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FULL TRANSCRIPT (with timecode)

00:00:05:20 - 00:00:44:14

It's 11:25, it's time to resume this compulsory acquisition hearing. Okay, so, um, prior to the close, we just finished on item five. Now item six, uh, sections one, two seven and 138 of the Planning Act. We don't have any statutory undertakers attending today. And we do have a similar item later on under part two. So rather than duplicate them, I'll seek to deal with them under part two. Um, so then just seek clarification then in the latest position with regard to the Crown land interests under section 135.

00:00:46:06 - 00:00:55:09

Thank you sir. Richard Griffiths, on behalf of the applicant. Um, so first of all, um, plot 04009. Um,

00:00:56:24 - 00:01:31:08

as we noted in our Tracker. Um. When we first approached the Crown Estate to negotiate, um, the terms of the consents and the rights we need back in February 2000, 2024, uh, the Crown said they wouldn't really engage until the application had been submitted. Since the application has been submitted. Um, we've issued heads of terms to the Crown. Um, back in July of this year. We've now received engagement from the Crown Estate commissioners, stating they're stating that they're going to carry out GIS checks.

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Um, and we'll be responding to us, uh, shortly. So we are now in active communication with the Crown to get the relevant agreement and the consent, which we hope we will get during the course of this examination in respect of plots 15, zero, 12, 15, zero, 19, 15 zero 20 and 15 zero 21. Uh, that's land where the Secretary of State for transport has a has a potential which is actually reviewing the relevant deeds.

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Um, uh, potential uh rights. Um or restrictive covenants? Um, we are we've engaged with the we've been engaging with the Department for transport. Um, they've now instructed their internal legal team and their surveyor, uh, to review the position alongside us. So we're in active discussions with them. About what? Um, if we need a section 113, five consent or otherwise, there would be it's quite old the restrictive covenant. And. Right. So we just need to look at what it's doing.

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And with that we're in active discussion with them to hopefully either get the consent we need or confirm we don't need it either way during the course of the examination.

00:02:45:21 - 00:02:47:22

That's remarkably positive. Um.

00:02:50:05 - 00:03:02:06

Not normally what the response I get when dealing with Crown land interests. Um, it's very nice to hear. Um, So the Department of Transport is just as a covenant, uh, over those plots.

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Um, so, um, there's a right of access to the Secretary of State of two. Um, the secretary of state, uh, in respect to a right of access to remove a bridge. Um, uh, they haven't removed the bridge. The deed was executed in. Executed?

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In the 1970s, I think. Um, uh, and they had the deed referred to the intent to remove the bridge. Well, that hasn't happened in the intervening years, but there is a right of access to provide for that bridge to be removed, that right of access. Um, uh, we should be able to accommodate if they still need it. Um, so we're just talking to them about that. There is then a restrictive covenant over plot 1512, um, which is in respect of should the railway, should they wish to reopen the railway, then they can do so.

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And we the two projects can coexist, as that strip of 15 oh 12 is in respect of the cable, which can be buried deep enough to enable the railway to coexist. So we are in discussions with them over the design elements of it and the necessary consents. And there's also some technicalities in the in the agreement in terms of the beneficiary of those rights and restrictive covenants. We've heard on the side of caution and assumed Crown land interest. But as you can imagine, going back the years, it wasn't actually directly the Secretary of State for transport.

00:04:31:13 - 00:04:38:27

So we are tracking that through with them. But we are in the positive news for you is that we are in conversation with the department.

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Thank you again. I'll just check to see if anyone has any additional points they would wish to make in respect of that. Okay. And then the final then point is question of common land. There's obviously a number of plots are affected. So is there any updates or additional information that you can provide to us.

00:05:05:27 - 00:05:38:10

Which you give us on behalf of the applicant? Um, so statement of reasons at section 10.2 sets out our position regarding the common land. Um, it's plot eight. Um. 006 um, on the on the plan. And this relates to, um, Sparrow Lane. So 806808 and eight zero ten. Um, it's Sparrow Lane. Um, and we're not proposing. Um, there are no above ground works, uh, to that plot in terms of permanent above ground works.

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Um, it's purely there as a, as a as part of the cable route into the, um, um, substation. So there may be temporary interference. Uh, should the cable have to go through that sliver of land on Sparrow Lane. Um, otherwise, once the cable is installed, then the the the common land can be continued to be used as it is now. Um, as a result of that, um, um, we consider that there is, uh, that the Secretary state in

your sales can conclude that when the land is burdened, then there'll be no less advantageous than it would be before the project.

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And so the exception in section one, three, two, three applies. Um, given that the, um, uh, use of the land as it's currently used now can carry on whilst the project is in operation. Um, we have consulted the Commons register held by Nottinghamshire County Council, and the Register does not list any registered commons commoners holding any rights over that land. And we haven't been informed of any either, um, from the county council. So our view is that given it's the underground cable, um, there's no above ground infrastructure that the common land can be utilised as it is now, and therefore is not the exception, as I say.

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One, three, two, three will apply.

00:07:02:00 - 00:07:07:24

On that basis, the Secretary State wouldn't need to be exercising special parliamentary procedures.

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That is correct, sir. Which groups? One part of the applicant. And we've noted that at the front end of the order accordingly.

00:07:14:26 - 00:07:20:06

Okay. Thank you again. I'll just see if anyone has any response or comments.

00:07:23:11 - 00:07:34:20

No. Okay. Right. Well then I think we can move on to part two where we're going to deal with specific individual interests. Um.

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Obviously,

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uh, Jemaine, you'll you've introduced yourself already on behalf of J.G. pears. Um, perhaps it would be as well for you to set out your concerns or or case so that we can then go through the issues as you as you wish.

00:08:01:03 - 00:08:33:14

Yes. Thank you sir. Say Gemini with the J.G. pears Group. Um, we touched on some of the issues as we've gone through part one, but just to kind of bring them out in full, as I'm sure the examining authority appreciates the land across which the applicant wishes, um, potentially to acquire rights of my client is very large. Um, especially on the basis that they will only in the end take a ten metre easement strip.

00:08:33:20 - 00:09:16:16

Um, obviously you'll be familiar with the land plans, but it's obviously shown predominantly on sheet, um, and partly on sheet seven. Um, so the proposition that they'll only take a ten metre easement trip appreciate the need slightly wider for development. Um, but they've included a 320 acre site in. That does seem an excessive use um, of the compulsory acquisition powers. Um, now, it's probably not accepted by the applicant that those powers, what they've proposed in those powers is excessive, but they've clearly appreciated the concern, and they are hopefully looking to reduce that, albeit until we see what's reduced.

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We don't know how much that is reduced to. Um. The implication of this is that it leaves group with a significant amount of uncertainty for a significant period. Um, obviously through this examination period and beyond, with the being the five year period, assuming the DCO is granted for the CPO powers to be used. Um, that leaves J.G. pears slightly up in the air as to what they can do in terms of future development. If either this whole area in below, or even part of the area in blue, it's still covered by, um, the potential acquisition of rights and extinguishment of existing rights across that site.

00:09:55:22 - 00:10:10:03

Um, so that has a significant impact on any future development they have on the site and clearly hinders anything they may wish to do in the short to medium term. It's not something for a few months. It's potentially for a number of years.

00:10:13:09 - 00:10:48:04

Coupled with that. Um, clearly this is the is there an element of prematurity about this application, given that the National Grid substation hasn't even been applied for yet? Um, I'm not suggesting it won't go ahead, but without any kind of, um, application in there, there must be some uncertainty. Um, and therefore, again, is this therefore, well, slightly premature and again, an excessive use of compulsory acquisition powers across that whole site.

00:11:00:03 - 00:11:00:27

Additional points.

00:11:04:24 - 00:11:10:00

I'm sorry, I can't hear someone's trying to speak, so I'm sorry.

00:11:10:02 - 00:11:26:27

I think I'd inadvertently switched my microphone. Um, so. So thank you for that. You've obviously made additional points in your, uh, written representations, but perhaps we can come to those, uh, first points. Uh, to, to start with. Yeah. Is it possible?

00:11:27:10 - 00:11:30:21

So I was just pausing in case there was any queries.

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Yeah. No. That's fine. Is it possible to display the plan which. Showing the area of land, um, that's affected.

00:11:49:10 - 00:11:55:04

Yeah, it's predominantly on that sheet. It does slightly go over onto sheet seven, but you get the gist of the extent of it.

00:11:57:05 - 00:12:05:29

Yeah, I think that's helpful. Thank you. Um, so if I can invite the applicant to respond. And in the first instance, with regard to the.

00:12:08:14 - 00:12:13:10

Uh, suggestion that it's an excessive use of CA powers at this stage.

00:12:14:23 - 00:12:45:00

Richard Griffiths, on behalf of the applicant, um, I just think I'd start off with the policy position of in one paragraph, 4.1, 1.8, which of course accepts that, um, a connection may be submitted in a separate application to the generating station. And, and that national policy statement acknowledges that that is likely to occur when one body is promoting one element and another body is promoting the other.

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And this is the situation we have here, where National Grid is of course, responsible for and is promoting the substation application. And the applicant can't do that. Um, and so there are two separate applications, but that is accepted and acknowledged and justified in, uh, policy.

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Um, that's the starting point. Secondly, uh, our grid connection, um, uh, agreement with uh, the with with with National Grid, um, uh, provides a legal duty on National Grid to connect us. And that connection is at high demand. Um, however, we have the duty to get, uh, generating station, uh, electricity that's generated to that new substation. And then National Grid carries out the other works. So we have to connect our substation to our Generating station to the substation.

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Um, as we've already outlined part one of this hearing about the compelling case and the public interest for the scheme, this is a significant renewable energy project. It meets the tests of critical national priority infrastructure. It will deliver 740MW of renewable energy, all meeting the test, the policy position in N1 and N3, and the government's renewable energy policy, and helps the government meet its carbon budgets and its 2050 net zero legal commitment.

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So the applicant has to get the electricity generated to that substation, hence the cable corridor. When we get to the substation location, um, we have to make a we have to we know the substation be close to the existing substation, but we haven't been provided, uh, with the precise location of that substation, um, from National Grid or indeed, um, the landowner. And so we have to, uh, as I said earlier, um, when we submitted the application, we had to assume a worst case scenario of of putting in the plot in there.

00:14:59:20 - 00:15:31:06

Um, the whole of the land in there so that we had the flexibility to connect. Um, uh, this, this critical national priority infrastructure to that substation as we've submitted in the intervening months since submitting that, uh, we have some, um, we're getting some comfort on where it might be located. We still don't know the precise location, so we cannot completely, um, uh, reduce our flexibility. Um, but we know that it where it may not be possibly.

00:15:31:08 - 00:16:01:15

May not be. We will be taking some risk here in reducing the land, um, because we haven't got those details. Uh, and we will. We are looking to reduce the land area. As I said this morning, we're looking at that at the moment. And at the same time, we will write in to respect to the GPS lands, that this is a cable cord or with a working width of around 50 that will be utilized under temporary possession powers. So the working width would be temporary possession. And then the permanent easement would be approximately ten meters.

00:16:01:17 - 00:16:34:23

And we'll make that clearer in the development consent order itself. So those are the commitments we can deliver at the next iteration of that order in recognition of where of the position. However, what we can't do is remove our flexibility in its entirety. And we would argue that is acceptable here because, um, the substation, um, uh, application is going in in Q4 this year. That's National grid have confirmed that in their responses to your first written questions, then, um, need to get consent.

00:16:34:25 - 00:17:08:15

And National Grid has again confirmed to you in response to your question that they don't see any impediment to that. Um, and, uh, once that's got consent, then, um, there could be in a bit, then we would have certainty as its location and therefore be certain in the corridor location. But until then, we don't have that position as the prematurity point. Um, we would disagree with that because as I've said, national policy accepts that there is two applications may be submitted in respect of the various components.

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Um, and what you've got to balance up is the compelling case, the public interest of a 740 megawatt renewable project that's defined as critical national priority, um, against the need to first to actually connect to the substation. Um, and if we don't have the ability to, to have compulsory acquisition powers to connect to that substation, then we can't deliver the scheme and therefore, the public benefits of the 740 megawatt renewable energy. National priority infrastructure will not be provided.

00:17:42:00 - 00:18:03:26

As I say, we are recognized. The concern. We are listening to the concern. We are going to take some risk and reduce the land area because we're in. Take a best guess that it won't be in a certain location, but we can't remove entirely our flexibility. And on top of that, we will look to make it clear as to the permanent easement with.

00:18:06:14 - 00:18:22:19

Okay. Thank you. Just a couple of points of clarification. Your connection agreement gives you a time frame that you national grid have to connect you by. You just remind me when that is 2020.

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Would you give us part of the applicant to 2029.

00:18:29:25 - 00:19:05:00

And so the Secretary of State will be in a position to make a decision on your on this application. Um, middle of next year. Um, and the planning application for the substation is anticipated quarter four. So again with a fair wind. Would be expecting a decision from the council by April 2026. I don't think we've got a representative of that particular council here, have we? Okay.

00:19:05:02 - 00:19:23:04

Well I'll I'll make that assumption. Um, okay. Now that's helpful. Um, again, in terms of clarity then with doing a further revision to the draft DCO for the next submission in light of, uh.

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The position you're, you're now explaining with regard to the, uh, cable corridor.

00:19:32:24 - 00:19:48:05

Um, are you anticipating that you'll be revising this land plan to reduce the extent of land that is covered. As a consequence, or do you anticipate that that's going to remain as currently drawn?

00:19:48:27 - 00:20:25:07

Which is on behalf of the applicant? We are looking at the land plan at the moment to see we have to make some assumptions. Uh, you know, we're not privy to the precise location of the substation. Um, but as I say, time has moved on since we submitted. So we are, um, going to make. We're going to look to see if we can make some assumptions and take some, uh, some risk. Uh, in terms of removing some land, if we can. So we are looking at it. Um, at the moment, I can't confirm either way at this point, but we are looking at it to see whether the project can take that risk.

00:20:25:09 - 00:20:56:15

On where on making a best guess is where the substation might be. Um, of course, even when the application is submitted doesn't mean that we can then suddenly later this year. Remove all the flexibility because you still got to get the consent. So only once it's got consent can we drop down all the flexibility and leave us with the corridor. But we are looking at it and we will see whether we can remove some land. And if we can't, we'll we'll explain either way, if we can, we will submit a revised land plan. If we can't, we'll explain why. But we are looking at seeing what we can do.

00:20:56:17 - 00:21:11:03

And as I say, there will be some drafting in the consent order to pull out the fact that it is a ten metre, approximately a ten metre width corridor, um, uh, permanent easement rather than anything further.

00:21:12:19 - 00:21:58:27

Okay. That's helpful because, um, when you responded to first written questions as part of the response to question 7.05, you provided a link to the I think it's the National Grid website for the Great Grid upgrade. Um, and within that website, there's obviously an indicative location for the proposed substation, which is an area I think it's at of 490m by 220m towards the south western side

of the site, and when it's not shown on there, but the your your order limits, the only way I think you can get into the site with your cable is in the north west corner.

00:22:00:09 - 00:22:22:01

That's correct, because when you go to a cross, you've got the railway forming the northern boundary, and there's actually a gap at the north east corner where the two elements, the red edge, don't meet. So it appears to me at least that your cable corridor has to come in on the north west corner.

00:22:24:06 - 00:22:41:18

Yeah. So that that plan there between sheet six and sheet eight, there is that north? That there is a gap between the two red edges. So the only obvious point of connection is from the northwest.

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Is that agreed?

00:22:50:04 - 00:22:57:00

Richard Grossman. I mean, I think you said the word indicative, um, on their website. So, um.

00:22:58:11 - 00:23:11:04

But the point I'm seeking clarification on. The only point that you can get access with your cable route is from that northwest corner. You can't do it from anywhere else because you have not facilitated access anywhere else.

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But you gave us on a path that it's going to pass to Mr. Daniel Boyd. Uh, from the applicant to, um, perhaps explain a bit further.

00:23:28:15 - 00:23:40:27

Uh, Daniel Boyd, on behalf of the applicant. Um, so looking at that map. Our plan is we would access on the western edge of the blue highlighted area. So we'd come down the highway across the bridge, and we would have ability to access anywhere on that western side.

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Okay, now that's understood. But you can't get in from the north. Correct. Yeah. That's fine. So, um.

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In light of that, it. I understand you wish to retain flexibility, but it does seem to me

00:24:04:05 - 00:24:41:11

slightly unusual to include the entire entirety of that blue land when you can only access from the western side. Um, but perhaps, uh, I'm just being overly pessimistic or, you know, just not understanding fully how your why you would need the full extent of that land to be included. And perhaps it'll get clarified at the next submission in any event. But, um, that may that clarification perhaps will go some way to helping g payers understand as well.

00:24:42:18 - 00:25:15:05

Which goes on for the applicant. Well, indeed. And obviously what you've been looking at and what we've all seen is indicative. Um, I don't know. Uh, we don't know on this side of the table what the final red line boundary is looking like for National Grid's application until they actually submit it, we don't have that information. Um, I don't know whether JG pears do, but we don't. Um, so what we, um, uh, so that's, that's the problem we are facing. Um, but as I say, we are looking at the land. We're looking to see what assumptions we can make.

00:25:15:07 - 00:25:46:29

Having seen those indicative drawings. Um, and on the website and seeing whether we can, uh, look at reducing the land area. So I think, as I said, either we'll be reducing the land area, or if we and we'll explain how why, why we've done that or we can't. Then we'll also explain why. So you'll get more information either way. But just to reassure the examining authority and gatekeepers, we are looking at this and seeing what we can do, given that this was designed pre submission.

00:25:47:01 - 00:26:10:29

Obviously things have moved on. There is an indicative drawing, but I think we have to accept that it is indicative. The planning application has to go in and even then when the planning application is in doesn't may mean there could be changes. So we have to then nothing can happen. Nothing can be fully confirmed until that planning application has received its consent, which on a fair wind could be the summer of 2026, as you say.

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I think I was slightly more optimistic than that, but it's not likely to be within the examination window. But, uh, yeah, okay, okay. If I can then come back to, uh, Chairman Newall. Manure. Um, you've heard, obviously, from the applicant. Their their response. Um, is there anything further you would wish to say in terms of your concerns about excess use of powers or. Um, those first two points that you made or do you wish to now move on to the other points that you'd identified within your representation?

00:26:47:29 - 00:27:18:20

Um, just sorry, sir. Uh, Gemini, on behalf of J.G. pears. Um, just a slight point on the excess use, um, issue. I know what the applicant is saying in terms of. Until the National Grid power substation is consented. There is always some uncertainty, but obviously the suggestion is there's no there's no issue with that. It's essentially a paper exercise. Once the application goes in and it'll all be granted and it'll it'll all be hunky dory.

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Um, therefore, I suspect once the red line of that is established,

00:27:25:12 - 00:27:48:09

the actual extent of the blue land for this sheet on JJ pair's GPS that could be curtailed quite significantly. I appreciate they'll need some flexibility, but I would have hoped that before the end of this examination period that could be reduced quite, quite significantly, as I've said. So that's just the final point on those topics. And then unless there's anything else, I'll move on to the next topics.

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No, please. Progress. Thank you.

00:27:52:20 - 00:28:25:19

Okay. So, um, that kind of in tandem leads on to, um, a slight concern in the in the limited amount of engagement. I appreciate the suggestion that there's been a number of of meetings between the parties, although, um, GPS position is that it wasn't until November 2024 that the need for, um, a cable easement was introduced. And there's only been one offer made by the applicant. And that was, I think, the week before this application was submitted with heads of The terms attached to it.

00:28:25:21 - 00:28:45:27

And obviously, once GPA's decline that there's been no further offers appreciate. There's been separate conversations regarding non-disclosure agreements and the like books. Um, is. It does seem as though the applicant hasn't gone as far as it maybe could. It hasn't done everything it could to avoid using compulsory acquisition powers in this regard.

00:28:48:26 - 00:28:53:25

I don't know if there's anything the applicant wants to say about that. Just before my final concluding points.

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Before I come back to the applicant. Um, can I ask, are you under instruction to engage further with the applicant to try to negotiate a solution?

00:29:07:24 - 00:29:14:21

We're not interrupted. I think the parties are speaking between themselves as opposed to, um, via lawyers at present.

00:29:17:10 - 00:29:20:00

Okay. Thank you. I come then to Mr. Griffiths.

00:29:20:13 - 00:29:53:22

Thank you, sir. Richard Griffiths on the applicant. I would dispute that timeline. Um, in that, uh, the introduction of the One Earth project was, um, made back in July 2021. So contact between the applicant and uh, JJ pairs has, has been was established back then. Um, and then there are various meetings. Uh, in 2021. Um, uh, throughout July through to the end of that year.

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Um, and then, um, further meetings took place after the project was then developed in 22. Further meetings took place, um, in um, 23 and then more, uh, um, more substance meetings were taking place in 24. So I would actually dispute, um, that it's only been more recently that there have been discussions. Uh, the parties have been engaged. Um, Since that time in that timeline as I've just outlined.

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Um, but we are, of course, keen to reach agreement with them. Um, and obviously there's a tripartite here with national grids. Um, so there is that element we have to factor in, but we are, uh, keen to

engage. And my clients are, uh, are are talking to GPS and will continue to do so, um, to try and reach that, uh, position with them before the end of the examination.

00:30:55:27 - 00:31:05:21

Is do you dispute that only one offer has been made and that following that being declined, no further offer has been made?

00:31:18:15 - 00:31:33:11

On behalf of the applicant. Um. That's correct. One commercial offer has been made to J.G. pears. Since then, they've asked to enter an NDA before we can make any more commercial offers, which we're currently negotiating. So the terms are suitable for what we need to progress.

00:31:35:20 - 00:31:49:18

Okay. Um. And is that do you know? Do you have a timeframe when you're hoping that that would be concluded by so that, uh, we can be advised of progress?

00:31:50:12 - 00:31:58:11

Yeah. In terms of the NDA have been broadly agreed, um, this week. So that should be able to be signed by end of this week, and then we can progress with commercial negotiations.

00:32:01:06 - 00:32:02:00

Thank you.

00:32:07:09 - 00:32:23:02

I come then back to, uh, Chairman Newell. Um, I don't know whether your party to those conversations, uh, or you've been advised of that, but, um, If from your understanding, you agree with with that.

00:32:23:24 - 00:32:36:20

Yes, sir. Gemini will. On behalf of J.G. pears. Yes. I understand that the NDA has either been signed or is in the process of being signed imminently, so I don't I don't disagree with the applicant's position there.

00:32:39:24 - 00:32:53:03

Okay. That's helpful. Um, so then moving on. Are there any other additional points that you would wish to make? Um, following on from those those concerns you've raised earlier.

00:32:53:15 - 00:33:32:19

Just to clarify on the applicant's response on the timeline. Um, it was the point on the the cable easement that we my client was only made aware of that in November 24th. Not that we hadn't been in discussions prior to that. So I don't dispute that conversation started in 21. Um, it's just that that was under the guise of JT pears being the landlord Lord for soul. Soul. Essentially, it was only in November 24th that it became apparent that the applicant approached JD Pérez for the need for an easement, so that it's more clarity on what the conversations were at those times.

00:33:32:21 - 00:33:42:28

Like I said, I'm not disputing the time frames. It's just the context of those changed towards the end of last year. So it was just to clarify that, sir. Um.

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And then finally it's it's more of a conclusion than anything. Um, you know, until we know how the blue land owned by José de Paz is going to be reduced, if at all. Um, then I would still put forward that it is an excessive use of compulsory acquisition powers, as are presently set out in the draft DCO. Um, there has been a lack of engagement in terms of commercial offers. Um, and that is against the, uh, CPO guidance.

00:34:17:27 - 00:34:44:18

And then finally, if if that blew the extent of that blue is remains of it's currently set out or even only partly reduced, that is going to have a significant impact on J.D. pears ability to develop that site in the future in the medium term. As I say, with that five year period from for compulsory powers to be, um, used following the ground to the DCO, I think they're the main points I wanted to raise, sir. So.

00:34:47:06 - 00:34:53:16

Okay. Thank you. So, Mr. Grice, is there anything you would wish to come back with?

00:34:53:18 - 00:35:18:01

Thank you sir. Well, just my conclusion is that, um, uh, as I've said, um, uh, the policy, um, acknowledges there could be two different applications for connection and the and the generating station. That is the situation here. We have a project that is classed as critical national priority that has given significant weight in the National Planning Policy Statement.

00:35:19:16 - 00:35:58:15

That is a compelling interest in the public. That's a compelling public interest case. To deliver that 740MW of renewable energy, and we need to connect that generated energy to a substation. The where we are being told we're connecting into. And we have to therefore make that connection happen. We that is the reason for the land. You have to weigh up. Uh, um, and as I say, we are looking at the extent of that land. But wherever that lands, you have to weigh up the compelling interest case and the need for this project versus a potential that GPS may develop their land out in the future for some form of development you have not been told about.

00:35:58:19 - 00:36:10:15

Um, so we would argue that wherever the blue land size ends up, the compelling case is met for a certain project that will deliver a critical national priority infrastructure. Thank you.

00:36:11:04 - 00:36:12:00

Thank you.

00:36:17:05 - 00:36:34:09

Okay, um, I'll just clarify then that, um, there's no further points that you would wish to make for JJ Paz with regard to, uh, compulsory acquisition or temporary possession. That's the full case you'd wish to submit to us today.

00:36:35:23 - 00:36:41:13

Yes, sir. That's everything I wanted to bring to your attention. Obviously, you've got previous, um, written representations.

00:36:42:11 - 00:36:44:18

That's that's very helpful. Thank you.

00:36:46:20 - 00:36:55:23

So is it helpful if I just update you on the Scots that were represented by, uh, Mr. Griffiths, uh, who are obviously no longer at the table?

00:36:56:21 - 00:36:57:18

Yes, please.

00:36:58:12 - 00:37:30:10

Um, so as, um, as you directed, um, the applicant, uh, spoke to, um, Mr. and Mrs. Scott, uh, we explained that their interest is, as I said in the hearing, um, uh, limited to the subsoil under the highway that adjoined their land. We showed them the land plans, showed their actual their. Their land itself is outside the order land and the order limits. Um, we've agreed with them that we'd put a written summary, uh, into this examination to record our discussion.

00:37:30:12 - 00:37:56:12

So that'll be an appendix to, um, or summary, uh, and confirm that their landholding that adjoins the highway, uh, is unaffected. Um, we've we've got their contact details. We'll send them that written summary as well. Um, to be helpful. Uh, and we'll put that on a D3 deadline. Three and they were happy with that position. And as a result of that, they felt they did. No, they felt they did not need to be here at the hearing for this, uh, part two.

00:37:57:14 - 00:37:59:28

Thank you. That's very helpful. Um.

00:38:00:14 - 00:38:05:14

Do you want me also to deal with the the permissive path point? Whilst I'm on a roll?

00:38:05:22 - 00:38:07:04

Uh, yes, by all means.

00:38:07:16 - 00:38:48:21

Thank you. Um, so we have 6.1km of permissive paths. and these extend around the order limits, as you can see from the access rights and wave plans and the permissive path plans, those permissive paths are um, are not a are not existing paths, they're not accessible by the public. Some paths or some permissive paths will be located adjacent to the highway. That is where the highway has no footpath at present. So we are going to be creating adjacent to that footpath on our land, a path to allow people to complete a circular walk without walking on the actual highway.

00:38:48:23 - 00:39:03:25

So just to confirm that it's not existing highway, any of these permissive paths, some may appear to be the case, but they that's where, as I say, there's no footpath. We are putting a footpath on on the land that we that we have adjacent to that highway to deliver that permissive path.

00:39:05:23 - 00:39:07:15

Thank you for that clarification.

00:39:10:09 - 00:39:27:15

Just for my benefit. When you do your appendix, setting out the discussion with Mr. and Mrs. Scott. Can you just make sure you include with that the land plots that are pertinent so we understand where it is. Thank you.

00:39:37:24 - 00:39:52:06

Okay. So I'll just clarify. I don't believe it's going to be the case, but are there any other parties who are affected persons or section 1 or 2 or category three persons who would wish to make any representations to us today?

00:39:58:28 - 00:40:01:18

Hello, sir. Mrs.. Is it Mr. Walker?

00:40:04:21 - 00:40:14:18

Uh, yeah. Yeah, it's, uh, Craig Walker, uh, resident. And our question Uplifting. Is now the time to speak about, uh, what about what's not on the book of reference?

00:40:15:01 - 00:40:16:27

Uh, yes, that would be helpful. Thank you.

00:40:17:06 - 00:40:48:28

Right. Uh. Uh, our water pipe, which is, uh, not owned by Anglian Water, uh, roughly a kilometre long, uh, passes through, uh, some fields and down the side of, uh, a highway. Uh, in the scheme in the Outer limits. We have spoken numerous times to warn Earth about this. And also written back to, uh, Delco McLaren.

00:40:49:00 - 00:41:24:15

Uh, when they've sent out the paper work. Uh, and I know, uh, uh, one of the technical guys, uh, I don't know if surname, uh, Ewing said that it had showed up on their geophys. So they had located it. Uh, but we're still not listed in the book of reference. Uh, I can tell you roughly where it runs on the, uh, on the land plans, if that's of any interest.

00:41:25:00 - 00:41:42:19

I think it would be helpful. And I think it would also be helpful for us and the applicant after today, if you can do as an indication on a plan, uh, where you believe it to be. But if you can give us an explanation now that that that would be helpful as well.

00:41:42:21 - 00:41:45:22

So if we can zoom in on sheet 15.

00:41:52:07 - 00:42:01:13

And, uh, if we go towards, if we zoom in on sheet 15 and go towards the left hand side.

00:42:05:03 - 00:42:09:06

Do you wish to actually go to sheet 15 itself, Mr. Walker, as opposed to it.

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

Yeah. Yes, please.

00:42:10:22 - 00:42:11:11

Thank you.

00:42:24:28 - 00:42:25:16

So

00:42:27:16 - 00:42:28:20

to the

00:42:30:05 - 00:42:31:09

left.

00:42:34:14 - 00:42:35:29

And one second.

00:42:42:17 - 00:42:47:16

No, that's not I don't think that is that I don't think that's sheet 15.

00:42:49:10 - 00:43:10:27

That's where we are to our what, five rooms up there. If you look on that, it runs up the side of my lane. Obviously that's not in the order limits. But Then I think, is she 15 to the left of that?

00:43:13:11 - 00:43:14:26

Is that sheet 14? Well.

00:43:25:00 - 00:43:26:13

Where your mouth is just.

00:43:32:09 - 00:43:36:15

To your just your right. If you move your mouth to the right.

00:43:38:24 - 00:43:40:29

You keep over to your right.

00:43:43:05 - 00:43:47:17

With the poultry shit. Right. Sorry. If you go to your left.

00:43:49:03 - 00:43:51:17

Right. Just up a bit if you zoom in there.

00:43:54:01 - 00:43:58:02

So the water pipe comes through the back of that property. Now Clifton owl.

00:44:00:12 - 00:44:11:00

And then, uh, run the water pipe runs through the middle of that plot. The one which is 14, 0 or 10?

00:44:13:00 - 00:44:46:15

Uh, it runs through, uh, 14 zero ten, I think, because we've the plans are a bit, um. Sort of unknown, but we know it goes over somewhere to, uh, more farm cottage, but it doesn't supply it. And then it, uh, tracks over towards the uh, road, which is 14 012.

00:44:47:05 - 00:44:56:20

But we think that goes more towards the corner of the plot of land. So if you go over to your right a little bit.

00:44:58:26 - 00:45:07:25

It, it adds over to the corner of, uh, 14 010. If you go over to your right hand side.

00:45:15:08 - 00:45:25:26

Is it fair to say, Mr. Walker, the precise location of the pipe is not known. And this is your approximate route that you think it follows.

00:45:25:29 - 00:45:29:26

Yeah, we know, we know it. It comes out of the back of North Clifton Hill.

00:45:30:03 - 00:45:30:18

Yeah.

00:45:30:20 - 00:45:42:06

It runs through their drive and through their land comes out the back of the middle of it. You know, it goes through through 14 010. We know it. It passes

00:45:44:03 - 00:45:58:07

past the back of Moore Barn Farm. And then at some point it makes it. It makes its way over to the, uh, road, which is more land. And then it travels down the side of more land.

00:45:58:26 - 00:46:00:05

Right. And.

00:46:00:26 - 00:46:07:16

Uh, when on earth as, uh, got a plot of where it is from there. Geophys.

00:46:08:13 - 00:46:43:11

Right. But but obviously it's this particular part of the proposal is dealing with land interests. And, uh, do you know that when you purchase your property, you had a clear indication of that you had in buying that property, the right of passage for the water supply over other plots beyond the limit of the specific parcel of land you were buying in association with your farm and property.

00:46:43:13 - 00:46:56:01

Yeah. There's, uh, an easement, uh, for the, uh, water pipe, uh, with the landowner, which is, uh, the Watsons.

00:46:57:04 - 00:47:14:19

Okay. That's helpful. So if I can then come to the applicant because it's understanding that relationship between the easement that you've identified and then the book of reference and the the plots that ideally will pick up the route. Yeah.

00:47:16:03 - 00:47:18:07

Which is on part of the applicant's, um,

00:47:19:22 - 00:47:50:20

I understand that, um, the relevant section, statutes, section 42, etc. notices were all sent. So so Mr. Walker was treated as a statutory consultant throughout the process. Um, I'm trying to understand why his name is not in the book of reference. Um, so I'll have to take that away. Um, and clarify. Um, obviously slightly, um, complicating. But in terms of the actual process, the relevant statutory notices were issued.

00:47:50:22 - 00:48:23:09

Um, but we will look to see if there is an error in the bore in the book of reference and if and if he should be, there will then name Mr. Walker having a benefit of the easement. Um, but we need to take that away and check that. Um, I would just say that also that, uh, the water pipe in question, uh, would fall, uh, under schedule 14 of the development consent order, schedule 14, part one of the development consent order, which is for the protection, it says at the top the protection of electricity, gas, water and sewage.

00:48:23:11 - 00:49:01:03

Undertakers. But the definition of um, uh, of um, uh, um, utility undertaker does include an owner of apparatus within paragraph e of the definition of apparatus, and that definition includes anyone who owns, uh, a pipe. So the pipe itself will, uh, Mr. Walk will have the benefit of those protections, which means that, um, obviously, if there is a need to disturb that pipe and I don't know, um, but if there is, then the part one protections kick in and I think can be done to that pipe without a replacement pipe, etc.

00:49:01:05 - 00:49:08:17

being stored there is the protection. Regardless. Um, this question is about the book of reference, so we will need to take that away and investigate.

00:49:10:14 - 00:49:12:04

Okay. That's helpful. Thank you.

00:49:13:20 - 00:49:17:27

Is there anything further you'd wish to add, Mr. Walker, having heard what Mr. Griffiths has said?

00:49:18:14 - 00:49:18:29

Uh,

00:49:20:23 - 00:49:45:08

only that when we we questioned about having access to maintain it and wouldn't have said they were going to possibly make the solar panels movable so they could wheel them out of the way, but I, I don't see how that's a possibility when they're going to be on piles driven into the ground. It's seems.

00:49:47:06 - 00:50:17:17

Yeah, certainly the proposal is not to have mobile, um, panels. They are to be fixed to the ground and. Yeah. Uh, so I think you can discount that. Even if it was suggested at a certain point in the past. Um, but obviously Mr. Griffiths is committed to check on the book of reference and hopefully giving you the reassurance that, uh, the pipe and your water supply would be protected in any event.

00:50:17:19 - 00:50:19:02

Yeah. Okay. Thank you.

00:50:19:07 - 00:50:20:03

Thank you.

00:50:29:27 - 00:50:42:14

Okay, so if I can then turn to item ten with regard to statutory undertakers and progress on protective provisions.

00:50:45:12 - 00:51:20:16

So can I just go back to Mr. Walker? Yeah. Um, whilst we have Mr. Walker's address, we've sent letters to him, I think. Be helpful. There's been a, I think, be helpful. Mr. Walker could provide a more appropriate form of contact to the inspectorate, and he's happy to. The inspectorate can pass it to us. Um, or email um, or address our email address directly so we can have a phone number so we can actually just talk directly. We don't seem to have that detail. So rather than address these, if we can have an email or a, um, a telephone number somehow, if that's possible.

00:51:22:17 - 00:51:25:06

Okay. Did you hear that, Mr. Walker?

00:51:27:26 - 00:51:32:24

I've just been told that our communications team has those details, so? So we do have them.

00:51:32:26 - 00:51:40:15

Okay. The art of communication. Yeah. Okay. So I think that's been resolved. Yeah. Thank you.

00:51:40:17 - 00:51:41:06

Okay.

00:51:45:22 - 00:52:01:00

Okay. So item ten on statutory undertakers, we obviously don't have any, uh, present. Um, but obviously just seek to have an understanding as to the progress that's been made. And um.

00:52:02:15 - 00:52:05:21

So if you can give us an update as to where we're up to.

00:52:06:24 - 00:52:46:14

Thank you so much. On part of the applicant. Um, so I'll just go through, um, where we are. So I'll start with the Canal and River trust. Um, in respect of section one, two seven and section one, three, eight are both engaged. However, the applicant has agreed protected provisions with the Canal and River trust, and they are included in schedule 15 of the latest version of the draft of a consent order that we submitted. Um, on the basis of those protective provisions, um, the the examining authority and secretary state can therefore conclude there will be no serious detriment, um, that can be caused their undertaking and therefore the 127 test is satisfied.

00:52:46:24 - 00:53:18:13

We also consider that one through eight is um passed as any required removal for the of their apparatus is required to construct operate the scheme, but because of the test provisions, in any event they are duly protected in respect of Anglian Water, the Environment Agency, excellent northern Power grid network rail, National Grid electricity distribution and National Grid electricity transmission. Section 127, in section one, three, eight is in Git are engaged.

00:53:18:16 - 00:53:50:13

We remain in active negotiations with all of those parties to agree, um, bespoke protective provisions for them. Uh, based on the progress of those, we do consider that they will be agreements will be reached by the end of the examination. Um, and we'll keep you updated in that regard. Once those are agreed, then, um, uh, again, uh, the secretary states conclude no serious detriment under one, two, seven and the same position again under section one three, eight. If we do need to touch that apparatus, it will be to deliver the project.

00:53:50:15 - 00:54:27:19

But as the As such provisions are there. There will be protected. Um, even without the bespoke protector provisions, we have the General protector provisions that are already included in the order. So I would argue that they are already protected, but we are looking to agree the bespoke protective provisions, uh, in respect of Ian. Um, we have not received an objection from them. And therefore section one, two, seven is not engaged. Um, section one, three, eight, uh, would be engaged, however, um, again, because the project, if it gets consent, would need to um, if it does need to remove that apparatus, it will be for that delivering the project.

00:54:27:21 - 00:54:35:00

But Ian would have the benefit of the part one uh, of schedule 15 uh, protective provisions in any event.

00:54:37:19 - 00:55:08:07

Openreach and EU network fibers um section 127 is not engaged. Um as they're not statutory undertakers. Section one through eight is engaged. Um and they have the benefit of the electrical. Electrical communications code protection provisions in schedule 15. Um, so, again, uh, should we need to touch their equipment? It's because of the project, and they would have the protection of those provisions. So one 3/8 can be satisfied too.

00:55:08:27 - 00:55:36:11

And then finally the Trent Valley Drainage Board. Um, whilst we don't consider the one, two, seven in section one, three, eight are engaged. Um, there are protective provisions for the drainage board, um, which, um, for their benefit. Uh, they're in the order. We're awaiting comments from the Trend Valley Drainage Board. We're waiting for those. But there are provisions in the order, in any event. Um, for them. Uh, but we're continuing discussing those provisions with them.

00:55:48:01 - 00:56:23:02

Okay. Thank you. I'm just mindful that, um, we're unlikely, I think, to have a further seea hearing. Um, so if, despite best endeavours and current positive feeling that you will have resolution, uh, in the event that that doesn't occur, I would seek a note from you explaining compliance or assessment relative to section one, two 7 or 1 three eight in respect of the individual parties.

00:56:25:06 - 00:56:36:03

Which goes on. Yes, that is fine. I said, hey, we do hope we'll reach agreement, but note your comment and um, if there is any outstanding, we will explain why we consider the relevant test. Submit.

00:56:36:24 - 00:56:37:18

Thank you.

00:56:42:02 - 00:56:57:09

So I think finally then that just takes us to, uh, item 11 And just the latest iteration of the Land Rights Tracker. In just a few points of clarification, I think I just find.

00:57:30:17 - 00:58:06:22

You make reference to FA Hill Farming Limited, which is plots. There's quite a lot of them. 010101060708090 ten and so on. Um, saying it's land purchased from Mr. Strawson, but the option agreement remains in force. I wonder if you can just clarify for me, um, that situation. And is that the same position in place for plots now owned by, uh, Rachel Mary Gag, which is also referenced in the in the Land Rights Tracker?

00:58:16:21 - 00:58:36:00

Which is part of the applicant. Um, so my so the option, um, the land when it was, um, changed, ownership was sold subject to the option. So the option remains, um, on the land. Um, and that's the same position for Strawson and, um, for hill farming.

00:58:38:05 - 00:58:52:28

Okay. Thank you. And then can you clarify me what the position is with Personnel Farming Partnership Limited because it's not 100% clear to me what the progress and explanation of current position is in the statement of land rights.

00:58:54:00 - 00:59:06:24

Hi, Jenny Bennett for the applicant. Um, penal farming, they've currently got had two terms signed and they're currently working through commercial terms in relation to the option, but they're making good progress.

00:59:08:07 - 00:59:09:13

Okay. Thank you.

00:59:32:04 - 00:59:56:22

And I think the only other point really was the new additions of um, I think it's 2 or 3 companies Armstrong Solar, uh, Clean and Electricity Limited and Enso Green Holdings Limited. Um, it would appear that each of them are beneficiaries of an option agreement for a battery storage facility and or substation.

00:59:58:13 - 01:00:05:27

Is my understanding right on for those? There were new additions on the latest iteration of the Land Rights Tracker.

01:01:17:10 - 01:01:47:24

The applicant. So in a further round of due diligence, um, the land registry identified, uh, these new additional parties to having a unilateral notice on the title, um, which is making us aware of the presence of a of, in this case, potentially an option. So that's why I've noticed in the book of reference, we understand from the landowner that with our option that it doesn't affect our option, but we still notice.

01:01:47:26 - 01:02:20:11

We still put it in the book in the land and negotiations track at full completeness, but the two options are confidential to each other. But we've been speaking to the landowner and they've got various obligations under the option anyway in terms of not granting new options over our land. Um, but the titles, of course, may be bigger than the option itself. Um, these are large landholdings. So, uh, our option may form part of a larger landholding, but we've noticed it out of, um, out of

01:02:22:07 - 01:02:24:24

caution in the land rights tracker.

01:02:26:20 - 01:02:38:27

I'm just. I think I'm just trying to make sure that we have clarity as an examining authority, that there isn't a conflict that might cause a problem that we should be concerned about.

01:02:38:29 - 01:03:06:23

We're not concerned of a conflict without option agreement. And our landowner. Um, as I say, these landholdings are large landholdings through our option to a title. Our option forms part of a larger land registry title. There could be another option in another corner of that title, and that is why the title at the notice is against the title, but does no conflict with our option. If that makes sense.

01:03:07:24 - 01:03:34:16

Think so? Thank you. And I think the only final one is, um, and you may have mentioned it when you quickly went through that list of, um, undertakers, but the Network Rail infrastructure, um, I think in their representation, which is rep 1113, they were requesting protective provisions and a private agreement. So I was just wondering if you can update us on that.

01:03:37:26 - 01:03:48:00

Which give us on path the applicant. Yes. We are in discussion with Network Rail over there required protective provisions and the requirement for a side agreement. So those are ongoing at the moment.

01:03:49:17 - 01:03:55:09

Again with a hope to be concluded prior to the examination. Or am I going too far?

01:03:55:21 - 01:04:02:24

Richard, give us a part of that. We will do our very best to reach certainly the Protective Provisions agreement to be placed on the order.

01:04:03:25 - 01:04:04:20

Thank you.

01:04:08:05 - 01:04:24:03

Okay. So, um, I've no further questions, so I'll just check that no one else in the room has any further points that they would wish to raise. In light of the discussions we've had this morning and no one remotely.

01:04:26:12 - 01:04:36:29

Okay, so does anyone got any other business that, uh, they would wish to bring forward now as part of this compulsory acquisition hearing?

01:04:40:06 - 01:04:48:17

No. So I'll just then pass over to my colleague, Mr. Jack, to just go through, I think hopefully relatively short list of action points.

01:04:51:01 - 01:04:51:27

Thank you.

01:04:54:09 - 01:04:59:01

Uh, I made a note of nine action points for this hearing, which

01:05:00:17 - 01:05:33:28

obviously most of them are for the applicant. Um, action point one is to provide a technical note summarizing the oral statement that was made at this hearing, including a calculation of the efficiency of different battery types versus the amount of land that is required for them, include how derogation response details on generation totals relate to the Bess uh and solar panel relationship and the grid discharge.

01:05:36:06 - 01:05:46:10

Action point two was provide details on land take required for the provision of mitigation versus being provision.

01:05:49:03 - 01:05:57:08

Action point three update funding statement to include signing of the shareholders agreement.

01:06:00:10 - 01:06:17:18

Action point four is would section 49 of the Equalities Act and the Public Sector Equalities Duty apply to the applicant if DCO is granted permission when they become a statutory undertaker?

01:06:21:02 - 01:06:44:18

Action point five updates the draft DCO to provide greater clarity on land required from the jeg pair's group land. Determine whether the lamb plans can be amended, submit amended plans and explain amendments, or explain why no amendments are possible.

01:06:48:28 - 01:07:03:10

Action point six provides summary of discussions between the applicant and the Scotts regarding the interest in their land, including details of the specific land plots that are involved.

01:07:04:29 - 01:07:23:10

Action point seven is for Mr. Walker to provide a plan showing the location of the water pipe. Action point eight is for the applicant to provide details of why Mr. Walker's easement for the water pipe is not contained within the book of reference.

01:07:25:15 - 01:07:42:16

And Action Point nine is for the applicant to provide a note on any unresolved issues with Uh statutory undertakers under section one, two, seven or section one, three eight of the Planning Act. Yeah, and that's it.

01:07:42:18 - 01:07:48:26

And that final point is obviously subject to the outstanding matters. Yeah.

01:07:49:00 - 01:07:52:16

Which is which should be at the end of the end of the examination. Yeah.

01:07:54:26 - 01:08:06:05

Yeah. I think I think we can safely say deadline three for the first eight and whatever the final deadline number is, I can't think of my head. Yeah. Thank you.

01:08:12:05 - 01:08:27:22

Okay. So, um, if there's nothing further, then I'll just, um, at 1233, uh, formally closed this compulsory acquisition hearing. And thank you for your contributions and attendance. Thank you.