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FULL TRANSCRIPT (with timecode)

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

It's now 9:30 a.m.. Time for this hearing. To begin, I'd like to welcome you all to this compulsory acquisition hearing for the Steeple Renewables project. Can I just confirm that? Everybody can hear me clearly, bro. Thank you. I'm seeing. Hands up. Excellent. Can I also confirm with Mr. Ray wood that the live streaming and recording of this event has commenced?

00:00:33:09 - 00:01:06:23

Mr.. Raymond? Yes, yes, I see that. Thank you. So my name is Andrew Robinson. I'm a chartered town planner and a planning inspector. I have been appointed by the Secretary of State to the panel to examine this application. I am now going to ask the other panel members to introduce themselves. Good morning everyone. My name is Max Wiltshire. I'm a civil engineer and I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. Together, we constitute the examining authority.

00:01:06:25 - 00:01:37:27

For this application. For those of you who are present in the room. You may have already spoken to or heard from Mr. Ray wood, who is acting as the case manager for this project today. For those of you who have joined us virtually, then you will have spoken to Comrade Alford. Together they are the case team for this project. And if you have any questions or queries about today's event, they should be your first point of contact. I'll now deal with a few housekeeping matters for those attending in person.

00:01:38:05 - 00:02:10:07

Um, can everyone please set all devices and phones to silent? Um, to get to the toilets, turn left. Outside this room, there's a single toilet on the ground floor, under the stairs. And, um, the main toilets are located on the first floor at the top of the stairs. No fire test is planned for today, although should an alarm sound, this is therefore an emergency and we will need to vacate the building. An emergency exit is located to the side of the room, where you can see the green sign above.

00:02:10:25 - 00:02:42:22

The fire assembly point is in the front car park. If anyone needs assistance, can you please let the case team know? As far as I'm aware. No requests have been made for any special measures or arrangements to enable participation in today's hearing, such as needing to take a break for medical reasons or having to leave the event at a certain time. If anyone does need a break or extra support later on, then please do let the case team know. We will aim to take a break approximately every 90 minutes or so.

00:02:45:04 - 00:03:16:20

To move on to the agenda and logistics, this meeting will follow the agenda published on the National Infrastructure Planning website on the 3rd of February 26, which was examination Library Reference EV 6001. It would be helpful if you could have a copy of this in front of you. 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 you are joining us virtually using Microsoft Teams.

00:03:16:27 - 00:03:47:09

We will make sure that however you have decided to attend today, you will be given a fair opportunity to participate. A recording of today's hearing will be made available on the Staple Renewables Project section of the National Infrastructure Planning website, as soon as practicable after the hearing has finished. With this in mind, please ensure that you speak clearly into a microphone stating your name and who you are representing each time before you speak.

00:03:48:11 - 00:03:55:07

If you are not at a table with a microphone, there is a Roman microphone, so please wait for one of those to be brought to you.

00:03:56:24 - 00:04:27:09

A link to the planning Inspector's privacy notice was provided in the notification for this hearing. We have seen that everybody here today is familiarize themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to Mr. Ray wood if you have any questions about this. We'll conclude the hearing as soon as all the relevant contributions have been made and all questions asked and responded to.

00:04:27:14 - 00:05:06:21

But if the discussions cannot be concluded here, then it may be necessary for us to prioritise matters and defer other things to our second written questions, scheduled to be published on Tuesday the 3rd of March. Likewise, if you cannot answer the questions that are being asked or require time to get the information requested, can you please indicate that you need to respond in writing. We can then defer the response to an action point to be submitted. A deadline for which is the 19th of February 2026, as issue specific hearing two is scheduled to start at 2:00 this afternoon.

00:05:06:23 - 00:05:10:14

We will aim to finish this hearing no later than 1:00 today.

00:05:12:00 - 00:05:24:25

So moving on to the introductions. I am going to now ask those of you who are participating in today's hearing to introduce yourselves. Can we start with the applicant, please, and then any of their advisors?

00:05:25:27 - 00:05:57:16

So good morning. Um, my name is Patrick Robinson. Uh, I'm a solicitor and consultant with Burgess Salmon. Often, uh, representing the applicant. Um, I'm just going to say a couple of words, if I may. Just my introduction of how we're going to deal with today's hearing and hearing this week, and who will be speaking from the legal side. Um, with me is Douglas Haycock. He's going to introduce himself in a moment. He was here in the, um, preliminary meeting and issue hearing one.

00:05:58:03 - 00:06:35:24

Um, this Haycock is going to deal with compulsory acquisition today. He's going to lead on those issues. I'll be dealing with issue specific hearing to, um, issue specific hearing three, which DCO Haycock is going to do the articles. We also have council uh appearing on Friday for that on the North Humber interactions. But they are understandable here. In a moment there'll be some content on North Humber Protective Provisions in this session.

00:06:36:08 - 00:06:44:26

Um and I'll be dealing with the in get into it. Uh, today it should all make sense while we're doing it.

00:06:46:16 - 00:06:47:29

Okay. Thank you very much.

00:06:50:22 - 00:06:54:08

So I'll move on now to. Oh, sorry. Yes, yes. Thank you.

00:06:54:12 - 00:07:01:20

I'm sorry. Sorry. Yeah, just. Douglas Haycock, associate at Burgess Salmon, solicitor acting for the applicant. Thank you sir.

00:07:03:20 - 00:07:43:22

Thank you. I think that's it for one so far from the applicant. So I'm now going to move on to the affected persons, and we're going to ask those affected persons who have given notice of their intention to speak today, to introduce themselves. When I state your name, could you please introduce yourself to confirm your name and who you represent and provide a brief summary of your interest in the land which would be affected by the proposed development? If I state your organization's name, could you introduce yourself stating your name and who you represent? So the order in which you will be invited to speak will follow the list provided to us by the case team, and is based upon the order in which requests to speak were received.

00:07:44:25 - 00:07:59:17

I'll come to you in the moment, if that's okay. I'll just. I'll just go through the list, and then I'm going to go around and check if there's anybody who's not registered to speak. Wishes to speak. So I'll start first with. Have we got anybody from Nottinghamshire County Council here?

00:08:02:10 - 00:08:08:09

Nope. Um. National Grid Electricity transmission plc.

00:08:10:29 - 00:08:41:23

Good morning sir. My name is Alexander Boothe King's Counsel and I represent National Grid Electricity Transmission PLC, or Njit, and I am going to be speaking primarily. Well, I'm going to be speaking to matter six on the agenda, which is protective provisions. Um, as Mr. Robinson has indicated, he and I have spoken briefly this morning. And, uh, what we anticipate is that in the course of dealing with those protective provisions, there will be some discussion of the North Hammer timeline and project.

00:08:41:25 - 00:09:17:29

I will need necessarily to provide something by way of background, which I will endeavour to keep relatively brief, and we will speak to the provisions that originally were proposed by the applicant. And of course, we have supplemented those with additional wording that you will have seen in an appendix to our deadline, three submissions. Um, that said, what we're going to keep back until Friday is discussion of the the interface, the interaction between North Humber hymenium and the steeples renewable project.

00:09:18:01 - 00:09:48:09

Uh, on Friday. It won't be myself here. I'm afraid it will be alternative council. Um, but we will be represented today, on Friday to speak to impacts and engagement between the parties. Um, by alternative council today in terms of our engagement. And I am going to be assisting the examination with the protective provisions assisted by Mr. Ian Graves and DLA Piper, who is sat to my left and also to my right is Mr.

00:09:48:11 - 00:09:58:24

Gary Thorne of Njit, who is going to provide engineering expertise if and insofar as the panel have any questions and he can provide assistance. Thanks.

00:09:59:26 - 00:10:06:20

Thank you very much for that update. Um, next on my list was is National Highways.

00:10:08:24 - 00:10:14:17

I don't see anybody in the room. North Petherton with Hubble's thought. Parish council.

00:10:17:24 - 00:10:19:21

North Leverton parish council.

00:10:22:26 - 00:10:30:17

No stating the steeple. Parish council. Yes. Did you want to just turn your microphone on, please? Sorry.

00:10:31:06 - 00:10:38:29

Uh, Phil Appleyard, Sterling steeple parish Council. Um, following procedures at the moment. Nothing to comment.

00:10:40:14 - 00:10:40:29

Thank you.

00:10:41:23 - 00:10:46:13

So much, Mr. Appleyard. North Petherton windmill.

00:10:47:29 - 00:10:48:14

Yes.

00:10:49:17 - 00:10:57:05

Julie Barlow, North Laverton windmill. But actually, this morning I'm talking personally rather than on behalf of the windmill on this matter.

00:10:58:06 - 00:11:01:00

Okay. Thank you very much for that clarification.

00:11:03:27 - 00:11:06:17

And finally, Peter Warburton.

00:11:11:18 - 00:11:15:26

You can welcome to sit at the on the table. Right.

00:11:15:28 - 00:11:17:08

I've only come to listen.

00:11:17:11 - 00:11:17:26

Okay.

00:11:17:28 - 00:11:21:18

If I start talking you'll all be bored to tears. So I'm just going to listen. Okay.

00:11:21:20 - 00:11:26:05

That's that's fine. That's fine. Thank you very much, Mr. Warburton.

00:11:29:20 - 00:11:44:15

Okay. So bearing in mind the purpose of today is to hear from persons with a legal interest in the land affected by the proposed development. is there anyone else in attendance, either in the room or online, who wishes to speak? Who? I've not called out their name.

00:11:47:14 - 00:11:48:14

Is Mr. Appleyard.

00:11:48:19 - 00:11:49:20

Should Bassetlaw

00:11:51:08 - 00:11:54:04

County Council have been? I thought they were on their list.

00:11:55:18 - 00:12:10:27

They will have been sent the the invite and it's it's with whether they have any I think matters that they wish to discuss in terms of any acquisition matters. As far as I'm aware, they've not notified us that they wish to attend this particular hearing today.

00:12:14:14 - 00:12:53:23

Okay. I think that's that's everyone. So I'll move on now to the agenda item two, which is the purpose of the compulsory acquisition hearing. Um, so the application for the proposed development includes a request for an order granting development consent to authorize compulsory acquisition of an interest in all rights over land and temporary possession of the same. The purpose of this compulsory acquisition hearing is for the examining authority to examine the applicant's case for compulsory acquisition and temporary possession, and to invite affected persons and the applicant to make oral representations about those matters.

00:12:54:05 - 00:13:39:05

So, in summary, this hearing is being held to ensure adequate examination of the provisions within the draft Development Consent Order seeking to authorize the compulsory acquisition of land and or rights over land. Examine whether the conditions relating to the land and or rights being required for the proposed development, or required to facilitate or be incidental to that development are met. Examine whether there is a compelling case in the public interest for the land to be acquired compulsory, and to discharge the excise duty to hear persons affected by compulsory acquisition and temporary possession proposals so that affected persons who requested to be heard.

00:13:39:15 - 00:13:46:08

So before we move on, are there any questions at this stage about the procedural side of today's hearing or the agenda?

00:13:48:15 - 00:14:00:27

I don't see any hands up. So I will now now move on to the next agenda item and I'll hand it over to Mr. Wiltshire, who's going to lead us through agenda items three, four and five.

00:14:02:29 - 00:14:04:28

Thank you very much. Um, so.

00:14:05:00 - 00:14:05:27

Turning to agenda.

00:14:05:29 - 00:14:06:22

Item three.

00:14:06:24 - 00:14:07:09

Which.

00:14:07:11 - 00:14:08:00

Is the applicant's.

00:14:08:02 - 00:14:09:03

Case for.

00:14:09:05 - 00:14:09:29

Um, compulsory.

00:14:10:01 - 00:14:15:20

Acquisition and temporary possession. I'm going to ask the applicant to present and justify.

00:14:15:22 - 00:14:16:07

Its.

00:14:16:09 - 00:14:58:24

Case, um, including addressing the following matters. How the relevant statutory and policy tests under the Planning Act 2008, including sections 122, 123, 127, 132 and 138. And Department for Communities and Local Government guidance related to CAA would be met. Identification of the powers sought and their purpose. The applicant's strategy and criteria for determining whether to seek powers for compulsory acquisition of land, compulsory acquisition of rights or temporary possession of land.

00:15:00:04 - 00:15:30:24

Consideration of alternatives to compulsory acquisition and or temporary possession of land. And finally, human rights considerations. Um. And after that I will invite submissions from affected persons who wish to raise general matters, not the site specific matters which will deal with an agenda. Item four in relation to the applicant's case that they've heard. And I may then have a few detailed questions following that. Thank you.

00:15:33:23 - 00:16:07:19

Um, thank you sir. So, um, if I suppose it might be sensible if we just take each in turn. Otherwise it might be rather long presentation. Um, so just an overview and your first bullet point of view, agenda item three, which is the relevant statutory tests and policy tests. Um, the applicant would firstly note it's not seeking temporary possession rights solely in relation to any individual plot. That's unlike other schemes such as buyer skill. The DCO does have powers of temporary possession.

00:16:07:28 - 00:16:47:19

Um, but those are applied generally across the order land, um, to enable the applicant or the undertaker, in that case to acquire a lesser right than what is principally proposed. So i.e. acquisition of land or rights. And that's seen to work to the advantage of both the undertaker and the current owner of the land. As it is, it delays acquisition into what's necessary. Um, moving on from that then to we would refer to our statement of reasons, which is Rep 3007 as being the primary document for understanding how the relevant statutory and policy tests have been satisfied.

00:16:47:21 - 00:17:18:20

So in particular there's a section one two, two. Um, the statement of reasons goes at length at explaining the approach taken by the applicant in regard to these tests. The specific land that the applicant is proposing to acquire is set out in the book of reference. That's rep one, series zero four, and the powers enabling that acquisition are set out in the DCO, which is rep 3005.

00:17:20:29 - 00:17:36:12

The applicant has established a need case establishing a compelling case and a the public's public interest in its planning statement. And that's up to zero 40 in particular, chapter five of that. That statement, sir.

00:17:38:00 - 00:17:50:00

Um, and the applicant has set out at an individual level the requirement for each individual plot at chapter nine of the Statement of Reasons.

00:17:52:13 - 00:18:04:01

In relation to the demonstration of adequate provision of funding. So that is set out in its funding statement which is AP Dash 045.

00:18:07:14 - 00:18:31:07

In relation to the negotiation of, of uh, acquisition and uh, the use of CAA as a last resort. The applicant would point to its lands rights tracker, the most recent iteration of which is Rep 3031 As demonstrating the attempts of the applicant to acquire by voluntary negotiation.

00:18:34:28 - 00:18:50:18

In relation to reasonable alternatives. Again, so that is set out in a statement of reasons. But also if you. We have app Dash 146 which demonstrates the alternative sites reviewed by the applicant.

00:18:53:10 - 00:19:17:20

As well as chapter three of the environmental statement which is app dash 061, which sets out alternatives at a site selection and design iteration stage. So happy to take you through a detail each of those individual sections referenced, but I think that provides a sort of broad overview. And I'll stop there. Thank you.

00:19:19:21 - 00:19:25:20

Thank you very much. Um. I'm happy with that. It's a broad overview. Do you want to ask anything?

00:19:27:23 - 00:19:35:27

Um, any affected persons who want to ask anything about the broad overview that's been given?

00:19:38:11 - 00:19:38:26

No.

00:19:40:10 - 00:19:42:11

Thank you. Um,

00:19:44:03 - 00:20:15:12

I've got one question. Um, on the broad overview, um, we asked in our written questions, um, at 802, which was rep two oh 52 about the completeness of the book of reference with respect to affected persons. Um, and your reply was that you were going to update that document with, um regarding the hmm, land registry.

00:20:16:03 - 00:20:25:27

I just wonder if you could provide us with an update on on that refresh that you were doing on the the. Hmm land Registry, please.

00:20:26:23 - 00:20:58:18

Okay. So was that eight seriously? Question. Yeah. That was. Thanks, sir. So I believe we undertook a check when we were providing reply to your questions at deadline two, and it was seen that an update wasn't necessary at that stage. I think we have planned to do an update in hmm, refresh before the end of examination and provide as part of the final provision of the of the book of reference into examination.

00:20:58:20 - 00:21:10:17

So we've programmed that in, but that will likely be provided, I think, at the last update of the annex document, um, in the rule eight letter. Thanks.

00:21:32:07 - 00:22:21:09

Thank you very much. I'd like to turn to agenda item four, which is site specific issues. Um, for the applicant, I think what would be most useful if you could provide us with an update on the progress of the negotiations with affected persons and the timetable for their conclusion. Um, in doing that, I think the most useful way of proceeding would be to display that land rights tracker. Rep three oh 31 and then walk us through the, um, the various key areas of land and provide us with an update on each and if, if need be, if it would be of assistance, I might ask for you to point to that particular piece of land on the land plans.

00:22:27:10 - 00:22:35:17

I think so I'm just getting up now. I believe the lands rights track is actually rep 3031, so just sorry if I misquoted that.

00:22:48:03 - 00:22:49:22

Just to confirm that's the clean version.

00:22:49:24 - 00:22:54:13

That's the King version. Yeah. Would you like a track change version upwards. The clean version.

00:22:54:15 - 00:22:55:04

Um, the track.

00:22:55:06 - 00:22:55:21

Change would be.

00:22:56:03 - 00:22:57:11

More useful. Thank you.

00:23:13:15 - 00:23:36:21

So say we're now looking at rep 3032, which is the track change version of the Lands Rights tracker provided at deadline three. I believe it has been redacted, uh, for publication on the pins website, but I believe you're provided with an unredacted version anyway for your for your own use. Um, in terms of updates to this, since rep three,

00:23:38:15 - 00:24:09:00

um, the applicants continue to engage with the agricultural tenants across the main site has held meetings in since January with the Bradleys of Woodland Farm and continues to discuss, uh, terms for the surrender of their agricultural tenancy. Um and in relation to Ferry Farm, which is currently operated by S Warburton um, the finalisation of the surrender of documents continues.

00:24:09:02 - 00:24:20:13

Heads of terms have been agreed agreed with that party. and currently each party's representatives are drawing up the necessary legal documents to sort of formalize that surrender set.

00:24:25:02 - 00:24:38:11

So I can provide a brief update in relation to the sort of agricultural tenancies as a whole. But those are the two key areas of movement since Group three in the Lands Rights Tracker. Thank you.

00:24:50:13 - 00:24:59:23

Thank you. Um, I think it would be useful to us to to just go through the tracker and particularly pick up, um.

00:25:02:07 - 00:25:03:26

The areas where

00:25:05:20 - 00:25:13:07

you've indicated that the, the likelihood of resolution is is below high.

00:25:16:16 - 00:25:21:08

Okay. Thank you. Sir. Uh, did you have a particular plot number I can go to?

00:25:21:10 - 00:25:24:19

Um, no, just working through it from the first page. Really?

00:25:24:21 - 00:25:26:24

So. Okay. Um.

00:25:28:27 - 00:25:35:04

It makes it quite difficult when I'm looking at a redacted version. I'll just go to my notes.

00:25:45:22 - 00:26:22:12

So. So in relation to that first line there. Uh, well, the bottom line I'm focusing on where it's not high. Um, so that's eight, eight, 303. Um, where we have said the likelihood of resolution is medium. This plot is in relation to a Bradley who is part of an agricultural tenancy across the land. The applicant continues to be in discussions with Mr. Bradley. We've viewed the likelihood of resolution as being medium just off the back of those discussions.

00:26:23:00 - 00:26:55:23

Um, there's a range of factors that might go into that, sir. Um, it's inevitable that the applicant might not be able to reach agreement with all parties. The applicant has been able to reach agreement with approximately 50% of the land area within the order limits in terms of tenancies or freeholds. And and clearly, sir, in relation to SNC limited, which is the primary landowner.

00:26:55:25 - 00:27:00:00

Clearly the applicant does have an option for lease in that respect.

00:27:11:26 - 00:27:23:03

So taking that as an example, those plots um, that who identified against 88303. Um. Are they are they for panels?

00:27:26:02 - 00:27:57:04

Yes. Looking at them, most of them will be for panels. But in particular, if you look at the, uh, zero seven numbers, I believe that will be more environmental mitigation. Um, if we the key way I would check that, sir, is by looking at schedule nine of the statement of reasons, which in relation to each one of those plot numbers, sets out the relevant work number occurring within that plot. And that's both for the acquisition of land and rights.

00:27:57:20 - 00:28:12:17

Um, and in the case of rights itself, you can cross-reference that with schedule seven of the DCO, which sets out the particular rights proposed to be acquired in relation to a particular work number.

00:28:15:22 - 00:28:17:19

Thank you for that. Um.

00:28:25:00 - 00:28:27:07

Skimming through this. Um.

00:28:30:13 - 00:28:45:11

The next one is on page three, which again is is, um, eight eight 306, which is, um, Emma Bradley. I assume the answer is the same on that in terms of progress?

00:28:47:25 - 00:29:05:09

Yes, I believe so. So, um, the lads rate tracker was fully updated at rep three, which was a couple of weeks ago. So it was updated to then. Um, and as I said, the the key updates since that update has been just further discussion with the Bradleys and the Warburton's.

00:29:06:16 - 00:29:24:19

Thank you. Um, I'm looking at page four now and, um, reference 88308, which is the next one that's, um, marked as medium against um Bartle.

00:29:35:25 - 00:29:46:11

Thank you sir. Yes. I think my comments would continue to apply for Mr. Bartle. Um, the applicant continues to engage. Has engaged recently with the battles

00:29:47:29 - 00:29:52:03

it's doing. So I should say, with the cooperation of the landowner

00:29:53:27 - 00:30:04:07

and the participation of of various agents. But, yes, at the moment, negotiation, uh, is not, uh, moving forward swiftly to a voluntary agreement. Thank you.

00:30:31:01 - 00:30:39:26

Turning to page 788314 with Mr. Warburton. Um, you're going to give me a similar comment there.

00:30:44:14 - 00:30:48:01

I think you mentioned him at the beginning to do with very far.

00:30:48:09 - 00:31:09:00

Uh, yes, sir. I believe this is a separate Warburton. Uh, I think there's a number of Warburton families locally. Um, I believe in this case. Uh, so we have reached heads of terms in relation to Berry Farm. But that is under an S Warburton. So that's Samuel Warburton right. Um in relation to R Warburton

00:31:10:20 - 00:31:14:08

it's a similar common as the Bartels and the Bradley Centre. Thank you.

00:32:08:18 - 00:32:20:00

And this might be for later, but towards the end. On page 15 we have ingot, um, on eight, three, six, two, five. Um.

00:32:23:18 - 00:32:33:00

Those plots are to do with presumably their transmission cables that cross across the land, the development land.

00:32:47:01 - 00:33:10:00

So thank you, Patrick Robinson, for the applicant. Yes. The, um, ingot, uh, land, I think it primarily is within the West Burton Power Station area and the substation compound in there, but will also be some of the existing infrastructure overhead lines that run south from the power station. Okay.

00:33:16:14 - 00:33:18:29

And for those, um.

00:33:26:20 - 00:33:39:10

You've got these marked car compulsory acquisition of subsoil. Um, you just explain a little more why you've sought those powers.

00:33:41:14 - 00:34:14:16

Uh, so, yes, I mean, the, um, overall approach, uh, is there's no interference whatsoever with any equipment of, uh, National Grid transmission, but to the extent we'd have to cross anything, then effectively we'd go under and to go under. That's why we're talking about acquisition of subsoil rights. Um, it is primarily the protective provisions that then regulate how we interact with each other.

00:34:14:26 - 00:34:41:14

Um, strictly speaking, the powers would be there to, um, interfere with the an existing asset having. It's not the intention to do so. Um, and you would bypass them. Uh, but the protective provisions also allow for the possibility of, um, altering rights. Um, by agreement, um, to allow the two assets to bypass each other.

00:34:48:10 - 00:34:49:06

Thank you.

00:34:52:21 - 00:35:02:03

I've got no further questions on the line rights tracker. Um, I've got one more general question.

00:35:30:01 - 00:35:30:18

Um.

00:35:34:16 - 00:35:47:11

Turning back to your response to first written question 801, which was, um, to do with the book of reference and how update how up to date it was, um,

00:35:48:29 - 00:36:03:16

You replied. You put up site notices in relation to the parties where, um, you've not been able to identify, um, the owners and the interests. Um.

00:36:06:13 - 00:36:20:12

I wanted to ask whether it had any have responded to that or taken part in the examination to date, and how you're going to make efforts to contact them during the remainder of the examination.

00:36:22:24 - 00:37:01:12

I think I said okay for the applicant. So this is in relation to, uh, specific requirements of publication in relation to unregistered land. So where the applicant has identified unregistered land and isn't aware of the owner. Um, it has provided site notices, uh, in order to publicise the potential for Compulsory acquisition over that land. Uh, that's a sort of statutory procedure that it's gone through in relation to the question of has anyone come forward as a result of that? I don't have that information at the current time.

00:37:01:14 - 00:37:09:11

Um, but we can confirm that in writing and give you some more information on that and whether that that has that come forward. Okay.

00:37:09:19 - 00:37:25:26

Could I note that down as an action point, please? Um, to identify whether any have come forward, um, following the reply to our first written question. 801.

00:37:28:27 - 00:37:29:23

Thank you.

00:37:42:01 - 00:37:46:19

I don't have any further questions On site specific.

00:37:48:25 - 00:37:52:03

Issues for the applicant. Do you, Mr. Robinson?

00:37:52:13 - 00:38:24:27

I do have one which I want to go back to. And that's the subject of temporary possession, which you said. No, I appreciate that you haven't included any particular plots for temporary possession in your schedule of the design consent order. And it sounds to me that you want the temporary possession potentially as a, as an option if you don't need to acquire. Well, it doesn't it looks like you don't need to actually go ahead and properly acquire land. You said it's it's not unlike other development consent orders.

00:38:24:29 - 00:38:55:28

Can you just explain the approach that you've adopted in articles 26 and 27 of the consent or the 2728, sorry, which is the temporary use of land for carrying out the authorized development. And article 28, which is temporary use of land for maintaining the authorized Just just explain briefly to why you've taken the approach that you've adopted. Um, unlike other development consent orders and just a brief sort of walk through of those two articles and how they would operate.

00:38:57:22 - 00:39:31:07

Thank you sir. Okay. For the applicant. So, um, looking then at the DCO provider, Rep three, we've got article 27, which is the temporary use of land for carrying out the authorized development. This is a standard provision. Um, it is contained in almost every development consent order. Um, how this article usually operates where you have actual temporary possession land. So green land is that you would have the option in that in this article.

00:39:31:09 - 00:40:25:04

So it would say for the Greenland you can only temporarily possess this land and it will give you a time period I was saying for as long as it's necessary for the construction of the authorized development. So that's sort of element one. And we just don't have that element one. The second element, which is apparent in almost all development consent orders, and I believe it originates from the moderate provisions, is that in relation to any other order land, you may go on and temporarily possess that land, subject to this article, provided that you haven't served a GBD General Vesting

declaration notice in relation to that land or no notice of entry has been served, so you haven't kick started the process of actually acquiring a permanent interest.

00:40:25:18 - 00:41:16:22

Um, the purpose of that mainly is in relation to as you're going through detailed design post consent, you may want to carry on, uh, uh, take temporary possession for the purposes of testing. For surveying. For carrying out preliminary works in your construction timetable, potentially. Um, but if that might be too early to go in and properly start your construction phase. The reason why we say it works to the benefit of both parties is it clearly gives the Undertaker more flexibility, but it also enables the owner of that land to retain possession of that land until it's absolutely necessary for them to, to, to be dispossessed as a result of the construction of the order in relation to the maintenance.

00:41:17:03 - 00:41:19:04

Very similar provisions apply.

00:41:20:26 - 00:41:52:07

The key thing I would point out is under article 28, paragraph subparagraph 11 of that article, is that how long does that article really take place for? And that's a period of five years beginning with the date of, of which phase of the authorized manner first exports electricity. So it's a it is a sort of wash up period if you like to go back on if needed.

00:41:52:28 - 00:42:03:24

Um, but that article wouldn't apply for the entire duration of the scheme. So it's not a continuing right of temporary possession in that in that respect.

00:42:08:03 - 00:42:21:06

Okay. And if you haven't exercised the the acquisition within that time period, I think it's five years. But correct me if I'm wrong, then that the right for you to acquire that land falls away. Is that correct?

00:42:22:27 - 00:42:57:00

I believe so the so the operation of 28 is divorced slightly from the GBD notice of entry position. Um, it would be more where you haven't acquired that permanent right as a result of construction. So in the case of this order, it's highly likely that we would have, by the point of First export, acquired the rights that we needed to. That's certainly the intention as set out in the book of reference. But if as a result of voluntary negotiation, we've we've come to a different agreement.

00:42:57:02 - 00:43:00:27

We do have that flexibility for maintenance regardless.

00:43:03:07 - 00:43:33:24

Okay. You said before that the first option didn't didn't apply to you. Um, and that's temporary. Is there any. Are you absolutely satisfied that there are no areas within the order limits that you don't actually need to acquire? But you could really just get away with temporary positions, such as, for example, construction compounds, which on other order seems to be fairly common, that rather than acquiring full freehold rights over those land.

00:43:34:07 - 00:43:48:05

It would mainly be temporary possession. You've not taken that approach in this particular. Are you absolutely satisfied that there is no land within the older limits, that you could really take temporary possession rather than the freehold acquisition?

00:43:49:25 - 00:44:27:19

Thank you sir. Okay. For the applicant. Yes, sir. We are. I think what's important here is the nature of our negotiations with the landlord. The fact that we're going on to this site with an accepted area within our option for lease, means that our approach to temporary possession is slightly different from your typical DCO. Um, in a in a typical DCO, where you don't have 9,095% of your freehold already signed up, if you like, you would be looking to downgrade this as much as possible.

00:44:27:27 - 00:44:45:06

Um, because you're you're dealing with the majority unwilling landowners. So in this case, we have assessed, uh, against order limits, and we're satisfied with the rights that we propose that are proportionate and justified in our case.

00:44:53:02 - 00:44:55:26

Okay. Thank you. All the questions. Thank you.

00:44:58:10 - 00:45:33:28

Sorry. Um, just want to ask a quick question. Julie Barlow. Um, a landowner adjacent to the project development order. Um, you spoke about sub soils and quite a few, um, of the landowners along Weekley Road have had some, haven't had any communication, but others have had communication about the compulsory purchase order. And I just wonder why there's negotiations with rights with certain parties. But other parties have just had notification of intent of compulsory purchase is a rationale for negotiating with some and not with others.

00:45:37:12 - 00:45:42:22

Thank you, Mrs. Barlow. Um, would you like to comment on on that, please?

00:45:42:27 - 00:46:18:03

Thanks, sir. Okay. For the applicant. So I believe what's being asked here is the approach to negotiation of subsoil interests. Um, the applicant and this is true for most orders, if not all. Wouldn't normally negotiate for subsoil interests because they have what is seen as a nominal value. Uh, what's typically given in art. So typically how an applicant might go about it is sending out a generalised offer for subsoil interest, um, of a nominal value.

00:46:18:05 - 00:46:39:03

Typically that's somewhere between sort of I think typically about £50 per interest. Um, to the extent that that offers not accepted that the interests would be included in the acquisition schedules. Um, but that's a highly standard approach across the industry. So in relation to subsoil interests.

00:46:40:23 - 00:46:48:23

Sorry. My point is has not been any of that. And is there a reason why so.

00:46:48:25 - 00:47:05:05

So I think your point is that some people have been specifically contacted by the applicant, um, others who are adjacent to those subsoil interests haven't been. And why some and not others? Have I got that right?

00:47:05:07 - 00:47:12:26

That's right. I mean, we as adjacent landowners have just had the note notifying us of the compulsory purchase.

00:47:15:17 - 00:47:16:14

Process.

00:47:17:04 - 00:47:18:12

But not the right.

00:47:20:04 - 00:47:21:21

Well, we've had two letters.

00:47:22:18 - 00:47:23:09

Thank you.

00:47:26:02 - 00:47:42:12

Except for the applicant. I think what might be best is if we take it away, we'll discuss with Mrs. Barlow exactly what's been sort of taking place. And if it's okay with you, we can respond in writing to confirm those conversations have taken place. So.

00:47:44:14 - 00:47:46:02

Are you happy with that, Mrs. Barlow?

00:47:46:04 - 00:48:05:22

Yeah. I'm just concerned it's going to affect our business. We've had no potentially affect our business, and we've had no sort of direct communication that we could have probably sorted this out without a compulsory purchase. If it's something that's, you know, just to lay a cable under an access road, it seems a bit over the top.

00:48:06:24 - 00:48:15:22

Can I leave it that you speak outside of this hearing and then, um, send me a note of. Of what you've agreed?

00:48:16:11 - 00:48:21:08

Yes, sir. Thank you. The applicant said what Mrs. Barlow said. Well, we'll engage and respond in writing.

00:48:21:10 - 00:48:23:24

We'll put that down as an action points for you. Thank you.

00:48:23:26 - 00:48:27:25

Yeah, I'll put that down for action point. The deadline for an update.

00:48:27:29 - 00:48:46:11

So sorry. As far as I know, it's for everybody along that road. Nobody of the neighbor. We're the only business. There are other residential properties. But the residential properties that they've not, some of them haven't. When I asked the question, looked at me blankly about having received them.

00:48:46:25 - 00:48:54:01

Well, if you provide that information to the applicant, they can take that forward and respond to us.

00:48:54:19 - 00:48:55:12

Thanks.

00:48:56:07 - 00:48:56:29

Thank you.

00:49:02:16 - 00:49:38:00

Thank you. That's that's all I've got on agenda item four. And I'm going to move on to agenda item five now, which is site specific representations by affected persons. Um, I'm going to ask affected persons to briefly set out if they have any outstanding concerns in relation to compulsory acquisition or temporary possession for the land which they own or occupy. That have not been addressed by the applicant. Um. Then, going down my list, I'll start with, um, Stoughton, the steeple Parish Council, please.

00:49:38:02 - 00:49:45:19

Is there any site specific, um, items that haven't already been addressed that you want to raise? Sorry.

00:49:45:29 - 00:49:46:29

I'm aware of.

00:49:47:06 - 00:49:51:01

Thank you very much, Mr. Appleyard. Um,

00:49:52:19 - 00:49:58:23

Mrs. Barlow, have you any anything else you want to to raise with the applicant?

00:49:58:25 - 00:50:03:15

Not with regards to, uh, acquiring land. It's more to do with the rights.

00:50:04:25 - 00:50:05:18

Sure.

00:50:06:00 - 00:50:06:25

Thank you.

00:50:08:20 - 00:50:44:21

Um, I've got a question regarding the clarification that we, um, asked for at first written question 8.0.4. It was regarding the land owned by, um, Peter Warburton who's who's in the room. And your reply was at rep two oh 52 there was a, um, it'd be quite useful if you can put that up on the screen. There was a plan provided, and I just wanted to check, um, that Mr.

00:50:44:24 - 00:51:01:06

Warburton agrees that, um, this area of land is not required for the proposed development, that, um, the answer given by the applicant was was correct. Is it possible to put that reply up on the screen, please to rep 252?

00:51:01:13 - 00:51:03:19

Yes, sir. Sorry, I'm just looking it now.

00:51:05:27 - 00:51:08:17

The question was eight zero 14.

00:51:57:08 - 00:52:00:25

So the answer. Mr. Warburton, the applicant

00:52:02:15 - 00:52:04:14

has given is that.

00:52:06:08 - 00:52:12:14

Let's go. Can I just go back to the question, please? And just if you could just scroll up, um.

00:52:21:19 - 00:52:41:06

It was in reply to your representation. Um, Mr. Warburton, um, that you're the joint owner of the land. Um, that field and I assume that, um, the the land that they've highlighted is is is the land that you own.

00:52:43:14 - 00:52:50:07

That's right. Yes. That's correct. And and you've confirmed that, um, you don't require that land for the proposed development.

00:52:50:25 - 00:52:55:15

Yes. That's right. So the highlighted areas outside of our ordinance. Okay. Thank you.

00:52:55:24 - 00:52:57:04

That's all I wanted to check.

00:52:57:06 - 00:53:29:09

The initial plan that we had, the the area that they wanted to develop incorporated for that we have they then altered it when I, um, questioned it and queries I have is read somewhere about this Rochdale envelope whereby they can, uh, if they're granted a certain area, they can actually transgress outside that area almost at a whim.

00:53:30:08 - 00:54:13:18

Uh, and I just needed some sort of reassurance, you might say. And I mean, sitting here, I'm a retired farmer, I speak English, you speak Mandarin Chinese. As far as I'm concerned, I don't follow most of your conversations. I just accept bits of it as being relevant. Most of it is a language of your own. Um, and I feel that if the order is granted, uh, under the terms of this Rochdale envelope that I've read about, if our little field is regarded as being relevant, they can just sort of move across and incorporate it first.

00:54:13:20 - 00:54:44:26

The first plan I had. As you look on that and that, uh, there was the white area to the left of our pink area. Uh, there was a big triangle, which probably, I don't know, it was probably 20 hectares. I don't know how the boundary has now been moved back further eastwards. And, uh, and so as you look at it, it's we're not included in your area, but I just worry that, uh, you might shift across westwards.

00:54:46:02 - 00:54:51:16

Thank you. Um, I understand your concern. Um, I'm not going to

00:54:53:06 - 00:54:56:16

answer that. I'll just ask the applicant to confirm.

00:54:57:16 - 00:55:36:13

Uh, yeah. Thank you. Sir. Um, Rochor envelope, um, relates to, uh, the assumptions that you put in when you're, uh, drafting an environmental statement. But if I can be absolutely clear, the the development consent order, which is our permission, would not grant us the ability to do any works outside of our red line boundary. And your these fields are not within our red line boundary. Um, I believe if you believe, there may have been a plan which included these fields previously, which may have been part of an earlier consultation draft.

00:55:36:18 - 00:55:50:18

Um, but the plan submitted into this examination, uh, mean that we would not have powers to build in these fields. We would not have powers to acquire land rights in these fields.

00:55:53:15 - 00:56:15:17

And sorry, in case it sort of helps, sort of just as a quick explanation. Um, the Planning Act introduces criminal offences for breaches of dsos. This would be a sort of typical example of one operating outside your redline boundaries. So it's there. There are consequences if that if that is breached.

00:56:18:01 - 00:56:18:23

I hope you feel.

00:56:18:25 - 00:56:21:13

Reassured in English.

00:56:22:12 - 00:56:23:23

Yes. Thank you very much.

00:56:24:21 - 00:56:26:11

Um, Mrs. Barlow.

00:56:26:13 - 00:56:54:12

Sorry. One of those fields is actually owned by myself and my husband. Um. And I just want to make sure the field we know is outside the red lines. We've had that confirmed in writing. Thank you very much. Um, but again, is there potential that we are? Access to our field would be impeded by the works that you're undertaking. Because the red line appears to go include the road.

00:56:59:05 - 00:57:02:14

Thank you. Um. Could you. Could you answer that?

00:57:02:20 - 00:57:08:25

Thank you. Please, could we just confirm where access is taken from it. From the road?

00:57:09:08 - 00:57:18:03

Yeah. Where you've got out the pink shaded area of our two fields, and then they put onto what is called Littleborough Road.

00:57:21:26 - 00:57:54:15

Okay. Um, so in that respect, I fully expect access can be maintained. We have a, um, construction traffic management plan, which is provided in an outline form into the examination that will be required to be agreed with the LPA before we start any works. And it's that plan which would tend to, uh, secure that accesses are maintained um for, for any frontages.

00:57:55:03 - 00:57:59:20

And I'll just pass on also to Mr. Bridges who's the project manager.

00:58:01:07 - 00:58:07:28

Who will produce project manager for the applicant just to confirm the areas to the east of that field and the south of.

00:58:08:00 - 00:58:08:20

That field.

00:58:08:22 - 00:58:19:15

Are in the works plans for ecological enhancements. So there would be no cables going down that highway in any case because it is ecological enhancements, not panels or infrastructure.

00:58:22:18 - 00:58:27:13

Thank you, Mr. Bridges. Um, Mrs. Bowler, does that give you enough.

00:58:28:20 - 00:58:30:03

For this parcel of land here?

00:58:30:05 - 00:58:32:06

Thank you. Thank you very much.

00:58:34:18 - 00:58:47:01

I've got no further questions on agenda item five. Um, I'm going to move on and over then to Mr. Robinson, who's going to take us through the remaining agenda items.

00:58:48:22 - 00:59:29:03

Thank you, Mr. Wiltshire. So agenda item six is site specific issues for statute undertakers under sections one, two, seven and 138 of the Planning Act. Um, what I'm going to ask first is for the applicant to provide an update on negotiations with statutory undertakers and the progress of agreeing protective provisions that are set out in schedule ten of the draft development Consent Order. If you could, if you could summarize where you are in particularly those areas where there are not areas of agreement in particular.

00:59:30:01 - 01:00:10:08

Thank you sir. So I'll speak to all Undertakers Bar and get in, which I'll hand over as we explained before. So, um, in relation to Anglian Water, to excellent to cadent gas engaged UK, IFS, EDF and West Burton, the parties are in close engagement. We've been in close engagement For a number of months preceding examination, and we fully expect full agreement to be reached before the close of examination.

01:00:12:03 - 01:00:17:08

In relation to Trent Valley, our Internal Drainage Board,

01:00:18:29 - 01:00:20:20

the applicant has been

01:00:22:15 - 01:00:53:06

unable to have a substantive conversation with the IDB since September last year. We're chasing for engagement from them for confirmation that the protective provisions included at part three of schedule ten are satisfactory. Those those protective provisions are based on what we understand. The Internal Drainage Board's standard provisions are subject to some minor amendments.

01:00:54:02 - 01:01:17:03

And so I don't expect that there to be any substantive concerns, but obviously I can't speak on behalf of them, and we'll continue to chase our engagement in that respect in relation to Network Rail. The applicant has included protective provisions for Network Rail in in schedule ten.

01:01:18:18 - 01:01:41:06

These are predominantly based on Network Rail's standard provisions that they do not adopt in full Network Rail standard provisions. We are currently in engagement with Network Rail's legal representatives as to the extent to which amendments may need to be made. Um.

01:01:44:28 - 01:02:24:22

Both parties are working towards engagement and agreement before the end of examination. Um, and this and then to the extent that agreement isn't reached and this would apply to all parties. I expect that the applicant will be providing a section one, two seven report at uh. I believe the intention is deadline five to allow parties to review that report. And that will report will focus on the extent of disagreement between the parties and provide the applicant's justification and argument as against the statutory tests, which the Secretary of State will need to satisfy themselves.

01:02:24:24 - 01:02:31:01

So hoping so that we put it very clearly at that stage. The extent of disagreement.

01:02:34:17 - 01:02:38:29

If that's all for those. So I'll pass over to Mr. Robinson in relation to Angot.

01:02:39:24 - 01:02:42:11

Um, and can I just get something?

01:02:42:13 - 01:02:48:22

Um, it's it's very helpful that you've, um, highlighted providing that at deadline five is.

01:02:50:13 - 01:03:02:26

And it will be very, very useful to us. Can I, um, push you a bit on that? That you you will be providing that at deadline five and maybe even provide it as an action. Put it down as an action point.

01:03:03:27 - 01:03:06:25

Thank you. Say yes. We're happy for that. For that to be in action.

01:03:06:27 - 01:03:07:18

Thank you.

01:03:13:18 - 01:03:19:23

I do have a couple of queries before we go on to Mr.. So I'll just jot the action point down first and then I'll come to that.

01:03:34:27 - 01:04:12:27

Okay. Thank you. So there's a couple of queries on some of the um, protective provisions. So um, you mentioned EDF before about um, full agreement expected. They did. Their relevant representation did include what they were seeking with their relevant representation in reference R053, and it included, um, the protective provisions that they're seeking. Are they have they been incorporated into the draft DCO or not? Or is that still subject to discussion?

01:04:14:23 - 01:04:36:13

Thank you sir. At the moment, it's still subject to discussion. I appreciate EDF put their position forward in their relevant reps. We've been engaging with with their legal representation representatives, um, to try and come to an agreement in terms of what the final form of protective provisions will be in it on the face of the order.

01:04:43:01 - 01:05:12:22

Okay. Thank you for that. And one party you didn't refer to. Um, or if I missed it. United Kingdom Industrial Fusion Solutions limited their deadline three submission. Um, sets out the amendments that they're seeking to. Part nine of the draft DCO. Um, is that still subject to, um, negotiation as well? Have you got a position yet on whether you're accepting their, um, suggestions or not?

01:05:13:16 - 01:05:18:24

Thank you. So, yes. Um, so, yeah, UK ifs apologies. Um.

01:05:20:28 - 01:05:39:02

At the moment, I don't have a position on whether the parties are in agreement. I can confirm we are in close engagement with the other side's legal teams. Um, and again, they fall into that bracket where I fully expect agreement to be reached. Uh, the party certainly are working towards that as a goal.

01:05:43:09 - 01:05:52:27

Thanks very much. Um, I'll now turn to, and Mr. Robinson to you and provide the update regarding and get.

01:05:55:09 - 01:05:57:02

Thank you, sir Patrick Robinson.

01:05:57:15 - 01:05:58:22

For the applicant.

01:05:59:08 - 01:05:59:26

Um.

01:06:02:26 - 01:06:04:16

You will have seen already.

01:06:04:25 - 01:06:05:19

Uh, the.

01:06:06:01 - 01:06:06:16

Detailed.

01:06:06:18 - 01:06:09:20

Representations that were made by the applicant at D2.

01:06:10:09 - 01:06:10:24

In.

01:06:10:26 - 01:06:13:14

Respect of interactions.

01:06:13:21 - 01:06:14:09

Between.

01:06:14:11 - 01:06:24:07

Steeple Renewables project and Northumberland. Um, and then the um response representations in effect by Njit at D3.

01:06:25:27 - 01:06:30:12

Uh, these representations are addressing principally the impacts.

01:06:30:14 - 01:06:30:29

Of.

01:06:31:01 - 01:07:30:26

The Northumberland scheme, uh on the steeple project. Uh, but they do also deal with, uh, protected provision drafting. Um, in large part, the difference in drafting is whether the s accommodate the Northumbria project or don't, where they refer to that project or don't. But there are some other differences as well. And as I've alluded to already this morning, there are existing ingot assets which come within the staple order limits, both within North West Burton Power Station all the way into the substation, and also outside of the power station, with the existing overhead lines that run in our respective south from it.

01:07:31:18 - 01:08:10:00

Um, there are some drafting differences on those. Um, I'm pretty sure, having spoken this morning to Mister Booth, he's going to make some comment on that, I suspect rather than hearing me, him and me reply, it's actually easier to let him take us through those and then I'll respond to that. But what you have seen from us already in our detailed representations is the belief that whilst those people drafting in respect of existing assets are not yet agreed with, we're confident they should be able to be agreed.

01:08:10:02 - 01:08:21:15

Perhaps not surprisingly, sheltering under the lee of the issue of Northumberland martyrdom. They're rather getting overshadowed, but they're matters that we would expect would be able to agree.

01:08:33:00 - 01:08:35:06

Okay. Thank you very much for that update.

01:08:35:08 - 01:08:44:07

I'll now turn to National grid electricity transmission to prevent present your case, as you said so far. On this.

01:08:46:04 - 01:09:16:24

Thank you, Sir Alexander Booth for Angad. So, as I previously indicated this morning, um, what we've done is to provide at deadline three, a marked up version of the applicant suggested protective provisions. And I think I'm largely in agreement with what Mr. Robinson has said. Essentially, there are two categories of amendments that we are seeking.

01:09:18:03 - 01:10:02:20

Those that sit outside of the North Humber Hymenium issue and those that relate directly to it. I think those that sit outside North Humber hymenium are largely concerned with matters of insurance and guarantee security and so on, and will come to all of these amendments in due course, if you will, and I'll walk you through them. However, given that a significant number of and indeed the significant issue in terms of protective provisions relates to Northumberland, and what I am proposing to do is provide a little bit by way of context, because otherwise the discussion as regards the PPE simply doesn't make any sense.

01:10:02:22 - 01:10:27:06

So what I'm going to do is to speak briefly to three points. Firstly, the need for Northumbria to Heinemann and secondly, the evolution of the Northumberland Hymenium project, and perhaps referring to how that sits alongside evolution of the steeples renewable project. And thirdly, then the principle of.

01:10:29:23 - 01:11:17:00

Imposing protective provisions in respect of Northumberland. So I'll speak to those three issues briefly if the examining authorities can content. That's fine. I'll just reassure you that we've read in quite some detail. You'll read three submissions so we know the history. I'm grateful and I didn't doubt that for a second. So thank you very much. Um, and just to reiterate, and as discussed with Mr. Robinson earlier on this morning, what we're not going to do today is address the issue of impact on the steeples renewable project of Northampton, and we'll save that till Friday, because I understand that the applicant wishes that issue to be dealt with under the umbrella of the issue three here, and I'll put that to one side for now.

01:11:19:04 - 01:11:49:26

Just before we talk, can I make one comment? Thank you, Patrick Robinson, for for the applicant. And again, just so principal Mr.. Both understand this and the team yourselves as well. So, um, we are coming ready on Friday to deal with impacts evolution need to. Actually all of the matters Mr. Luther spoke to. So we are not proposing answering in any detail today matters like evolution.

01:11:49:28 - 01:12:20:07

Very happy to take a note of them and to to come back on on Friday. Um, as to drafting of the piece that I'm certainly happy to deal with today to the extent one can um, but I'm fully aware the, the people to deal with that expert as well as council are not here today to deal with things like evolution, but fully happy to take a note and we will finish that work on Friday.

01:12:21:18 - 01:12:22:09

Thank you.

01:12:22:11 - 01:12:22:26

Very much.

01:12:22:28 - 01:13:15:04

That's clear. That's understood. Thank you very much, Mr. Robinson. Um, so firstly, sir, then in terms of need, the examination is of course aware of the extensive programme of works currently underway to deliver an upgrade of the national transmission system. The Great Grid upgrade, and the short point is that Northern Ireland is fundamental to indeed arguably its existential as regards the continuing ability of the UK to transfer electricity from generating stations to consumers, the grid upgrade is necessitated, as I know the examination is aware, by the shift from fossil fuel generation to renewable energy sources, both offshore and onshore and in terms of interconnectors, and it's all imperative if the UK is going to meet its climate targets.

01:13:15:06 - 01:13:49:04

And that's early 25th. In particular, boundary reinforcement measures are required to improve capacity at what are essentially bottlenecks or pinch points in the nets. And as the D3 submissions, I think made clear NATO's ten year statement and the government's Clean Power 2030 action Plan. Both recognise the need for additional boundary capability, and it's on that basis that we have these 17 projects as part of the great grid upgrade, of which Northumberland is one.

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And as I say, we consider that Northumberland is an integral element of that programme. It is, of course, an end tip and it will increase capacity at boundary B8. But it will not only do that, it will directly enable generation from particular sources. Looking firstly at the B8 boundary issue, the deficit there is very significant. It's anticipated at 11.7GW in 2013.

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And accordingly multiple projects are needed to address that deficit. Uh, Northumbria Haymana will provide more than six gigawatts of additional capacity across that V8 boundary. So we say that is a very, very significant contribution. In addition, however, as I say, the project that 90km of overhead line stretching from a substation west of Cottingham at Cricket back down to the one in Nottinghamshire at home, I mean, that is integral to the contribution which particular developments will make to

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the grid capability. In particular Dogger Bank South North Humber demonym is part of the connection offer and but shortly Dogger Bank South cannot generate to the grid without North Humber demonym having first been commissioned, and I know Mr. Robinson will be well aware. I mean Dogger Bank South, that is in the order of, I think it's 2.9 to 3GW that we are talking about in terms of generation. So as I say, the position is summarized in our deadline three submission to paragraph 12 and following.

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North amateur hymenium is self-evidently of fundamental national significance, and it benefits from policy support in the NPS, the N1, and the N5 as a critical national priority. Importantly for this examination, Northampton is not some aspirational notional potential scheme anticipated for medium

or long term delivery. The application for the Development Consent Order in respect of Northampton is scheduled for submission in third quarter of this year, that is to say, September 2026.

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Now, I don't propose to say anything more about that technical side of things, say to offer Mr. Thorne to my right for any questions. The examining authority may have in that regard. Um, safe to say that it is, of course, recognized by. And yet that the steeples project is itself nationally significant infrastructure and and this examination and that also benefits from policy, board and policy support as CNP.

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However, the short point here is that without North Humber to high martyrdom, the wider national objective, that is to say, indeed the legal obligation of decarbonising UK power generation, we say, will be fundamentally undermined. And so, and yet cannot allow this project or indeed any project, to frustrate delivery of infrastructure which will provide the capability to connect ten times that amount of generating capacity that is offered by the Staples Renewable Project.

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That's not to diminish or demean what the Staples Renewables project will deliver. It's just that it's important to see that in the wider context of what Northumbria Haymana will provide in terms of capacity. The fact that North Humber to Arnhem is not infrastructure that will serve this particular facility directly. That is to say, there isn't functional reliance of the steeples renewable project on North Aberdeen. Arnhem, we say, is nothing to the point.

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That's something we'll come back to in a moment. National policy is not concerned with delivery of this one. Generating project equals renewables, but with multiple projects and the necessary infrastructure to serve them. As I say, North Alberta is not an aspirational scheme. The application is going to go in later this year.

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Turning then to Project Evolution. And again, we've touched on this sort to spell matters out in our deadline three submission. And GEP has been developing proposals for North Humber Diamond and for several years. And what we've done is identify key milestones in part two of the deadline. Three submissions. But it's right to say that preliminary work on North Humber Diamond was being undertaken at least in 2021 and in 2022, prior to the publication of the Strategic Options Report in 2023.

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And of course, non-stop consultation was taking place in June and July. Think of 2023. And notably, this is before the Steeples renewable project was publicly active, so to speak, in formal consultation began on steeples renewable in November 23rd, and then get sort engagement with the promoter says. At that point, I do have to say this in this context, so that NJPW has, for a period of years, been seeking to engage with both Rees as the promoter of the project and indeed with the landowner, the Stirton estate, the majority landowner.

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That landowner engagement began in May 2023. Engagement with Reds began in November 2023, and we've set out a schedule of that engagement at paragraph ten of the deadline for submissions,

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as is set out in those submissions. Also, that engagement has, regrettably, until recently in terms of res, been somewhat frustrating since the only response we have received has been that Northampton man should avoid the steeples renewable project entirely. And of course, that's simply not feasible or realistic. More recently, there's been a series of meetings between, I think, the development director of the applicant and the project director of Northampton, Barnham within, and get a series of meetings in January and February and a meeting as between engineers.

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Um, I think on the 27th of January. So there is substantive engagement now taking place and that is all to the good. The only regret is that, um, that substantive engagement didn't take place earlier in the piece, and we've had to wait until this examination.

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The final point I'd make in terms of project evolution is that the selection of route alignment for Northampton is a process that has had to address multiple potential impacts, embracing all sorts of potential environmental and socio economic considerations. The interaction with the steeples renewable Steeple renewables project is, of course, only one of those multiple considerations, and the factors which the applicant focuses on in a sense, understandably, are somewhat narrow because they focus on their own commercial interests and gets a position must be far more nuanced than that.

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It is far more complex because there is a whole range and gamut of considerations which then getters had to have regard to when selecting its route alignment. And I'm not going to speak to those now. It's not our examination, but they are there in the deadline for each submission.

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I then want to just turn to the third and final preliminary point before we turn to look at the wording of the protective provisions. And that is essentially the principle of protective provisions in respect of Northumberland Manor.

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Um,

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again, we've looked to address these in the deadline, three submissions. It's Largely set out in paragraph 41 and following table two of deadline three. We are seeking protective provisions in respect of a significant piece of infrastructure which is not yet constructed.

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However, the statutory process is well advanced and the application, as I as I keep saying and I repeat now, is due to be submitted later this year in September. That is, it is going to be submitted before the making of any DCO in respect of the Steeple Renewables project.

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What we've done is to provide the examination with two examples or precedents, where equivalent protective provisions have been imposed on other dsos. That is to say, protected provisions which seek to protect infrastructure not yet constructed. And I know you're both aware of those. That's the hourly mall and the Moana offshore wind farms. In truth, however, we say there is no need for those precedents.

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This is not a scenario where the only protected provisions that can conceivably be imposed on a DCO are those which have been imposed previously. We say there is a matter of sound policy, irrespective of how many more. And Moana, the protective provisions which we seek in respect to north amber to Oman should be imposed. Having regard to the critical need for the vital infrastructure which North Amber demanded represents.

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On that basis, we say the justification for those protective provisions is self-evident. Now, the response of the applicant on this point of principle is essentially twofold, and I hope Mr. Robertson will forgive me for summarizing it in a relatively high level way. First, it is said that the Viking DCO provides a precedent itself for a decision on the part of an examining authority and the Secretary of State to refuse to grant protective provisions in respect of future infrastructure.

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We say it does no such thing on the facts of this case, and that is because the decision of the examining authority and the Secretary of state in the Viking context was necessarily fact sensitive. And the facts of that case were that the examination in respect of Viking was conducted during 2024. I think it began in March 24th and ended in September 24th.

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At that time, and yet were seeking protective provisions in respect of two emerging projects. One of which was Northumbria Hymenium. The position of the applicant.

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And indeed I was acting for that applicant. The position of the applicant, um, at the examination is set out at paragraph 6.8.25 of the examining authority's report. And that was that the submission dates for the DCO applications was still some time away. And it is on that basis, they said that it would be inappropriate for the protective provisions to be included within the order. And that position was accepted by the examining authority and adopted by the Secretary of State.

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And as I've said, that examination ran from March to September 24th, and the SSAs report was dated December 2024. At that point in time, Northumbria in Arnhem had not even commenced statutory consultation. Stack on for Northumbrian Arnhem commenced in February 2025.

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Now we are stood in February 2026. Submission is not a distant project. Project prospect. Sorry. Talking Mandarin. It's not a distant prospect. It is a short term prospect. It is scheduled for September 2643 of this year. That is an entirely different proposition, we say, from that which confronted the Xa and the Secretary of State when they were determining the position in respect of Viking.

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Second, it is said that the hourly Mo and Mona decisions themselves are distinguishable, and they're distinguishable on the basis that

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The offshore wind farms in those cases were themselves functionally reliant on the infrastructure that Njit was proposing to construct. Now, of course, that is correct. Those wind farms were functionally reliant upon that future infrastructure. But we say that distinction is entirely artificial and without relevance to the significance of the matter at issue. The fact that a particular development may or may not be functionally reliant on a piece of infrastructure cannot be determinative as to whether or not that piece of infrastructure should benefit from protection in protected provisions that issue.

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The determination of that issue must turn on the significance of the piece of infrastructure and the likelihood that it will come forward. We say this is an extremely significant piece of infrastructure. I've rehearsed it today. It's in the papers at deadline three, and it is no longer the distant prospect that it was during the examination running through the summer of 2024, which sat in February 26th. It's going in later this year. In those circumstances, we say that, um, the emo and the Mona decisions do provide a helpful precedent to the extent that such precedent is needed for the principle of protective provisions being included in respect of future infrastructure.

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But we go further, and we say that no such precedent is required. It's simply a matter of sound policy having regard to facts and judgment. Further, we say that the position in respect of Viking is entirely beside the point and turn on its own fact. So those are the points of principle that I wanted to speak to. Now I've, I've gone on and I've taken us to your 90 minute cutoff, and I'm always keeping an eye on the time so we can turn now to look at the wording of the protective provisions.

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And Mr. Graves and I can walk you through them. Or alternatively, we can look to take a break for ten minutes and then come back.

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I was going to suggest to take a break before we go through the wording, because it may be that I also have some questions having looked through the wording as well. So I think it could be, but and also after the break I won't ask now, but maybe the applicant might want to respond to anything that's been said. But I'll let you know that over during the break. You may not want us, but I'll let you decide what you want to do in terms of what you've heard. The I'll just ask one question before we do go to the break. You said it's based on sound policy.

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Can you just point us? Yeah. Sorry. What that means by loose wording.

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What I mean is policy in the broader scope of N1 and N5 insofar as.

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Those documents recognise that infrastructure required to enable the UK to deliver on its climate change obligations and targets is a critical national priority. And we say in those circumstances that protecting provisions to safeguard delivery of this particular piece of infrastructure, which we say is integral to delivery of that objective, represents a sound application of that policy in the N1 and N5.

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Thank you very much. I'll turn to the applicant, just if you would. Sorry. Yes, sorry. I'll turn to the applicant if you just want to come in on that point.

01:30:37:07 - 01:31:03:29

Not that I appreciate the raspberry Catherine Robinson for the applicant. Um, I just wanted to check my note that that was also the, um. It was just a phrase that you used about, um, avoiding, uh, the steep scheme entirely. I noted down neither feasible or practical, but I didn't want to misquote you on that if you have it on your note. But what? You just wondered if I could just ask you to repeat the phrase used so I could.

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Then my understanding as to the scope and extent of the project is that some form of interaction and engagement? If not, is it not inevitable? It is extremely likely. And for the applicant to suggest that we should just go someplace altogether different was not a constructive response to the position.

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Okay. Thank you for that. Well, um, we will, um, we'll take a break now for about 50. Just under 15 minutes. Thank you sir. So it takes us to course past that. So, um, the time is a minute past 11, and we will adjourn this compulsory acquisition hearing until 11:15.