas which are effectively for the solar PV generating station, energy storage facility, on site substation and also covers other associated developments such as the cabling within the PV sites. We've only included compulsory acquisition of the freehold interest, where other powers, such as the right to acquire, such as new rights or temporary possession, would not be sufficient to appropriately to enable the construction, operation and maintenance of that part of the proposed development.

00:13:31:12 - 00:14:05:25

As you have seen from the Land Rights Negotiations Tracker, um, all of those main sites are under option. Signed. Option. There are only two plots to areas that are not, and we'll talk about that at the relevant agenda item. But on the whole, all of the main site colored pink on the land plans. The freehold acquisition is under option now. Part two of appendix A identifies the land over which new rights or restrictive covenants are sought. That land is colored blue on the land rights and effectively those rights are for work.

00:14:05:27 - 00:14:48:28

Number five of the author of the proposed development, which is the right to install, maintain and protect the cable. And then finally, part three of appendix A to the Statement of Reasons, identifies land over which only temporary possession is sought. So no compulsory acquisition over that land that is, the land colored yellow in the land plans. It is that land is not being compulsory acquired. It's only where temporary possession may be sought, but I would just point out that under the drafting of the Draft Development Consent order, temporary possession can be taken over all of the order land, and that is so that the applicant can take over the cable corridor.

00:14:49:09 - 00:15:19:19

The applicant can go on the land using temporary possession powers, carry out micro siting, narrow down where the cable easement precisely needs to be. Install the cable, then take the easement, thereby narrowing the permanent rights that the applicant needs. So in summary, we would contend that through those documents that I referenced, the scope of the compulsory acquisition powers, um, uh, goes no further than we need.

00:15:19:21 - 00:15:50:11

We have sought to minimize, where possible, um, the, uh, whether it's freehold rights or temporary possession to the land, and that we need the purpose that we need it for. And that's all identified in the submitted Documents, and that yourselves and the Secretary of State can therefore identify how the applicant intends to use each plot and its function with the proposed development, thereby complying with section 122, subsection two of the Planning Act 2008.

00:15:55:13 - 00:15:56:06

Thank you.

00:15:58:15 - 00:16:08:16

So having heard the applicant response to does anyone either in the room or virtually have anything they would wish to set out in response?

00:16:12:28 - 00:16:13:28

Mr. Griffiths hello.

00:16:14:00 - 00:16:19:01

Um, Damian Griffiths, do we actually have any maps available to look at now.

00:16:21:01 - 00:16:33:06

Which is on past applicant? We can bring up, uh, whatever maps the examining thought you would like to see. We've got the crown land plans, the land plans, the works plans available. Should you, require us to put them on the screen?

00:16:34:12 - 00:16:39:09

Is this a specific question on a particular plot that you're concerned about?

00:16:41:02 - 00:16:45:04

Yes. On the plots of on the plots of land which are ours.

00:16:45:06 - 00:16:45:22

Okay.

00:16:45:24 - 00:16:56:21

Well, um, only purely because we've had very, very, very little information passed to us. All we've had is just a notification about this meeting. Really?

00:16:56:23 - 00:17:17:19

Okay, well, can we come to that under part two? Because what we're looking at is the general principles at the moment. And then under part two, we'll be looking at the specifics for individual plots, uh, owned or controlled by individual parties. And I think that's probably the issue that you're wishing to raise with us.

00:17:18:06 - 00:17:19:15

No, that's perfectly fine. Thank you.

00:17:19:17 - 00:17:58:18

Thank you, sir. Richard Griffiths, if you would just give me, um, one 10s just to reassure, um, Mr. Griffiths that, uh, the plots that, um, your aunt and uncle are. Um, I, I understand from the book of reference what they relate to. Um, we are only seeking the subsoil of the highway. Um, of your of your, um, of your aunt and uncle. So it is literally the subsoil. Because under law, uh, if your land abuts to highway, then you also own, um, the land underneath the spit of the highway where we want to install the cable in that highway.

00:17:58:20 - 00:18:11:19

And therefore we have to put their names in the book of reference. We're not acquiring any other rights. It's just the subsoil under the highway. But we can come on to that more detail. I just wanted to just in case you were concerned. Just to put you at ease on that.

00:18:13:15 - 00:18:27:00

Thank you. Yeah. I mean, we'll come to that. And then if there's no further need for us, then we're happy to go. Which, just like I said, we've had very, very little information passed to us up to this point. So thank you.

00:18:28:07 - 00:18:30:02

Okay. Thank you. Um.

00:18:33:20 - 00:19:08:25

Uh, I'll. I'll come to, uh, the lady who's wishing to speak in a moment online. Um, uh, Jim Newell. But I wonder, bearing in mind that this particular section of the CA hearing may take a little while as we go through the principles, uh, in light of what Mr. Griffiths has just said and your concerns, you're welcome to stay and listen to the the rest of it. Uh, but if there's a member of the applicant's team, it might be as well to have a quiet conversation now.

00:19:09:21 - 00:19:26:02

Um, and obviously, you're welcome then to come back to participate during the individual elements, but that might give you the reassurance that you need. Um, but, you know, that's I wonder if that might help. Help you.

00:19:27:12 - 00:19:46:11

Know, that would be perfectly acceptable to us. Yeah. Please. It's just like I said, we are completely in the dark at this moment in time, and we, you know, if it saves us being any more of a pain or us being here for the next five hours, then yeah, we'd be more than happy to do so. Thank you. Okay.

00:19:48:02 - 00:19:58:06

Richard Griffiths on the applicant. We think that's a very good idea. And our land reference staff, and we'll quickly have a chat to Mr. Griffiths and your aunt and uncle. Now, just to reassure you.

00:19:59:26 - 00:20:00:26

Thank you very much.

00:20:09:08 - 00:20:10:26

I'll just wait for a moment.

00:20:26:29 - 00:20:33:12

Okay. Thank you. Um, I'll come now to, uh, Gemma Newell, who's on online on the teams.

00:20:34:18 - 00:21:00:13

Thanks, sir. Gemma Newell, on behalf of the JG pears Group. Um, as I know you've suggested, it's probably more that this comes in part two, but just to flag, um, Mr. Griffiths there. Um, for the applicant suggested that work number five was just the right to install, maintain and protect the cable. Um, my view and my client's view on that is, is that work? Number five goes goes a fair way beyond that. So that's just a general point. Obviously the other points are taking part too.

00:21:01:13 - 00:21:02:19

Okay. Thank you.

00:21:22:20 - 00:21:39:22

Okay. Then I'll move on to sort of part B. Uh, whether all reasonable alternatives to compulsory acquisition have been explored, and I'll seek the applicant's explanation and justification for their position on that. Thank you.

00:21:44:16 - 00:22:21:26

Thank you, Sir Richard Griffiths, on behalf of the applicant. Um, so again, we have set this out in the statement of, uh, reasons. We have three rep two hyphen 011, particularly seven section 7.5, and the applicant has sought to acquire, um, the necessary land and rights, um, for the proposed developments via voluntary negotiation, where possible. And as I mentioned earlier, we have entered into option agreements with landowners for the main sites required for the solar PV panel substation and energy storage.

00:22:22:08 - 00:23:00:07

Um, the majority of those, apart from two plots, which will. Which will come to you later. However, it does remain necessary to include compulsory acquisition over those freehold plots within the draft development consent order in order to ensure there is no impediment to the scheme being delivered. Um, for example, should a landowner were not saying this would happen, but it is the practice that is in place for development consent orders. Should a landowner not comply with the option and not to grant the lease under their contractual rights, then it's in the public interest for the scheme to go ahead.

00:23:00:17 - 00:23:54:20

Therefore, the compulsory acquisition powers would be utilised as a fallback. Also, if there are any other unknown third party rights that we would need to remove, then the compulsory acquisition powers enable the applicant to remove that right if it is incompatible with the Project. Um, in terms of, um, the use of the composite acquisition powers, I've said we've sought to acquire, um, the minimum, um, uh, lands necessary to construct, operate, maintain, decommission the development, um, and wherever possible, we are exercising compulsory operation of rights rather than the freehold, thereby minimising the compulsory acquisition power, and also use temporary possession powers where we can, particularly, for example, in respect of construction compounds where we will not need them permanently.

00:23:54:22 - 00:24:26:18

Therefore, we do not need the freehold. Um, for that we can simply excise temporary possession. Um, as I've said in the blue corridor, um, which is the cable corridor, um, that is wider than we, uh, require for the permanent easement. And, uh, obviously we'll come on to JG powers later, but, um, uh, that, uh, is where we would use temporary possession powers. First to I microsite the cable. Once we know where the cable will be installed, we then excise the permanent easement.

00:24:26:20 - 00:24:38:15

And that would therefore minimize the the use of compulsory acquisition powers from the rest of the land. Color blue would then be effectively released because the easement had been.

00:24:41:09 - 00:25:26:00

Exercised over for example a a ten meter width. So section 7.6 of the statement of reasons then talks about alternatives to the proposed developments that have been considered. Um, and I won't go into the whole of the site selection process as that's not appropriate here. But in effect, in summary, a no development scheme was considered not a reasonable alternative. Um, in terms of the location, extent of land and rights that's been carefully considered and the design has been has looked to take the minimum amount of land required, whilst also ensuring the scheme delivers the grid connection that we have, as well as mitigation that we require for the scheme.

00:25:26:04 - 00:25:56:09

None of the alternatives are modifications that we have considered for the scheme would actually obviate the need for compulsory acquisition and temporary possession over land. And indeed, I say in this site we are minimising, hopefully, the use of compulsory acquisition by having option agreements signed up for the vast majority of the site and hopefully by the end of the examination, the remaining two would also be signed up. More detail on alternatives is set out in chapter four of the Environmental Statement app.

00:25:56:11 - 00:26:21:00

Hyphen 033 and the planning statement, particularly paragraphs 8.1.3 0 to 8.1 .39, which is app 168, sets out the applicant's approach to alternatives for both the main sites and the cable corridor, as well as considering what alternative types of technology could be deployed to meet the government's renewable policy renewable generation objectives?

00:26:22:15 - 00:26:23:07

Thank you.

00:26:24:27 - 00:26:33:15

Can I then just come to other parties in the room to see whether they have any comment they would wish to make in response?

00:26:35:21 - 00:26:40:24

Okay. I'll then come to you again. Gemma Newell online.

00:26:42:11 - 00:27:24:19

Thank you sir. Gemma Newell for Jade pears group. Um I know welcome on to the to the, um, Jade pears land specifically in part two. But just one particular query. Um, the suggestion there by Mr. Griffiths for the applicant was, um, on the blue land for the cable corridor. Was that once the actual, um, area for the cable, the easement area, that ten metre strip has been established. Everything else would fall away. Um, is there anywhere in the DCO that actually confirms that? because that Blue Land will benefit from the acquisition of rights and, um, ability to extinguish rights in that in that blue land notwithstanding, a cable strip is then later determined.

00:27:24:21 - 00:27:35:09

So essentially, I guess my question is, am I just. Are we just relying on the word of the applicant that that would fall away because those rights would remain as far as I as I can see.

00:27:38:04 - 00:27:42:14

Okay. Thank you. I'll ask Mr. Griffiths to respond.

00:27:42:19 - 00:28:13:10

Richard Griffiths, on behalf of the applicant, the rights that the order grants the applicant is, of course, only in respect of the authorized development. So once the authorized development, once you've exercised the right, uh, for the cables, then, um, the rights has been effectively spent unless and the. Well, let me start again. The schedule one describes what we are getting consent for in terms of the proposed development. Whereas the order describes the authorized development. It identifies the cables that we need.

00:28:13:25 - 00:28:51:04

We then excise the post acquisition powers to install those cables. We cannot go over and above what is authorized in schedule one of the development Consent Order. Once you've installed the necessary cables to function for the authorized development of function, um, then um, we cannot simply exercise the right again for a full install, something that is not authorized under schedule one. So

schedule one and the rights schedule, schedule eight work together in respect of GPS. We will come on to that in part two. We do acknowledge that the area under um, uh, color blue for GPS is, uh, large.

00:28:51:06 - 00:29:21:20

We acknowledge that we're not hiding away from that. Um, the reason for that is, I think we discussed at the first set of hearings for the preliminary meeting is the location of the substation. Um, however, we do recognize it's a large area and we recognize GPS concerns. And so what we, uh, we'll be looking to do some going into party. Looking to do is to potentially revisit that area as the application for the substation has moved on since we submitted this application, but it's not submitted yet.

00:29:21:26 - 00:29:55:00

National grid have confirmed it would be Q4 2025, but we do have a bit more certainty. So we are going to visit that area. And we would also look to, um, provide extra comfort for GPS by writing into potentially schedule eight. Um, uh, further wording about the width of what we need in that land, which would effectively be an approximate, um, width for that cable. So we are looking to minimize further jji pairs. Um, and now's the right time to do that given the application for National Grid has progressed slightly further.

00:29:55:02 - 00:30:12:12

But as I say, we haven't seen we haven't got confirmation of the precise location. So we'll still need to attain flexibility. But we do recognize their concerns and we'll be putting in a bit a few more controls in the order as far as we can write, recognizing that we still need to retain flexibility until we until that permission is granted.

00:30:14:27 - 00:30:24:10

Yeah. I mean, I think there's a number of questions I have in mind that we'll deal with in later on under the specifics, I think. Um, but that's helpful.

00:30:33:09 - 00:31:10:08

We'll then move on to see whether the Secretary of State could be satisfied that the land proposed to be inquired is no more than is reasonably necessary for the purposes of the proposed development. I've got some specific questions on the battery storage. Um, we know that the response that you've given is to excuse 1.0.7, where you advise us that the Western best has a capacity of 500MW, 2000 megawatt hours, I think is the correct term, uh, taking up 112,000m² of land.

00:31:10:10 - 00:31:33:29

And then on the eastern side, a 370 megawatt and 1480 megawatt hour capacity system, which is taking up 85,000m² on the eastern side, both being for our battery storage systems. Now, can you tell us what technology is being assumed to create those calculations?

00:31:43:15 - 00:31:54:20

Which give us on path the applicant? I'm going to pass over to the applicant's, um, representative to answer that more technical technology question.

00:31:56:21 - 00:32:18:09

Randall inputs on behalf of the applicant. I'm the program director for the One Earth project in Orsted, one of the funding partners. So the technology that's proposed for the batteries is a lithium ion battery technology, so very common in the market at the moment. Um, and utilizing storage containers. So again, what we would typically see, which has already been deployed throughout the United Kingdom.

00:32:22:23 - 00:32:27:10

And I don't think that's specified in the DCO is it.

00:32:28:09 - 00:32:29:10

Would have the check.

00:32:30:23 - 00:33:09:06

At the moment. I think it just says it's a battery storage system technology yet to be determined. And that's one of the reasons I'm posing the question, because I'm assuming there are different technologies available, which may require different amounts of space. And so what I'm trying to understand is you've given us a calculation based on on what you've just given us, that. But then are there other options which are either more efficient, um, and therefore take up less space? Or is this the most efficient? Or is this the worst case scenario? If you if you see where I'm coming from.

00:33:09:08 - 00:33:32:01

Yeah. Sure thing. Um, I think we're probably going to have to get back in terms of the variation in the differences between the technologies and what the lands take would be with regard to those. Um, a large part of it is down to the fire regulations in terms of the separation that needs to be held between each of the battery components themselves. But we can come back in terms of the calculation, whether it's worse or medium case.

00:33:32:26 - 00:34:06:16

And that's helpful. Thank you. If you can, we'll take that as an action point so that we can get a more detailed explanation and understanding. And it may well be then that my sort of follow up, um, a couple of questions on this. We'll, we'll link in. It says trying to get more technical understanding, I think of of the proposals and how that relates then to the land take and the compulsory acquisition powers that you're seeking. Um. you make references. Part of the answer to, uh, curtailment.

00:34:07:03 - 00:34:22:20

Um, which I think is an electronic, uh, cut off system. Um, so, again, it'd be helpful to understand what difference, if any, that makes to, uh, the battery storage systems and, uh.

00:34:24:23 - 00:34:47:09

Whether that is relevant to the land issue or not. Um, I just don't know. Um, but also, you make reference to potentially reconfiguring the battery storage system to be a lower capacity, but to store energy for a longer period. So again, what does that do in explaining the land take that you're seeking?

00:34:47:18 - 00:35:19:20

Sure. So on the last question, that's probably the easiest of the ones that you just, uh, addressed there in terms of the, uh, power density. So you mentioned on the western side of the 500MW, up to 2000

megawatt hour battery that could be configured in a different way, where it could be, say, a 250, and then instead of by four hour, it could be by eight hour to still achieve the 2000 megawatt hours. So it's that megawatt hours that we're interested in. That's the overall capacity of the system. And then it's the discharge rate, which would then determine how long the duration is.

00:35:19:25 - 00:35:45:01

Um, we would seek for the megawatt hours. That's the land take that would be specified. And then really it's about what is most appropriate for the system that Niso is needing at the time. So what is it that they're actually trying to achieve? Is it very short infill um, capacity on the battery storage or is it longer duration that we're actually seeking at the time? So it doesn't really impact the land? Take that much. It's more the overall capacity than megawatt hours. It's the one that impacts the land take.

00:35:45:08 - 00:36:17:00

So if opportunities come in there which will give us some of the applicants. Um, lithium lithium battery technology is actually specified. I've just been doing some research. Um, the outline battery safety management Plan says at paragraph 2.2.2.4, the best installation will use lithium lithium ion battery technology or similarly suitable chemistry. It does say that, but that's the point. This is the Rochdale envelope that we can only look at technology that is um, uh, um, um, on the system.

00:36:17:02 - 00:36:50:16

Um, used now. And we have to recognize that in this, uh, um, as technology is improving, um, including the solar panels and the batteries that we need that flexibility. Otherwise, you're constraining the project. We have said as far as we can, lithium, but there may be something else that is better suited when we come to develop this, and therefore the flexibility is required by the applicant. We've what you're looking at is whether the, um, the area identified for the batteries, um, in planning terms, is suitable.

00:36:50:18 - 00:37:01:15

We've um, calculated that land area based on the assessments and we've answered the question. I'm not sure we can go much further than that. And and because there will have to be some flexibility.

00:37:02:09 - 00:37:40:18

Yeah, I fully understand that. And it's not me seeking to impose a restriction or make a recommendation to the Secretary of State that he should do so. It's obviously your colleagues response saying that it was lithium ion, and the DCO doesn't stipulate that on its face, I don't believe. But obviously there's reference to it in the supporting documentation, but it leaves that option open. And so I understand that. But it's just again, trying to make sure that we've fully understood the case for compulsory acquisition and the relationship between the the likely technology and the land.

00:37:40:20 - 00:37:57:28

Take that that relates to. So that's what I'm trying to get the sort of nuts and bolts of, so that we can be reassured in saying to the Secretary of State that the compulsory acquisition Tests, which are quite specific, uh, have been reasonably met.

00:37:58:24 - 00:38:30:12

Which give us some of that. I understand that, and obviously the battery safety management plan is a secure document. You've got the schedule identifying the DCA in its envelope and how the battery safety management plan is linked. Um, but and it does, um, state lithium, but it does keep it open as it says in there. This is subject to detailed battery technology. This is subject to change as the detailed battery technology is identified and the design is finalised. And there's various controls when we submit the detailed design to the applicant, to the planning authority on the impact of that. So appreciate this, this compulsory acquisition.

00:38:30:18 - 00:38:58:00

Um, but we've um, we've presented illustrative layouts, um, for the site, you can see that's based on lithium. That's technology that we that is the moment likely to be used. However, we have to recognise as a five year, um, that the length of the consent before we construct that there may be something else on the user will be satisfied. I appreciate that by basing it on a particular Particular technology. You're happy with that land take. We can't predict the future. We can only assess what's before us at the moment.

00:38:58:24 - 00:39:31:29

Now that's understood. Thank you. Um, to help me a little bit further, obviously, um, if your technical note explaining this, your, uh, submission on degradation, which was appendix A in response to um, action points following the first hearings, was obviously setting out how the energy from the solar reduces over time, um, from year one and the maximum capacity.

00:39:32:18 - 00:39:35:13

Uh, let me just I've got it written down. Just bear with me.

00:39:41:29 - 00:39:55:01

Yeah. Um, appendix A of rep 1077. Technical note on degradation explains even with your over planting. The maximum capacity generation in year one would do 791 megawatt peak

00:39:56:19 - 00:40:08:27

um, which is likely to fall to 738.9MW peak by year 18. Um, so, again, just to help us understand, uh,

00:40:10:15 - 00:40:47:00

the relationship between, uh, that and your battery storage, which obviously is it would appear to be as as figured in the calculation provided have a capacity of 800, 870MW, um, which is 130MW above the capacity of the consent agreement. So it's just trying to understand how those two, uh, relate, because the answer that's been given in terms of the associated development explanation is more about the proportion of land take relative to the size of the site.

00:40:47:02 - 00:41:21:01

I'm not sure that's really the correct test, because it's clearly going to be very modest in percentage of area terms. It's more about the relationship of the battery storage system to the solar generation. And so if as part of that more detailed explanation of how the elements work together, um, because what you've said to us, it's not actually the 870 figure, it's the megawatt hour figure which is more important to you and and how that works.

00:41:21:03 - 00:41:29:12

So I think that would be helpful if as part of that, you can give us that more broader understanding of how these mechanisms work.

00:41:30:18 - 00:41:31:03

Yeah.

00:41:59:29 - 00:42:32:18

On behalf of the applicants, just in terms of how the whole system actually integrates. Obviously, we have a connection offer with the National Energy System operator at the moment, which is for 740MW peak. Um, actual dispatch or up to 740MW import. So it's an import export grid connection. So we want to try and maximize the use of that whole grid connection to obviously, um, be as efficient as possible with the overall system, but also with the plant that we design here. Um, we want to have the solar system utilizing up to 740MW.

00:42:32:20 - 00:43:03:02

So that's hence the design size of the whole solar area. The battery is slightly more complicated in terms of the conflict we spoke about earlier on that. You asked a question in terms of how that would happen if we had some kind of curtailment, that could potentially be where you have 740MW of solar, but you had a fully charged battery, you couldn't discharge them both at the same time because you have a 740 megawatt maximum export dispatch capacity onto the national energy system. So that could be some of the curtailment. That's not necessarily something which is being imposed on us.

00:43:03:04 - 00:43:37:23

That is from the from the south. That is only because we have 740 max that we can put into the grid at that node and the battery system itself. We would look to probably export maximum 740. So at night let's say there is no solar capacity generating. But we have a charged battery. We could export up to 740MW. So the over size that you see at the moment, what we're trying to do is make sure that we can have up to 500MW by four hours so that 2000 megawatt hours on the west side, but up to 740MW in total.

00:43:37:25 - 00:44:13:29

And the assessments that we looked at showed that it would be very complicated and potentially preventative for us to be able to get an individual 740 megawatt buy for our system on the West, so then we had to split it geographically and say that if we were going to go to the full 740 megawatt dispatch capability, we'd actually have to have two, one on the east, one on the west, and then they would be combined and then injected into the system. So it's not that 870 that we're after. It's up to a 740 megawatt hour battery. But what we don't want to do is if we don't go above the 500, we want to keep it as close as possible to the actual injection point into the national energy system.

00:44:14:01 - 00:44:32:08

So on the western side, very close to the national grid connection point. So it's all about trying to understand, we don't know exactly what this was going to look like when we go into the detailed design. There is a lot of regulatory change in the market at the moment, and we're trying to make sure that we've got the best possible option that can answer that question.

00:44:34:08 - 00:44:35:03

Thank you.

00:44:36:26 - 00:44:54:16

Richard Gibson. Well, we'll take the action and we'll put What we just said in writing as well, so you can have it. Um, uh, um, in front of you. You appreciate. It's quite technical. Um, so we'll take that action away and, uh, providing a technical note, probably attached to our formal summary.

00:44:55:06 - 00:44:55:29

Thank you.

00:45:04:21 - 00:45:20:18

So I'll then just come to other parties in the room and just seek, uh, whether there are any views or concerns that they would wish to add in relation to, um, what they've heard in response to those questions.

00:45:23:04 - 00:45:27:10

Now. And, Mr. Walker, I can see your hand up online.

00:45:33:15 - 00:45:44:19

Uh, yeah. Uh, I think, uh, your questions about the size of the battery storage. Uh uh

00:45:46:07 - 00:45:57:23

uh, quite relevant because even the term that it's, uh, lithium ion storage system, that's, uh.

00:46:00:08 - 00:46:12:23

Massive. Because the lithium ion technology from one of the end of the scale to the other is dramatically different. Just the term lithium ion is so wide. Uh,

00:46:14:08 - 00:46:14:29

it.

00:46:17:14 - 00:46:36:19

The fact the fact of the matter is, from now until when the, uh, system gets, uh, installed, the the battery technology will have moved that far on. I mean, in comparison to what it's moved on in the last five, in the last five years. Uh,

00:46:38:24 - 00:47:11:08

They're on a win. A win win in the size. If they if the size of the area for the best, uh, now is what we've got in the next five years. Uh, it's the talking about megawatts. Basically, they get the same footprint to, uh, increase our many megawatts to the can star. The ideal situation is the battery technology has moved on, which it will do. So they get to start more than four hours.

00:47:11:12 - 00:47:56:04

And the main goal is not storing the energy from the solar PV, because that's not where the the main money is. It's the as the pointed out, their import export from the grid. So they import from the grid,

store it uh, until peak times when the solar is not generating. So. Well, uh, and then they export it. Lettuce. Or the bigger the footprint they've got for the battery storage, the better, because if they can cram more newer technology into the footprint which is focused now on current technology, it's it's a win win financially.

00:47:56:18 - 00:48:33:18

So I understand the concerns for the, uh, whether it meets the DCO as into what they need now, because even if it was being built in a year's time, it would still be. I would imagine it would still be too big because the, the the battery technology, the will never sell themselves in the public consultations. The they have no best in mind to to what they're putting it in.

00:48:33:20 - 00:48:56:16

So it's a bit hard to understand how they've calculated, uh, how much they need if they don't have. Same with the PV panels, they said. We asked if they've got anything specific that they were looking at, and they said they didn't have anything in mind. So they must have something they've modeled it on. So it'd be interesting to know what they've actually done their modelling on.

00:49:01:04 - 00:49:01:28

That's it. Thank you.

00:49:02:16 - 00:49:12:13

Okay. Thank you, Mr. Walker. Uh, is anyone else wishing to make any further comments on what we've heard this morning so far on this particular agenda item?

00:49:15:07 - 00:49:19:27

Okay, then I'll just come back to Mr. Griffith to see if you wish to make any further response.

00:49:20:09 - 00:49:55:11

Thank you. Richard Griffiths on the applicant. Um, I mean, we'll obviously do the technical notes as you've requested. Um, but as I said, we have to base, um, uh, compulsory acquisition statistics and post acquisition Succession hearing, as well as an assessment on a on what we know. And that is a design, um, that is being utilized on the market at the moment. That is what we have done. Um, uh, there are various uh, we also have to bear in mind that it's, you know, the design document, um, uh, pages seven, eight, nine.

00:49:55:13 - 00:50:26:11

Uh, you've got various design parameters that we have to comply with, which obviously has to be factored into the landscape, particularly the separation distances between the units. Um, and that and that document also constrains the, um, height, width, etc., of the future, uh, battery. So we're also in, you know, constrained by the, uh, capacity of the connection agreement that we have. So 740MW import export. So that is also a constraint.

00:50:26:13 - 00:51:08:24

So, uh, we have based our land take uh, on, uh, a base design. Um, that is what the battery fire safety management refers to. It leaves open the ability for different design because, as we all acknowledge, um, technology is moving forward. Um, but you have controls through a, the works plans, b the

design parameters, documents and indeed the battery fire safety management plan. Um, and both those documents are secured via the development consent order. As I say, we'll provide a bit more detail about the, um, capacity and the relationship of the, um, uh, battery and the 740 connection in a technical note attached to our oral summary.

00:51:09:28 - 00:51:10:24

Thank you.

00:51:14:20 - 00:51:58:15

I'm just, um, mindful that I was asked to, uh, let you know when we might likely be taking a break. Um, I think that's probably going to be about 11:00. Um, just for The sort of forward notice now. Okay. Um, so I move on then, um, to, uh, effectively, uh, point D on the agenda, which is whether having regard to section one, two, two, three of the Planning Act, there is a compelling case in the public interest for the land to be acquired compulsorily and the public benefit benefit would outweigh the private loss.

00:51:58:22 - 00:52:18:07

So can I ask the applicant to confirm? Um, my understanding is that the main public benefit, as they say, it would be the solar energy generated, as stated in section 7.3 of the Statement of Reasons and paragraph. I think it's 4.3.1 of the planning statement.

00:52:20:16 - 00:53:42:05

Which is on behalf of the applicant. Um, uh, in short, yes. But there's a few more benefits I like to just refer to. If I may. So the core documents for this question are the planning statement app 168 the statement of need rep two hyphen 047 and then section 6.1, 6.2 and 7.3 of the Statement of reasons rep two hyphen 011. Um, and first of all, yes, you're right that, um, uh, the main, uh, public benefit is to meet the urgent need for new critical national priority, um, energy infrastructure, providing enhanced security and supporting the UK government's priorities in relation to economic development and security of electricity supply, delivering additional renewable energy capacity, thereby supporting the government's climate change commitments, their carbon budgets and the path to the legally binding net zero 2050 commitment, and without that, the proposed development a significant and vital opportunity to develop a large scale renewable energy generation scheme will be passed over, thereby increasing the risk that future carbon budgets and indeed the 2050 net zero legally binding commitments will not be achieved.

00:53:42:16 - 00:53:43:10

So those are

00:53:45:03 - 00:54:16:04

very significant benefits and of course complies with MPs in 1 in 3. Um, but in addition to the urgent need of this critical national priority infrastructure, as we set out in the planning statement, particularly the scheme will also deliver new habitat creation, permissive paths linking existing routes and creating new routes, a minimum of 10% biodiversity net gain and the socio economic impacts.

00:54:16:22 - 00:54:52:17

554 full time jobs during the two year construction period, and then 15 full time operational Jobs, and that's all secured via the skills supply chain and Employment plan. So whilst we do of course acknowledge that there will be some private loss, although I as I've said that the um main solar PV best substation sites are under option, um, uh, apart from two landowners which will come on to. But hopefully they will be uh, they've got signed heads of terms, but the option is not quite signed.

00:54:52:23 - 00:55:28:23

Um, so the main site is on the whole, um, secured under option. Um, and the proposed acquisition is therefore only a backup of the main sites. The private loss here is predominantly in relation to the cable corridor and therefore very limited. Um, while we do accept, um, there would be some, um, loss and there are, of course, some adverse effects to the scheme. But when you weigh that against the significant, very significant benefits of the schemes I've just summarised, then, um, it is our case that those that loss does not outweigh is not outweigh is that loss is outweighed by the benefits.

00:55:28:25 - 00:55:42:04

And of course, compensation is available for people who are subject to compulsory acquisition. So in short, you know, we set out our compelling case in the public interest. Um, and and why that outweighs that, that private loss.

00:55:48:20 - 00:55:53:09

Thank you. You also reference um.

00:55:56:14 - 00:56:14:18

The the access to public rights away during constructions of public benefit. I just wonder whether that's a reasonable thing to say, bearing in mind that without the construction, the access to the public rights of way is there in any event. So

00:56:16:05 - 00:56:23:05

is that just the way I'm reading what you said? It just seems to me a slightly so mysterious.

00:56:23:07 - 00:56:25:19

And I mentioned the permissive paths that we're creating.

00:56:25:24 - 00:56:34:25

Yeah, but the statement of reasons doesn't talk about permissive paths. It talks about public rights of way, I think. Um, and so it's

00:56:36:17 - 00:56:47:18

and the planning statement I think is similar. So it just seems to me that that's not quite a fair reflection of what could be regarded as a public benefit. Um.

00:56:53:26 - 00:56:56:20

Which gives some path that if you give me the paragraph number.

00:56:57:03 - 00:57:03:21

Uh, I think it's 4.3.1 of the planning statement and section 7.3 of the statement of reasons.

00:57:16:13 - 00:57:21:20

It's not a major plan, but I just think that if it says permissive paths, I could understand the.

00:57:22:03 - 00:57:53:01

Um. So the planning statement says proposed development includes the following other benefits. Um, talks about the um, um, existing hedgerows that were going to be, um, uh, for example, filling in. Um, then it talks about um, uh, habitat creation, native grassland, woodland planting, new hedgerow planting, talks about permissive paths. New permissive paths have been designed to supplement the existing public rights of way network, linking existing routes and creating new connections.

00:57:53:20 - 00:57:57:07

Um. Biodiversity. Net gain 10% minimum. Um.

00:57:59:18 - 00:58:09:12

Lands and soils. Um in terms of resting it um. Socioeconomics. Average of the 54 554 jobs. Um,

00:58:11:04 - 00:58:23:00

we're not um, I mean, during construction, our mitigation is to avoid closure of public rights of way. Um, I haven't read I haven't mentioned that as a benefit. That's a mitigation measure to the construction.

00:58:24:27 - 00:58:43:27

To me, the permissive path creation is a benefit to the scheme that we're trying to create more links, um, to between existing routes. And we would argue that should be put in the positive basket in weighing up the benefit to the scheme. How much weight do you attach to that is, of course down to the examining authority and the Secretary of State.

00:58:55:05 - 00:59:32:22

If we look at the statement of reasons, it's 7.3.2, uh, public benefits, in addition to meeting urgent national need, biodiversity, net gain, access to all existing public rights of way will be maintained during the construction phase, with no permanent public right of way. Closures are diversions expected within the order old limits. Well, if you don't do the scheme, that's the same, is it not? So it's not a public benefit. That could be an additional benefit from the scheme taking place, is it? I understand the point you're making on permissive paths, and I see no reason to dispute that.

00:59:32:24 - 00:59:43:21

But I just question whether it's a reasonable thing to be saying that there's a benefit to the scheme maintaining access to a public right of way which already exists.

00:59:44:12 - 00:59:44:27

Yeah.

00:59:44:29 - 01:00:14:25

Well, I mean, I, I, I think as, um, I think the point that's trying to be made in paragraph seven, .3., so which agree with some part of the applicant, the point is being made in 7.3.2 is that, um, rather than

seeking to close the public rights way, which obviously would be the easiest option for construction, um, to, um, that the applicant is proposing mitigation to avoid that. How much weight do you want to attach that whether it's zero is neutral. Um, Is down to the examining authority.

01:00:14:27 - 01:00:27:00

The main, I would argue that the main benefits of the scheme, as I've already outlined and are set out in 4.3.1 of the planning statement under the heading. Other benefits of proposed development.

01:00:29:05 - 01:00:30:09

Okay. Thank you.

01:01:10:11 - 01:01:15:14

Okay. Um, I noticed we've got a hand up. Uh, Mr. Walker?

01:01:19:16 - 01:01:56:24

Uh, yeah. Craig Walker, a resident of North Clifton. Uh, regarding the permissive paths, I'd just like to point out that the majority of the new permissive paths, uh, are down existing highways. Uh, so I don't see how that, uh, is, uh, the applicant adding anything in when the down the side of an existing highway. There is one stretch that isn't, uh, they add in, uh, a link which is already, uh, accessible via another route.

01:01:57:03 - 01:02:22:06

Uh, and the actual link they're putting in was something what was requested by one resident of young Trent. So I see very little benefit in it. Seen as one person has requested that, uh, in uh village. What is not affected by the scheme? That's it. Thank you.

01:02:23:25 - 01:02:25:11

Okay. Thank you, Mister Walker.

01:02:32:19 - 01:02:34:29

Do you wish to come back on that, Mister Griffiths, at all?

01:02:36:05 - 01:02:44:25

Richard, give us some part that I do have. If. Can I come back to it a bit later? Um, just trying to find out a few questions, and then I'll respond, if I may.

01:02:44:27 - 01:02:45:22

Yep. All means.

01:02:45:24 - 01:02:46:09

Thank.

01:02:46:11 - 01:02:54:00

You. Um, just remind me when you've found what you need to, and then we'll we'll introduce it. Okay. Um.

01:02:57:01 - 01:03:28:06

My sort of final point then on, on, on. This is really relating to the biodiversity net gain. Um, and obviously the latest draft DCO makes a commitment to, uh, the proportions that have been set out within the biodiversity net gain assessment, I think, in response to some of the council's, um, uh, representations. And that obviously, um, is significantly above 10%.

01:03:28:19 - 01:03:59:17

Um, so really, I'm just trying to, again, with the compulsory acquisition and the quantum of land issue, trying to understand whether in delivering that you're actually utilizing more land than would be necessary, bearing in mind that for national infrastructure schemes at the present time, delivering biodiversity net gain is not actually a policy or statutory requirement.

01:03:59:21 - 01:04:05:07

I can understand that there is it can be a benefit, but it's just trying to understand whether

01:04:06:24 - 01:04:12:26

It is ending up using more land than would be otherwise necessary.

01:04:22:16 - 01:04:34:00

On behalf of the applicant, I can't answer the quantum of land off the top of my head. I need to speak, but I think this is where we're getting into an applicant being pulled in multiple different directions.

01:04:36:03 - 01:05:08:25

And that on one hand, we have, um, uh, pressure, um, it's delivered biodiversity net gain. And whilst not which uh, you know from statutory consultees uh, and on the other delivery, um, um, the question that you've just posed, uh, it's a balance that the applicant has to make, uh, in terms of the, uh, combination of mitigation and biodiversity net gain as to how much it provides.

01:05:09:08 - 01:05:45:24

I mean, clearly the more net gain you provide, the more land it will take up. I mean, that's obviously a fact, but I think what I don't know the answer to, or top of my head would have to take this question away, is we are mitigating the impacts of the scheme. The mitigation is there is obviously required to to reduce the impacts. That mitigation itself is part of the net gain solution. So how much over and above the pure mitigation is the net gain? I don't know the answer to that question. I don't know whether we can find out that answer, but I will certainly take that away. But I think this is a point that, you know, you're finding that, you know, we're being pulled in multiple directions to find an acceptable scheme.

01:05:46:02 - 01:06:03:17

Um, but I don't think it's simply saying biodiversity net gain on its own is not. There is mitigation within that biodiversity net gain. So the question is if I take out the mitigation what is left that is pure net gain. How is that over and above the 10%? I mean, that's quite a lot of work, but I can see what I can find out.

01:06:03:19 - 01:06:34:24

I think the key to understand is really, um, that the mitigation that's being proposed is what you're saying to us is necessary. And therefore, if that's a simple answer, yes. And therefore there is merely a consequential effect that it results in a much larger BNG contribution than your statutory required to do so.

01:06:34:26 - 01:07:07:13

It's about understanding that relationship between the two and the land, because whilst you you're right that you're potentially being pulled in different directions, there's there's a statutory test under compulsory acquisition which, um, is pushing you one way. Um, and clearly you're being encouraged, uh, from the other side to contribute as much as you can. So, um. I'm not I don't know what the answer is myself.

01:07:07:15 - 01:07:31:08

Uh, and that's why I'm posing the question. Um, but I think that, uh, the there has been an I don't know whether there is, um, a specific decision that any of the secretary states have made on dsos with regard to BNG and land take. But it does seem to me that, uh, where you have.

01:07:33:18 - 01:07:42:20

We do need to be comfortable with the land take relative to what is being offered. I think that's perhaps the simplest way I can. I can put it.

01:07:45:11 - 01:08:17:19

On behalf of the applicant. Um, I think I would need to take away, um, this because, uh, a lot of the BNG is enhancing the existing mitigation land. So there may be a straightforward answer that we're putting this mitigation in and we're combining the biodiversity net gain with the mitigation. And that's the answer. Um, uh, I will need to take that away. And we haven't got the relevant but, um, consultants here to answer that this morning. But I will take that away, um, and see what uh, and will respond in writing.

01:08:19:00 - 01:08:23:23

Okay. Thank you. So we'll take that as another action point for from today.

01:08:29:16 - 01:09:00:28

I think, um, I've already got an answer to sort of point two. Um, which is just an explanation of how the DCO demonstrates a commitment to and delivery of the whole project and how that's secured. And I think you've given us a written response to this in the answer to written questions in the effectively, it's the the commercial imperative rather than a DCO, uh, specific uh requirement. So is that that correct?

01:09:02:00 - 01:09:35:25

Would you give us some part of that? Yes, sir. Um. Uh, that is right. I haven't really nothing further to add. I mean, obviously, as I've said, the main sites are under options. So as soon as the option we draw down the lease, under the option, commercial arrangements are triggered between the applicant and the landowner, which therefore is a commercial imperative on that point. Not um anyway. Um, so it is precisely that and the, um, uh, the Secretary of State has accepted that, uh, in the decision of the little Cru Solar Park Order 2022, where the Secretary of State recognized that commercial imperative.

01:09:36:27 - 01:09:38:04

Okay. Thank you.

01:10:06:19 - 01:10:20:08

I come back to a couple of questions that I've got later on in the session when we're dealing with individuals. So if we move then on to item three, whether there's a reasonable prospect of the requisite funds becoming available.

01:10:22:00 - 01:10:55:24

Now, the compulsory acquisition guidance at paragraph nine states an applicant should be able to demonstrate there is a reasonable prospect of the requisite son's funds for acquisition becoming available, and a the resource implications of both acquiring the land and implementing implementing the project for which the land is required, and b demonstrating that adequate funding is likely to be available to enable compulsory acquisition to proceed within the statutory period following the draft DCO being made. Now, the funding statement's obviously been revised.

01:10:55:28 - 01:11:30:07

Um, at deadline two, I think it is. Um, but section 2.3, um, hasn't been revised and it does not appear to actually commit to, uh, those requirements. And two paragraph 2.3.1 says the intention is for and it's not been formally agreed. So and so I need clarity from you as to what exactly the position is from the applicant on, uh, the funding, please.

01:11:30:09 - 01:12:08:02

Would you agree this on part of the applicant? So all you need to know is whether the applicant has the money to develop the project, and it does, as per the, um, accounts that we've submitted with the funding statement, how the precise funding is done, which is, um, we cannot confirm that no infrastructure project can confirm that that is a financial decision, financial investment decision, FID, which is taken when a consent is being granted. However, what you can be certain of is the accounts demonstrate the strength of the applicant that has the funds to fund it itself, and that is what the evidence you need.

01:12:08:06 - 01:12:38:24

Um, plus, on top of that, you have article 46 of the draft Development Consent order that prevents the applicant from exercising any of the compulsory acquisition powers, um, um, until the Secretary of State has approved, um, the financial security, uh, in the amount on of which the compensation, uh, is likely to be, um, the Secretary of State has to be has to has to approve that, has to see the security and approve it.

01:12:38:26 - 01:13:01:21

That is your, um, is the second part of the evidence. Um, that is what you can report on. We cannot give you the precise funding mechanism. Um, how a precise funding pattern at this point. And no developer can. No infrastructure project can. What what you've got in front of you is the accounts of the applicant that showed the funds that it has. Plus, you've got article 46.

01:13:04:06 - 01:13:45:09

With respect to article 46 doesn't meet the test in the CAA guidance. It does what it says. What it doesn't tell us is how you will have the money to meet the obligations upon you within the appropriate time. For once a DCO is made. And what this is saying to us, that is that your funding statement says you'll make a final investment decision after the dsos made, and the owners will commit to funding the applicant for financing the construction phase in accordance with their respective obligations under the shareholders agreement entered into by them.

01:13:45:11 - 01:13:48:29

So has that shareholders agreement actually been Being made.

01:13:51:15 - 01:13:54:06

Richard. Richard, give us on part of the applicant. Yes.

01:13:59:03 - 01:14:02:06

And that's between the two companies, is it?

01:14:02:24 - 01:14:04:29

Richard, give us a part of the applicant. Yes.

01:14:14:25 - 01:14:17:07

So, should the funding statement say that?

01:14:19:25 - 01:14:29:03

Richard, give us some parts that we can. Um, we can make that clear that the shareholders agreement has been entered into, um, put a sentence into that effect.

01:14:30:01 - 01:14:32:24

I think that would be helpful. Thank you. Um.

01:14:38:14 - 01:14:51:02

And in terms of understanding the funding, um, does the decommissioning costs, Uh, are they included in the projected cost of the project?

01:14:52:00 - 01:15:12:21

Would you give us on behalf of the applicant? I mean, this is that's a different point to compulsory acquisition. Of course, the funding statement is not required for decommissioning. The funding statement is only required for compulsory acquisition. And we cover decommissioning at the previous issue specific hearing where I outlined how the funding of decommissioning. And I refer you to all summary of that hearing.

01:15:30:02 - 01:15:31:26

Okay. Thank you. And.

01:15:34:08 - 01:15:44:00

Requirement 20 of schedule two in dealing with the mechanics of the decommissioning, it doesn't actually require the undertaker to undertake that decommissioning, does it?

01:15:47:26 - 01:15:49:27

So now I'm moving into the DCO drafting.

01:15:49:29 - 01:15:56:15

And yeah, I appreciate we're in a CA hearing, but it just seemed to me that as it was, funding related, uh.

01:15:56:17 - 01:15:58:02

Was not funding related to the funding.

01:15:58:04 - 01:15:59:01

Statement, sir.

01:15:59:12 - 01:16:06:06

No, but it's relating to the crossing of the thing as a whole. If you wish, I'll deal with a specific hearing. That's quite.

01:16:06:21 - 01:16:09:24

20. Does require the applicant to decommission the project.

01:16:13:14 - 01:16:55:23

So we project, uh, requirement 20, um, require, um, uh, requires the project not to operate, uh, for longer than 60 years and then the decommission. And so either the project or will, will, will operate for a total 60 years, in which case it will then be, um, the decommissioning obligation in 2020 kicks in. Or of course, if it ceases, um, if um, uh um, uh, if under requirement 22, the applicant notifies the authority that it's going to start to decommission at year 55, then it's triggered at that point as well.

01:16:55:25 - 01:17:11:16

But the long stop date is 60 years. So and then then the then the obligation, uh, the requirement to decommission is, is there and is enforceable, uh, as under the DCO. So it cannot carry on past 60 years.

01:17:12:14 - 01:17:24:05

No, I mean, I, I understand that it can't carry on past 60 years, but in terms of the date, the requirement is to stipulate a decommissioning plan and to have that agreed by the local authority. Yes.

01:17:26:00 - 01:17:43:00

Requirement 26 then says the decommissioning Environmental Management Plan must be implemented as approved, which therefore means we must carry out whatever that says in terms of removal of all the above ground infrastructure, etc.. And if we don't do that, then it's a breach of the development consent order.

01:17:44:13 - 01:17:47:07

Okay. Thank you. That was a requirement.

01:17:47:09 - 01:17:51:26

26, 2020. Um. Subparagraph six. Yes.

01:17:52:03 - 01:17:53:03

Okay. Thank you.

01:18:00:27 - 01:18:27:23

Okay. Thank you. Um. Going back. Uh, you'll be pleased to note compulsory acquisition funding. Um, in response to question 901, you stated that the applicant has demonstrated it has the ability to procure the financial resources required for the proposed development, including the cost of acquiring any land rights and payment of compensation, compensation, as applicable,

01:18:29:14 - 01:18:50:23

and then going on to respond to question 902. I think there are a series of typographical errors in this response. Um, so I just wanted to make sure that it wasn't me having a lack of understanding, but it says with a string balance, I assume it means strong balance sheet and diverse,

01:18:52:22 - 01:19:02:06

diverse funding. Now I assume that's diverse. And it was. It should be that just diverse funding. But perhaps you can clarify for me.

01:19:03:03 - 01:19:07:10

Richard, give us some of that. Yes. So it should say, however, in this event the proposed development is.

01:19:07:27 - 01:19:09:04

Not it is. Yeah.

01:19:09:06 - 01:19:26:06

Is backed by by an organization with a strong with strong balance sheet, receipts sheets and diverse funding. So delete the erroneous word before funding sources that would enable additional capital to be raised.

01:19:26:15 - 01:19:57:29

No that's fine. That's what I thought it was meant to say. Yeah, yeah. Apologies. No that's fine. Um, now I understand that the funding statement's been prepared, but there's also been recent reports on Orsted position in the press. Now, um, this has been referenced by one of the written representations, but unfortunately, I don't have a reference to that. Can I just clarify that? Um, that does not alter the position.

01:19:58:09 - 01:20:06:06

Um, from your perspective of the ability of the applicants to fund the scheme, as you're stating?

01:20:12:09 - 01:20:20:13

Richard Griffiths on behalf of the applicant? No, it does not alter what I've said at this or hearing or indeed in the funding statement.

01:20:23:27 - 01:20:24:22

Thank you.

01:20:27:03 - 01:20:33:10

I'll just check to see if any of the parties have any points of concern, or points they would wish to raise.

01:20:37:08 - 01:20:51:22

Nope. Okay. So I can move on then to item four. Whether the purposes the proposed compulsory acquisition are legitimate and would justify interfering with human rights of those with interests in the land affected.

01:20:53:25 - 01:21:08:04

So just in terms of understanding this, can you explain to us what regard has been had to the European Convention on Human Rights and article one of the first protocol? Thank you.

01:21:10:12 - 01:21:12:22

Which was on behalf of the applicant. Um.

01:21:14:25 - 01:21:46:28

So the applicant has acknowledged, um, in the statement of reasons. We have three two hyphen, hyphen 011, and that the development consent order, uh, of course, has the potential to engage a number of the articles of the European Convention on Human Rights as brought into UK domestic law by the Human Rights Act 1998. Um, but, uh, we would argue that the interference with those rights is, um, lawful, um, necessarily proportionate and justified, as we've been discussing this morning.

01:21:47:13 - 01:22:20:01

Um, the two main, um, uh, articles would be article one of the first protocol, which protects rights to peaceful enjoyment, um, of possessions and provides that no one can be deprived of their possessions except in the public interest. Uh, as I've outlined above, in this, in this hearing and in the planning statement and in the statement of reasons, the main public benefit is, of course, the, um, uh, critical national priority renewable energy infrastructure that this project is and that it delivers on the government's

01:22:21:29 - 01:23:05:04

policy on renewable energy and delivers on the 2050 legal, legally binding net zero commitment. Um, as well as the other benefits that we've discussed. So we've had regards to that, by delivering a project, designing a project that meets those public interest, that meets the public interest, um, those band that benefit. Can only be. And those other benefits can only be realized if the order grants, uh, the various powers of compulsory acquisition, um, uh, to ensure that there is no impediment to the construction, operation, maintenance of the scheme, and therefore the public benefit of renewable energy.

01:23:05:06 - 01:23:38:25

And the other public benefits I've outlined can be delivered, um, article six of the European Convention on Human Rights, uh, entitles those people to a fair hearing, uh, and a public hearing of their objections. Of course, that is why we are here today. Um, to enable that to happen and any, um, effective person can, uh, come to this hearing and be duly heard by you in full, in a fair manner, and in a public place.

01:23:38:27 - 01:24:09:19

So, um, in, in the round, through the various consultation that we did pre submission through the questions that were and the answers we're giving during the process and in this, in these hearings that you have convened, um, the examining authority and the Secretary of State, um, we would argue, um can strike that balance between the, the public interest to the scheme going ahead and the interference with the European Convention on Human Rights. Uh, um, and the rights that people might, um, uh, their rights might be affected.

01:24:16:15 - 01:24:26:13

Okay. Again, I come to the room to see if anyone has any response or comments they would wish to make. Yes. Uh, Gemma Newell online. Thank you.

01:24:29:18 - 01:25:09:29

Thank you, Sir Jim Neill, for J.G. pears group. Um, just on that point, given what Mr. Griffith said earlier for the applicant, um, that the suggestion that they might be reducing, uh, the, the area that's going to be subject to, uh, acquisition of rights on, on my client site. Um, I'd query how they've been able to assess the impact on my client if, if, you know, if that if the extent of that land or the rights over that land, um, are subject to change. And therefore if, if they've not fully been able to assess them, how can we want to get over the hurdle of article one and then to come to a point where there's a compelling case in the public interest?

01:25:13:18 - 01:25:15:27

Thank you. I've come to Mr. Griffiths.

01:25:16:26 - 01:25:50:08

Which goes on. I'm not quite clear on the question. Um, through as, as, um, as to be recognised that, uh, through these infrastructure projects. Um, it is an iterative process. In this particular case, we know we have a grid connection to the high demand and substation. Um, National grid is promoting a planning application for that substation from the point of submission of this application to today. Um, National Grid has progressed their application, although it's still not submitted.

01:25:50:16 - 01:26:28:24

Um, what we are trying to do is listen to JT payers concerns. Um, so they're being heard fairly, uh, by us, and we're looking to see, based on how that application for the substation has moved forward in the space between submitting this application and today, how we could look to reduce the land area, whilst not whilst enabling us to still deliver this project in the public interest. We're looking to do that for their benefit. So I'm not quite clear on the question being posed, but we're trying to do is, is is listen to their concerns to an affected person's concerns and see what we can do.

01:26:28:26 - 01:26:38:25

Based on how National Grid is progressing their planning application for the substation. To see if we can reduce the area affected by the rights that we're seeking to acquire over this land.

01:26:41:05 - 01:26:41:23

Um.

01:26:43:27 - 01:27:01:26

I think what, uh, Gemma was asking was, how have you understood the private rights when you haven't yet deciphered the extent of land taken? I think that's where, by all means, correct me if I'm misinterpreting the question you've posed.

01:27:02:00 - 01:27:05:01

No, no. That's right. So you've interpreted it correctly.

01:27:05:15 - 01:27:20:07

Richard Grierson. Well, we've taken the worst case, so we've actually gone bigger and and, and looked at the impact of the rights over their land. And now we're trying to reduce it. So we have taken it into account by reducing it. We therefore reduce the impact on their rights.

01:27:21:02 - 01:27:37:21

I understand that, um, and it's understanding how the, how you've assessed the extent of their private rights over the whole of their land taking. I think I think that's where the question is coming from. So it's almost that.

01:27:37:23 - 01:28:10:02

Yes, Richard gives on part of the applicant and the rights that we're seeking with the land. Is the as a cable corridor to enable us to connect into a substation. And so our assessment of their rights is that, um, there will be an underground cable going through their land, um, to a substation where at the point of submission and the point of assessment, the location within the area we've identified was not precisely known. So we have, um, assessed that our cable and underground cable would go through their land.

01:28:10:04 - 01:28:46:15

What we're now looking to do is, um, is now we know a bit more information about where that substation is, um, to potentially remove some of the land, to not have it under compulsory acquisition. And also to put some further wording into the draft of a consent order to refer to a potential width of that cable corridor. But we have assessed their impact under the in the assessment and under the European Convention of Human Rights by knowing that it will be a permanent easement of approximately ten metres wide through their land connecting to a substation on their land.

01:28:52:26 - 01:28:55:23

Does that answer your question?

01:28:57:19 - 01:29:02:17

I'll take it for now, sir. Obviously, I think I think we'll call it this in more detail in part two.

01:29:03:00 - 01:29:08:03

Okay. All right. Thank you, Mr. Walker. I know you've got your hand up as well.

01:29:10:24 - 01:29:42:03

Uh, yeah. Uh, Craig Walker, resident of North Clifton. Uh, I, I fail to see how, uh, the applicant has taken into To consideration, uh, any human rights in the regard to the siting of a bet on an aquifer? Uh, and, uh, if the answer to that is the bond and valve system for the, uh, older contaminated water in case of a bus fire.

01:29:42:12 - 01:29:45:23

So that only holds two hours of, uh.

01:29:46:11 - 01:29:49:29

Sorry, Mr. Walker. Can I just pause you with having a fire alarm?

01:29:50:04 - 01:29:51:06

Yep. No problem.

01:30:00:06 - 01:30:30:11

I lead the recording. Um, okay. Mr. Walker, I understand where you're coming from, but I don't think that's necessarily an issue for today's hearing on compulsory acquisition. Um, it's a technical point on the suitability of the site above an aquifer adjacent to, um, a reservoir. So, um, I understand your point you're making, but I'm not sure it's necessarily pertinent to today.

01:30:30:13 - 01:30:46:00

I was just referencing the, uh, the, uh, applicant checking into considering the human rights convention, which is, uh, which part of it is, uh, drinking out drinking water related.

01:30:47:15 - 01:30:54:16

I understand the point you're making. And I will allow the applicant to to come back if they wish to. Thank you, Mister Walker.

01:30:54:21 - 01:30:55:11

Thank you.

01:30:56:28 - 01:31:25:16

Would you give us some of the applicants? This is a design question, and we've obviously had regard to throughout the application on the design the scheme on, um, uh, human rights and on the Equalities Act, which obviously your next question. Um, in designing the scheme, um, so that has been taken into account, uh, as we have designed in terms of then the suitability of that. That is obviously a different question. Uh, which um, for an issue specific hearing.

01:31:26:16 - 01:31:46:03

That's fine. And I think for those of you who are observing, we do have issue specific hearing later on today and tomorrow. And obviously as part of that agenda is looking at hydrology and water. So I suspect we'll pick up that again uh, during those hearings. Thank you.

01:32:01:21 - 01:32:21:24

Okay. So then look at the consideration of duties under the Equalities Act. Um, can the applicant provide us an update in relation to compliance with any duties under section 149 of the Equality Act and where the approach it has taken is set out in the evidence submitted demonstrating how it's met its duties of the Equalities Act. Thank you.

01:32:23:05 - 01:32:58:17

Richard Griffiths, on behalf of the applicants, as the examining thought to be aware. Section 149 of the Equalities Act 2010 places a duty on public authorities to have due regard to equality considerations when exercising their functions, so the duty applies to a person. Um, this duty also applies to a person who is not a public authority, but who exercises public functions. So the 149 duty is applicable to the examining authority in relation to this examination and its reporting, and to the Secretary of State in its function to determine the application.

01:32:58:27 - 01:33:30:10

Um, we are not the applicant is not a public authority or person that is exercising public functions and is therefore not subject to 149 duty. However, what we can confirm is that in developing the application, um, for the development and the proposals for compulsory acquisition and temporary possession. The applicant took all reasonable steps to ensure that all individuals engaged with were treated equally, without discrimination in their ability to be informed or indeed to engage with the applicant.

01:33:30:27 - 01:34:10:12

Um, and in relation to the power sought over the land. Um, the applicant um, utilized various methods of communication to identify relevant land interests. Um, and to consult on the development that included mechanisms such as um, letters, emails, uh, phone calls, in-person events, meetings, site notices, local deposit locations, information on our project website. Um, and the offer to provide hard copy materials upon request. Um, an exercise to identify and engage with seldom heard groups was also undertaken during the consultation with letters sent to community groups.

01:34:10:14 - 01:34:50:19

And also making consultation materials available in alternative formats upon. Upon request, and no such requests were were actually received. All of. That approach to the consultation and engagement is set out in section. Six of the consultation report. Reference ape hyphen 151. Um, as we answered in respect to question nine zero 12, where an affected person self disclosed in relevant reps that they shared a protected characteristic, then the applicant has sought to mitigate those potential effects, as that answer describes.

01:34:50:21 - 01:35:02:04

So the applicant is both engaged in a manner that would not discriminate, um, uh, and also to mitigate any potential effects on people which may have protected characteristics.

01:35:04:23 - 01:35:13:20

So I take it from your answer to the first part of that, that you don't regard your All the public sector equality duty would also apply to you.

01:35:15:06 - 01:35:15:28

Correct.

01:35:17:25 - 01:35:22:00

Would it apply to you if it's granted because you then become a statutory undertaker?

01:35:27:26 - 01:35:29:13

Therefore, a public body.

01:35:39:22 - 01:36:12:08

Would need to go back to you on that. However, I would recognise that. I mean we have carried out, as I've just said, described. We have carried out, um, uh, and what you need to report on, um, is how the, this examination and how you have, how this examining authority has conducted the examination in a fair way to ensure there is no discrimination and to ensure that people protect the characters can be hurt. It. That's we are in terms of our consultation.

01:36:12:21 - 01:36:22:28

We have also had regard to that, as I have outlined in my summary and as outlined in section six of the consultation, um, report. Um, so in terms of um,

01:36:24:16 - 01:36:56:27

in terms of anyway, the duties in terms of having regard to that and making sure that we don't discriminate and we seek to reach hard to reach groups and identify people with protective characteristics. Um, the applicant has done that, and we have submitted that in our consultation report to you. And I've outlined it here. So I would regardless of the answer to the question, we have given you the information for you to enable to report on what we have done. The second part of the duty is obviously on you in how you conduct this examination, how you hold the hearings. And then the third part is the Secretary of State in their reporting.

01:36:56:29 - 01:37:06:12

So I would say you've got the evidence from us that we have complied regardless of the answer, which I don't want to give. You have an answer in my head, but I do want to give it to you without, um.

01:37:07:11 - 01:37:07:29

That's fine.

01:37:08:01 - 01:37:08:16

That's fine.

01:37:08:29 - 01:37:16:17

Yeah. I'd rather get the correct answer or you know. As you see it, rather than, uh, but anything else but.

01:37:17:13 - 01:37:23:20

But I do think the my answer anyway is almost irrelevant because of what I've just said in terms of the evidence in front of the examining authority.

01:37:24:27 - 01:37:33:18

Okay. Thank you. Uh, does anyone else have anything that they would wish to come back to? Uh, in respect of that item?

01:37:36:19 - 01:37:59:12

No. Okay. Well, I think he's probably a sensible time to just to take a break. Um, it's just after 11:00, so if we can resume, uh, what should we say? Uh, 25 past. Is that a sufficient time for everyone to, uh, do what they need to do? So this is here and is currently adjourned, and we will resume at 25. Passed. Thank you.