



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Lime Down Solar Project
Hearing:	Compulsory Acquisition Hearing 1 (CAH1) - Part 2
Date:	30 June 2026

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FULL TRANSCRIPT (with timecode)

00:00:05:05 - 00:00:08:29

Time to resume the hearing. People could take their seats.

00:00:21:00 - 00:00:25:02

Okay. Want to come now to Mr. Bailey?

00:00:27:26 - 00:01:04:28

Okay. Um, Mr. Bailey, I understand the land parcels which affect you are 0503 305 039 and 05042. Um, on the land plans, we'll have the applicant just confirm that in a moment. Um, but I understand they're located between Lime Dam D and E in the cable route corridor. You're nodding. Great. Are your submissions to date of raised concerns about impacts on your field drains and the lack of assurance about how this is going to be addressed.

00:01:05:03 - 00:01:24:29

Now, I note at deadline three you submitted some plans to highlight the area of your drains, and that is rep 3165. Um, I think it might be helpful if we have that displayed. Um, so if the applicant team could pop that up on our screen, and that might help you to take us through your submissions.

00:01:25:01 - 00:01:27:13

That was probably the least of what I had to say.

00:01:27:19 - 00:01:42:21

No, no. And it's over to you to tell us what you want to say. I was just sort of giving a precis of of what I picked up in the rep, but the floor is yours. Um, Mr. Bailey, but I would like Mr. Bailey's rep 3165 put up, please.

00:01:52:03 - 00:01:56:15

The applicant? Yes, we're just located. Mr. Bailey's submission, and we'll get that on screen soon.

00:01:56:17 - 00:02:00:26

It just may help Mr. Bailey to point things out to us from a plan which.

00:02:03:07 - 00:02:04:17

He has drawn.

00:02:09:00 - 00:02:13:10

Is that one more? Is that the most helpful to you? Probably, yes. Yep.

00:02:17:07 - 00:02:36:00

John Bailey. On behalf of myself, I own and farmland at Corson. And, as I stated, affected by the cable route between Lime Downey and the substation at lime, down to the actual cable route itself is only going to amount to some 380m across my land.

00:02:38:03 - 00:03:09:14

And in good faith allowed with without restriction all the surveys that lime down required, including wildlife, population, geofence and allowed all the photographs they wanted despite all their surveys and having plans. They have shown me of the exact cable route. They still have included four fields in the compulsory acquisition order. This total is 22.9 hectares, which is all my farming land except 1.51 hectares.

00:03:11:20 - 00:03:35:02

I thought I had already during the process an agreement with Lane Down agents Delcourt McCann that two of these fields would not be included. Um, there's no point in showing them here, but they're on this map here. Um, the cable route is here, and these two fields are nowhere near any proposed cable route.

00:03:35:04 - 00:03:38:14

Mr. Bailey, where can I ask if that plan is in our evidence base?

00:03:40:08 - 00:03:46:21

Is it helpful if we then take down this one and put back up the land plan that Mr. Broderick initially showed?

00:03:47:01 - 00:04:23:05

Um, no. That that that plan is fine. Okay. Um, But I thought Delcourt McLaren on one fan meeting. In fact, the only meeting I've ever had with them. Agreed that there was no need for these two other fields to be included. However, that still leaves more than half of my farmland in the compulsory acquisition area. Um, which seems incredible when the actual cable route is going to account for less than half a hectare.

00:04:30:09 - 00:05:12:18

Um, I suspect I was disappointed that I only realised by looking at your emails updates that this plan had been submitted with the the Forth Fields and the acquisition. At no point have they contacted me or my agent to suggest that that was the plan they were going to put for their compulsory acquisition. I think that's very disrespectful. Um, you know, because you appreciate the amount of material you

send out, it was only purely by chance that I searched through all the piles of documents and happened to notice that last Thursday was when they submitted their amended plan.

00:05:13:12 - 00:05:20:03

Mr. Bailey. In terms of the land that is on the screen, um, can you tell me how that's farmed?

00:05:20:21 - 00:05:23:15

Uh, it's all edible. Um,

00:05:25:09 - 00:05:35:16

at the moment, uh, it's mainly in grassland and environmental. It has been. And some of it will go back into maize this year. Um.

00:05:37:27 - 00:06:00:02

The grassland, uh, is, uh, on an annual basis this year to my neighbour who's going to cut hay off it. Uh, but I keep control of the land and just, uh, I'm obviously getting older now, so I do less active farming and where I can get a neighbor to do some of it. I do. Um,

00:06:01:25 - 00:06:35:19

I, I was surprised that they put all the fields back in. Uh, I'm not quite sure why. Uh, I suspect it might be punishment for me coming to this meeting. Or it might be that they would offer you the concession of taking these two fields off, having a, you know, to show that they were showing goodwill, which they already had done. You know, maybe I'm being too cynical, but that's that's my impression. Um, you know, and I thought I had negotiated in good faith that these fields would not be included.

00:06:36:06 - 00:06:44:13

Okay. The plan which you had showed up to us, which you said you hadn't submitted into evidence. Could you please pop that into evidence? Yes. The next deadline, which?

00:06:44:15 - 00:06:54:21

Sorry, it's just a scan of a I. I went out yesterday, to actually measure the distance of the cable. And I use a field mapping up and it's just a scan of the field mapping.

00:06:54:23 - 00:07:04:25

That would be helpful if you wanted to annotate that with anything specific. If you could put that in a deadline for that's the 10th of July for that submission, that would be really helpful to us. Yeah.

00:07:05:24 - 00:07:42:08

Um, my agent and I have tried in good faith over the last six months to negotiate heads of terms agreements, which would be fair and reasonable, but they have dragged their heels over terms. And at the moment, one of the main stumbling blocks is that they will not agree to guarantee to bury the cable 1.2m. This becomes a significant health and safety and dangerous issue on farmland and will blight the land forever. They have only agreed to fence off any areas that they cannot bury at 1.2m, which obviously has consequences.

00:07:43:24 - 00:07:57:24

I suspect the delaying and Difficult tactics are designed to be such that no farmer will sign the heads of terms, and thus allow them free range to implement their compulsory acquisition order and roam without restriction.

00:07:59:12 - 00:08:13:00

It is my understanding that no landowner has signed the Heads of Terms agreement for any of the cable access routes, which maybe indicates Lane Down's unwillingness to act in a reasonable manner.

00:08:15:21 - 00:08:51:23

My land is currently in a countryside agreement which ends this year. Uh, and I was looking to apply to the new SFI 26 uh scheme. I took part in the webinar last week, um, to discuss the options that I could take. However, the question was asked that if you do not have full control over all the land and your land parcel, can you still apply? And the reply was that you definitely should not apply if you will not have full control over all the land.

00:08:52:15 - 00:09:07:25

So by putting in this order, they are stopping me applying for the SFI grants, which could amount to tens of thousands of pounds over the three years of the current SFI.

00:09:08:05 - 00:09:15:04

Can I just ask on that application process? Is it only once every three years that you're able to apply, or is it. Is it an annual thing?

00:09:15:24 - 00:09:59:29

It's, um. Well, the Countryside Stewardship Scheme was a 4 or 5 year scheme. Uh, and while I'm in it, I can't apply for SFI, but because my scheme ends the year, I can apply for SFI. And it's a good window this year because there's less applicants. By next year, there will be people who are a lot more people rolling in, and it's a limited application. So even if they settle, you know, between now and the end of the year, uh, to limit the strip they're going to take by having that restriction on at the moment, it means I can't apply this year, and it probably would mean that I go further down the list next year and might not be eligible.

00:10:00:01 - 00:10:00:16

Mm.

00:10:01:27 - 00:10:02:20

Okay.

00:10:04:13 - 00:10:27:23

Um, when I asked at that meeting, when we had in the fields, I asked Delcourt McClaren's agents, um, if they would consider paying some sort of ground rent for the fields that they were putting, uh, the restrictions on. And they said they almost laughed and said no, they were only paying compensation for the strip for the cable. Um.

00:10:29:27 - 00:11:32:02

I also suggested a slight change to the route of the cable, which would create less havoc to myself and my neighbour, Mr. Rivas. Um, and this would involve writing the cable partly along a buffer strip that Delco McLaren have our, uh, line down, have full control over. It is part of the the solar farm field and, uh, court farm. They are proposing to put a buffer strip between, uh, the bridle path, which is my boundary, and the solar panels, and it would be helpful to me, and, of course, a lot less destruction to my farmland if they could route the cable down to that and along that strip, because it would then take them to, um, the, the base, as you see in that map for the base is marked, uh, if they came down through the crosshatch field and along the bottom, um,

00:11:33:22 - 00:12:06:05

then they could do it in their own land without, uh, they would probably have to cut briefly across the bottom field, which wouldn't cause this much problem for me. But the answer they gave was, uh oh, no, we can't do that. Because if there's a problem with the cable, it would mean upsetting our buffer strip, with the implication being that it was okay to upset my field and my buffer and my environmental strip, but not theirs. Again, very disrespectful.

00:12:08:05 - 00:12:43:00

Uh, my land is very heavy clay and can be very wet after heavy rain or during the winter. And where possible, I refrained from taking tractors on the land because it causes great soil damage. Occasionally you have to. But, um, obviously with this order I will have no control over where and when they go, but I would like, if possible, to restrict their all their machinery movements to the the boundary of their 30 meter cable run.

00:12:43:03 - 00:13:17:13

Because from what I could understand from that meeting, it meant they could just run over my fields to get to the cable run, and I would then have to apply for if they caused any damage. But I've been down this road before with various utilities and when you go, oh well, have you got photographic evidence? It was a machine that did that or. No, that was the contractor. That's not us. And you end up chasing your tail and you get nothing. And I would much prefer if I could restrict them. They have access from the base and they have access from the road and the other side.

00:13:17:15 - 00:13:51:25

If I could restrict them purely to that track, uh, then I would, uh, you know, and if they can agree the other terms, then I would sign an agreement. But they're trying to make it so it's not possible to sign an agreement so they can then use their compulsory powers, and then, uh, they go where they want. Um, I mean, I have never objected to the principle of solar and farmland. Uh, and I'm quite happy my neighbours are getting large payments, uh, from the solar.

00:13:52:07 - 00:14:23:20

Um, and I do not expect to make a profit from this product, but I feel my farming will be adversely affected in my land. Devalued. Um, and the proposed compensation does not reflect the losses involved. The farms, which are having the cable route forced upon them are essential for this project, and we have always been at the bottom of the list. We are the also rans. We are the ones that can be walked over. Uh, but without us, this project cannot proceed.

00:14:29:21 - 00:15:00:12

Uh, my other problem again on the well with the drainage. They haven't offered any solution for the drainage. And, uh, for these bottom fields that you see there. Um, the access comes along, uh, from Lovington, uh, along a a by way of open to all traffic. Uh, and the base is in one side and the solar farm was on the other. And I expect for long periods of time that route into my fields will be disrupted.

00:15:00:14 - 00:15:03:15

And they haven't guaranteed maintaining access.

00:15:04:19 - 00:15:05:08

Okay.

00:15:05:19 - 00:15:38:12

Uh, and I think they'll call up McClaren's representative here, I think, misrepresents how far along they are with the process. According to my agents, they are still talking about rough heads of terms, the the depth being the main stumbling block at the moment, but they haven't even got as far as coming to me and talking specifically about my farmland. You know, I think they are grossly misrepresenting how how far they are with getting these agreements signed.

00:15:38:14 - 00:15:50:05

I mean, if it was fully agreed, I would sign it. Um, but my impression is they have no interest in, uh, and proceeding to get an agreement

00:15:51:21 - 00:16:24:17

and that they just want to have compulsory purchase so they don't have to worry. Uh, I mean, the, uh, the representative talked about, they don't know exactly where the cable route is going. I mean, they did geofence service. They know exactly what the ground is. Uh, and they had a map of exactly where they proposed the cable to go. Uh, so why do they need 20 times the acreage, um, when they know what they're proposing? Uh, they just want to, uh, do what they want.

00:16:24:19 - 00:16:26:10

And sadly.

00:16:26:26 - 00:16:32:13

I will be coming to the applicant in a in a moment. Mr. Bailey, I just want to let you. Sorry for your.

00:16:32:15 - 00:16:33:12

Points. I'll stop.

00:16:33:14 - 00:16:45:24

No no no no no, you're not. I'm not rushing you along. I mean, it's it's a motive for you, and obviously it's important. Um, but if there are any other points before I go to the applicant specific about the land, um, then now's the time.

00:16:45:26 - 00:17:17:19

No, I think well, one other point was, uh, at the very start, um, when they initially talked about these things, there was supposedly a sort of clause in that didn't allow us to discuss an object to the plan. I mean, I have never objected to the actual planning application, but it seemed like a a silencing clause. Uh, and it's only it has subsequently been withdrawn, but only after been asked to.

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

Yeah.

00:17:18:25 - 00:17:27:29

Yeah, that came up through the representations. And I think somebody else in the room today may have made that same point in their representations. No, no, no, not at all. Okay. Um.

00:17:30:08 - 00:17:39:25

There's a lot in there which does concern us. Um, I'm sure my colleagues feel the same. And you will have obviously counter points, and I will certainly ask about that. Um,

00:17:41:17 - 00:18:16:18

again, your updated land rights tracker. Rep 3011 um, says that you have again emailed Mr. Bailey's agent with updated heads of terms, but what I'm gathering is these heads of terms are still fairly high level. There's a lot to unpack in that in terms of why all the fields, um, you know, are there restrictions over the machinery that could be taken across these fields that could protect Mr. Bailey's land in a better way when it gets handed back? Um, maintaining opportunity for access through your buffer strip, not his land.

00:18:16:21 - 00:18:28:01

So I think there's a lot in there. And I appreciate you will come back with detailed comments subsequent to the hearing, but I would really like to to hear from the applicant, um, how they're approaching this with Mr. Bailey, please.

00:18:30:01 - 00:19:03:21

Uh, for the applicant. Um, yeah. Thank you for, um, for setting out and, uh, those issues. So, so clearly, Mr. Bailey and I do appreciate that there is a lot of material in this application, and it can quite easily become confusing as to when things have changed and when things haven't changed. I just wanted to be clear that the, um, the DCO application has, uh, was submitted, um, allowing for the flexibility of the routing of the cable across these fields and the temporary access, uh, routes.

00:19:03:25 - 00:19:39:12

Subsequent to that, the DCO application being submitted, um, discussions were had, um, with Mr. Bailey and his agent, as I understand it, where they where um, the point was discussed about whether any refinement could take place. Um, so I just wanted to be clear that there was a suggestion that these plans had been put in post, that conversation being had. But that wasn't the case. Appreciate, Mr. Bailey may have only just seen the plans, but that full area of land was in the DCO application to start with, and then post that.

00:19:39:14 - 00:20:13:10

There have been some discussions on whether it is possible to refine the corridor and any further, albeit, um, noting that whilst geophysical surveys have been undertaken for the purposes of archaeology, um further ground investigations would be done post consent to determine that the route was actually suitable for construction. Um, across Mr. Bailey's land. Um, the routing through his land then also affects the routing, um, of the cable to, to the south.

00:20:13:12 - 00:20:45:14

So sort of all of the land parcels between the two solar arrays need to be considered. So it needs to be a suitable route through each of the parcels of land in this location to avoid it being a very bendy, uh, cable route. So, um, there was a suggestion of, of a potentially misleading, um, being, uh, or disingenuous conversations being had there. And I wanted to make it clear that that that wasn't the case. The plans haven't changed since they were, uh, submitted.

00:20:46:04 - 00:20:46:21

Um,

00:20:48:08 - 00:21:10:03

there are a number of reasons why the applicant does require, uh, flexibility in, in these plots. I don't know whether it is more helpful to have the or. It might be clearer to show the land. So as you can see, the land to the north and the south then. So we might just, um, switch over, albeit it is across two sheets. Um, so do you need to just flick between the two?

00:21:14:21 - 00:21:51:15

And whilst that's coming up, I just wanted to touch on the nature of the discussions with the land agent groups. So, as Mr. Jones had mentioned, um, the land agents, they're acting for, um, a large proportion of the landowners on the cable route have been discussing heads of terms quite, quite generically, so that the, uh, in terms of the terms that will apply to all of the clients they're representing. So where there are there have been multiple discussions on the on those points. There have then been, for some landowners, more detailed discussions about that particular landowners interests.

00:21:51:17 - 00:22:25:13

So, um, the sort of, I guess two sets of discussions going on, one on terms of the overarching heads of terms that apply to all the landowners affected, and then more bespoke provisions that may be required for any particular landowner. Um, so the point that was being mentioned about the, um, the cable depth, um, that is, as we understand it, to be the um, last remaining, uh, point outstanding in terms of those generic heads of terms that would apply to all of the landowners that are being represented by that land agent group.

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It doesn't mean that the landowners are necessarily willing to sign it, but those are the discussions that have been had in respect of the heads of terms and the applicant has set out in its Design Principles and Parameters document, um, which is rep 3-08, for a number of provisions in respect of the, um, uh, how the cable will be constructed. Um, and the um, states that the minimum depth of the cable trench will be 1.2m.

00:22:57:07 - 00:23:07:25

So that's the minimum that the applicant can commit to without having done detailed soil investigation surveys. Where practicable, it will seek to layer to

00:23:09:15 - 00:23:44:00

a lower depth than that, to maintain that a greater distance from the surface of the land. But until those detailed ground investigations have been undertaken. The applicant isn't able to contractually commit to there being a 1.2m distance from the top of the cable to the surface of the ground, because if there's a layer of rock or some other factor, then it just won't be possible to construct it at that depth. And that's why the the applicant team isn't able to agree a generic commitment for there to be a 1.2m distance from the top of the cable to the surface of the land.

00:23:44:04 - 00:24:18:26

It can only commit to it being from the bottom of the trench to the surface of the land, and that is quite typical across a number of um DCO applications. Similar commitments being made in relation to the onshore grid connection cables for offshore wind farm projects, for example. So it's not unique to solar projects. It's a fairly broad approach to the minimum commitments that can be made before that more detailed investigation work has been undertaken. But that that is a brief, um, summary in respect of the, um.

00:24:19:14 - 00:24:40:14

Uh, that one was, uh, remaining outstanding point. Um, I'll hand over to, uh, Mr. Jones, just in terms of some of the other points that were made in respect of, um, uh, applications for sort of replacement stewardship schemes and those sorts of things, just in terms of how the mechanics of that would work. Um, before.

00:24:40:16 - 00:25:10:15

You do, though, Miss Broderick, I want to ask about these detailed soil surveys. Um, I'm assuming you're waiting until consent is issued before those soil surveys take place, of which point you may have entered into these agreements. And there's that protection that these landowners are seeking may then not be there. So what incentive is there then on the applicant to bury those cables any lower than what is agreed as a minimum?

00:25:16:07 - 00:25:57:25

Clare project the applicant. My understanding is that the applicant is willing to. That the wording is that the applicant will do it where practicable to do so. So where the ground conditions allow for the cable to be at that slightly lower depth than it will do so, but it cannot absolutely commit to doing it in all locations until those ground surveys have been done. So there is an assurance that it that where the ground conditions are suitable for doing so and there aren't any other, um, apparatus there. So, you know, for example, there could be an existing, um, piece of apparatus like a cable or a pipeline, and the applicant will either need to go above it or below it depending on what's suitable.

00:25:58:04 - 00:26:23:02

Um, and that's uh, and that may affect it in particular locations as to the depth, but I've just been told that it's a reasonable endeavours obligation in contractual speak. So the applicant does feel that it is

committing as far as it is able to, um, uh, provide that lower, lower depth that landowners are requesting, but it can't until it's done that further survey work. Okay.

00:26:23:21 - 00:26:24:09

I appreciate.

00:26:24:11 - 00:26:24:26

That.

00:26:24:29 - 00:27:03:11

But I think there may be one of the presenters here today or one of the apps that have set has said in their representation that environmental surveys have been carried out upon their land. They have asked for the details of those environmental surveys to be shared with them, and that hasn't been forthcoming. And I guess from a particular point of soil surveys, obviously, without a doubt, you have to do those more detailed investigations. As you're right, there could be some obstruction or some reason why you can't cite that cable much lower. But how do these apps then receive that information? Or are they just to take it at face value that that's what the survey says and that's your best endeavor.

00:27:03:13 - 00:27:12:26

So I guess I'm looking for some assurance, um, that those affected persons have access to that information and are not being hoodwinked down the line.

00:27:16:27 - 00:27:47:22

By the applicant. The point is, is noted. Obviously the particular surveys that I'm talking so appreciate, there's a range of different surveys done and they all have a specific purpose. And so surveys that are done to establish archaeological, whether there are archaeological um uh receptors under the ground may give you some information about the nature of the soil, but they they're not necessarily the correct survey that you would do pre-construction to determine the exact location.

00:27:48:06 - 00:28:14:11

I wonder if it's something that the appreciate obviously there's the the terms that might go in the voluntary agreement. Um, in terms of notifications as to what depth, um, the cable can be, um, laid out, but, um, the applicant can give some consideration as to whether, um, some further information can be added to the Outline Construction Environmental Management Plan. Um, on that particular point. Okay.

00:28:14:13 - 00:28:29:10

Well, I look forward to that adjustment and maybe we would need to discuss it again, but appreciate you taking that away. Um, that would be useful. Mr. Jones, I'm happy to come to you. Mr. Bailey, I will come back to you shortly.

00:28:31:03 - 00:29:05:11

Uh, Robert Jones, on behalf of the applicant. Um, just wanted to acknowledge, uh, Mr. Bailey's engagement and, uh, cooperation to date regarding the surveys. Um, I think there's been several points that have been picked up on in in what you've what you've just said. Um, in terms of the detail, um, from a heads of terms perspective and the negotiations that we've had to date. Um, Mr. Bailey's agent

is part of that group that I, um, gave an overview of earlier. Um, and the latest update from them is that there is one outstanding point.

00:29:05:22 - 00:29:37:09

All others are those agents are comfortable with um. And there are. And I note Mr. Bailey's comment regarding drainage. Um, I understand the heavy clay land and the difficulties that come with that. Particularly when it's very wet, but equally when it's very dry. Um, there are drainage clauses within the heads of terms which commit the applicant to several things, um, uh, including appointing a independent drainage consultant to work on the design.

00:29:37:11 - 00:30:19:15

Um, and it's very much the intention of the applicant to work with, uh, Mr. Bailey and other APS, um, on that design. Um, now, I know Mr. Bailey said to, you know, come and come and see him. Um, that is very much something that the applicant would like to do. Um, so that we can understand things like drainage, what is currently in the ground. Um, because then both the applicant and Mr. Bailey are in a better position and our standard greater chance of, um, designing a drainage system that will be effective and will reduce issues with that very difficult land type or soil type, um, host construction.

00:30:19:26 - 00:30:22:13

And so that's something that the applicant is committed to.

00:30:22:20 - 00:30:29:21

Is that in one of the documents, is that a firm commitment in the documents, in the examination at the moment.

00:30:30:05 - 00:30:30:20

With.

00:30:30:22 - 00:30:33:02

Independent drainage engineer?

00:30:33:17 - 00:30:39:12

It is. Yes, it is. Um, I believe it's in the environmental statement at 063.

00:30:42:27 - 00:30:46:03

It's certainly contained within the the heads of terms as well.

00:30:46:15 - 00:31:02:02

Great. Thank you. Um, agricultural um environmental stewardship. Mr. Bailey spoke about obviously, and him being impeded from being able to continue with such schemes. Um, can you give me some comment on that, please.

00:31:02:12 - 00:31:35:28

Robert Jones, on behalf of the applicant, I think there are a lot of schemes out there. Um, the entry levels and thresholds vary. Um, and so it would be helpful to work with Mr. Bailey on that particular scheme to find out if it is in fact possible to join that, um, join that scheme. Um, as as we are duty

bound to operate in a no scheme world. Um, if there is an opportunity to enter into that scheme, then we'd obviously like to make sure that that is possible. But equally, if due to entry requirements, it's not possible.

00:31:36:06 - 00:32:08:17

Are there any other, uh, schemes that are available to Mr. Bailey? Um, I appreciate you're shaking your head, Mr. Bailey, but I think I think the point I'm trying to make is that, um, with with things like schemes and entering into them isn't taken lightly for future planning of the farming enterprise. Also, the duration of those schemes is, uh, in the context of the, of the scheme and what and what the applicant is proposing. It's very important that, I guess we discussed to make sure that we can we can mitigate any, any loss as best as possible.

00:32:09:11 - 00:32:45:05

And we're not here to talk about compensation. I made it very clear at the front end. But from Mr. Bailey's perspective, what you're what's being offered to him is compensation for the disruption for the course of the construction, but not the loss of the fact that he's then not able to apply for this scheme, which then affects his income over the over the longer term. Um, now, I'm sure Mr. Bailey has looked at whatever schemes he can look at, but I think it's incumbent on the applicant to be fully aware of what is available to all of the affected landowners that have agri environment schemes either coming to an end or that they would have been applying for and are now not eligible for.

00:32:45:07 - 00:33:12:22

And I think we as an essay, need some sort of comfort, um, that that is being dealt with by the applicant in terms of the negotiations that are being held. Um, it just seems Slightly perverse that we're only looking at compensation for a trench for a short period of time when potentially that use of the land after that is, is fundamentally affected.

00:33:14:00 - 00:33:53:23

Uh, the applicant, I think, um, there are various different heads of claims, so only one of which is compensation for the actual cable itself. There are then a range of other compensation, heads of claims that are available to landowners, and they will vary depending on the landowner and the arrangements they have in place. So some maybe, um, uh, claims for crop loss during the period in which construction works take place and subsequent years, if um, if required. Um, there are other landowners that may have other contractual arrangements that they will potentially need to be compensated if they can't comply with those contractual arrangements.

00:33:53:25 - 00:34:24:08

And similarly, there may be other sort of scheme payments that they are not entitled to as a result of the scheme, which again would be a heads of claim. I think what Mr. Jones is saying is it's difficult to speak about specifics in this environment because we don't have or there is a need for a further discussion to be had between, um, the landowner and the applicant's team to understand, um, specifically what the requirements are of that particular scheme, whether the activities appreciate.

00:34:24:10 - 00:34:55:19

Obviously some there was some, um, information given a webinar, as Mr. Bailey said, but we'd obviously want to work with the landowner agent to make sure that actually the specifics of this

scheme would or wouldn't mean that somebody was eligible, uh, to comply. So the applicant is very willing to have all of those discussions with landowners. But, um, and yeah, it's happy to have more detailed discussions than are perhaps, um, taking place with the land agents to date, whether that's with the land agent, Mr.

00:34:55:21 - 00:35:04:04

Bailey. Together. Which sounds like that might be, um, a helpful, um, discussion rather than with the land agent as part of this land group.

00:35:04:06 - 00:35:13:18

I absolutely agree. In terms of the heads of claims, um, I'm assuming that all affected persons are fully aware of the heads of claims process.

00:35:15:07 - 00:35:58:18

Er, of the applicant. The statement of reasons, um, does point to the government booklets that are available for agricultural landowners in, in terms of the types of um compensation that is payable. So generically speaking, um, there are very useful guides that the government have produced that set out the different types of compensation that landowners affected by compulsory acquisition powers can seek to claim. The conversations that the applicant has had, have with the landowners and their agents has been on the terms of the voluntary agreements, because the applicant's intention is to try and enter into voluntary agreements, and the way you calculate compensation under the voluntary agreements is different.

00:35:58:20 - 00:36:26:09

So the easement payment that we've been discussing is a voluntary agreement. That's not how compensation would be calculated in a compulsory acquisition scenario. And typically it would be would be a lesser payment. So I mean, if if a particular landowner wish to have a conversation with the applicant about how much they might be entitled to under the compulsory acquisition regime, then the applicant would be willing to do so. But to date, the applicants discussions have focused on the terms of the voluntary agreement.

00:36:27:23 - 00:36:46:18

Well, Mr. Bailey and others, you've heard the applicant is open to a conversation about compensation amounts, which we I, we are not here as an exercise to talk about and deal with, but they have extended this discussion to all of the affected persons. Mr. Bailey, did you want to do anything further to come back on.

00:36:46:20 - 00:36:47:26

A couple of points?

00:36:47:28 - 00:37:20:28

Um, on drainage? Uh, it was my understanding they were going to appoint a drainage consultant and they would rectify any damage to the drains at the time. But as any farmer knows, once you put a structure like this through a field, it may take 2 or 3 years for the drains to sink and subsequent problems to appear. My understanding was that they were not interested in any subsequent drainage problems. Once the drainage contractor had said they had sorted the drains, they were walking away.

00:37:21:17 - 00:37:23:07

I find that unacceptable.

00:37:23:24 - 00:37:24:23

Um, okay.

00:37:24:25 - 00:37:27:15

So something that needs to be in your agreements.

00:37:27:19 - 00:37:59:18

Uh, the other thing we talked about, wildlife. Uh, wildlife, uh, they did a badger survey on my farm, and I asked the McLaren representatives if I could have a copy of the survey, and I was refused it on the grounds of confidentiality that I was not allowed to see it. Now, this is badgers on my own land, and I only wanted to clarify that they knew where the badgers were. Um, and it kind of annoys me that they're they're not interested.

00:37:59:20 - 00:38:02:05

And even letting me know that they know they're there.

00:38:03:20 - 00:38:04:12

Um.

00:38:05:12 - 00:38:43:12

In terms of badger information, it's certainly confidential information that the Planning Inspectorate doesn't publish. Yeah, for obvious reasons. Um, I think there's a there is a conversation that needs to happen privately. I'm not aware of of the legislation on sharing that information with a with a private landowner. It's certainly not something which we as a planning inspector, could facilitate the publication of that survey document. Um, so I need for you and the applicant to to speak in the room outside of obviously when we're off recording to to have further conversation for them to explain to you, um, the legal position from their perspective.

00:38:43:14 - 00:38:49:12

Yeah. No, no, no, that's fine. But it just I didn't want them to be able to say, oh, we did a survey and we didn't find them.

00:38:51:06 - 00:38:54:12

I will leave that for an off recording discussion.

00:38:55:04 - 00:39:27:20

The only other one point, I wondered was they talked to the cable. Access had to be a wide area because they hadn't done their the final confirmation of the soil types or where the cable was going. Um, when I asked MacLaren's representatives, uh, when they were coming to do the soil pits, they said, oh, they didn't think they would need to. Uh, they weren't necessary. Uh, so why, if the soil pits are not necessary and they know where the cable's going, did they still need four of my fields?

00:39:28:07 - 00:39:28:25

Yeah.

00:39:29:08 - 00:39:30:04

Point. Understood, Mr..

00:39:30:06 - 00:39:30:21

Bates.

00:39:30:23 - 00:39:48:00

And if they do need soil, why don't they come and do them? And then we can negotiate exactly where it's going, and we'll sign the heads of terms. And rather than be forced down this route where, uh, they're threatening to take it all, so we're not going to sign the heads of terms and then they're going to use compulsory powers.

00:39:50:12 - 00:39:51:11

It's Brodrick.

00:39:52:04 - 00:40:22:29

Clare, the applicant. I do very much appreciate that there is a frustration between the information that we need for the purposes of submitting the DCO application, and then the further information and decisions that will be made should the scheme be consented, and that some of the more detailed information that would be useful to landowners and give them greater certainty just isn't available at this stage in the project because the design hasn't been finalised. From an electrical perspective and requires further surveys. So I do appreciate the frustration there.

00:40:23:01 - 00:40:43:29

What I did want to just make clear and we can see on the plans, obviously we've got the blue areas, the two blue fields that are in the um, on the eastern extent of the plan, uh, here. Um, and then that goes, uh, carries on going eastwards, um, to connect to the site that's on the next bit of the plan. Um.

00:40:46:05 - 00:41:31:19

I think the point worth mentioning is that whilst compulsory acquisition powers have been sought over a wider area, when the applicant and in the unlikely event that the applicant needed to exercise those powers, it would only be able to exercise them over the land it actually needed, so it wouldn't be able to take rights over this full area of land. Because we've made it very clear we don't need the full area, we just need to be able to locate it somewhere within that area. So even if the power is granted over all of the fields, it doesn't mean that the applicant can then have powers over all of the fields when it comes to actually exercising those at the point of exercising it, the applicant would be required to demonstrate that it actually needs that land for the purposes of the project.

00:41:31:21 - 00:42:06:12

And that would be the narrower corridor that we have been discussing. Um, so I appreciate that the plans themselves obviously don't, um, in any way show that distinction. But, um, there is a further a sort of a further legal check and balance that the when you actually come to exercise the powers, um,

that that is still proportionate and you actually need the land for the purposes for which you originally applied for them. Um, I think that, um, in terms of drainage, um,

00:42:08:05 - 00:42:43:24

there are various measures that, um, we've heard about that are going in the, um, voluntary agreements. Um, and, um, the um, requirement to pay compensation under the voluntary agreements isn't, isn't a one off payment if there. It turned out that there were ongoing drainage issues. Then under the terms of the voluntary agreements, the applicant would be either required to rectify it or or to compensate for that. Um, it may be that, um, obviously we've got some excuse me, drainage related, um, provisions in the outline construction environmental management plan.

00:42:43:26 - 00:43:07:12

Um, but, um, I couldn't immediately find a reference to, um, uh, that commitment to use those independent drainage consultants. So, um, we can take away an action to have a look at that and see whether some wording, um, can go in the management plan such that there's, um, a reassurance that in if somebody didn't want to sign the voluntary agreement, then that particular concern.

00:43:07:14 - 00:43:40:05

I think something about subsequent rectification, you know, rectification sort of adaptive management may also need to be contemplated, um, as I'm hearing from Mr. Bailey and certainly nods from other farmers is, you know, two, three years down the line when all this bids in and we have the, you know, the, the, the, the one in a ten year flood, um, then the implications then may become more evident, um, than certainly, you know, modeling is great when it works, but when it doesn't, um, then I think they're looking for some sort of rectification.

00:43:40:17 - 00:44:15:12

Um, yeah. And the applicant is, is very aware that there have been other infrastructure projects that have, um, caused ongoing issues. So we're not trying to, um, suggest that these concerns aren't valid and haven't been experienced by people. It's just about making sure that, um, the commitment is in the right place, but it sounds like, um, there, would it it would be beneficial to, um, have some clarity in the outline construction environmental management plan so that, um, it's quite clear for landowners, um, that the commitments that the applicant is willing to make and has made clear that it's willing to make.

00:44:15:14 - 00:44:17:27

Yeah. Are laid out in that document as well.

00:44:17:29 - 00:44:49:01

And I think Q1, which was first written questions, we talked about a um, mitigation route map, which is forthcoming in the in the next deadline from the applicant. And so it's that those sorts of things that get captured in, in commitments, registers and mitigation route maps. So um, But we've left it with the applicant to to look at the best place for that. So thank you. Um, Mr. Bailey, thank you very much for your all submissions today. Um, we certainly note them.

00:44:49:17 - 00:45:06:17

Um, the applicant will follow up on some things, and this will continue to evolve as we go through the examination. But I would urge you to continue to be part of this examination. Um, and updating the X-ray as discussions evolve with yourself and the applicant, please.

00:45:07:28 - 00:45:35:02

Could I just ask one question? How were we meant to know that they're only going to use a bit of this? The the the application as is, is for the whole of the force fields. There's nothing in it that says, oh, we're only going to use a bit of these four fields. Um, you know, they're now saying that they're only going to use about these four fields. Yeah. But the actual application, as per the paperwork, doesn't say that.

00:45:35:07 - 00:46:12:20

Yeah, it's the way the legislation is, is worded and the requirements of the applicant to demonstrate that they're taking no more than would be required. Obviously, if the if the cable route, as you said at the beginning, was 380m, they then can't take a kilometre of your land and a compulsory acquisition because they won't have met the test. I appreciate that may not be clear to, um, affected parties because what you see is fairly large, you know, tracts of land covered in blue or pink. Um, and maybe, um, that's something for the applicant who's discussion discussing with land agents to make a bit clearer.

00:46:13:01 - 00:46:43:09

Er, of the applicant. Um, yes. So obviously there's different discussions that have been taking place. The applicant has been quite clear with the land agents that it's been in discussions with how this project is set up and what's actually being required. Um, you know, I appreciate that. Maybe that, um, that messaging doesn't sound like it's got back to landowners, so the applicant can only apologize if there's been some confusion there in in that messaging, I think the project description or the scheme.

00:46:43:12 - 00:47:17:22

Chapter three of the environmental statements sort of gives some more information about how the proposals are going to be a proposal going to be constructed and then the management plans. And then there's the design principles and parameters. So I do appreciate that the the commitments are spread across a variety of different documents, which can be confusing. But hopefully the, um, the mitigation route map that you had referred to, um, will at least be a signposting document. So then people can easily go and find where that information is, is contained.

00:47:17:24 - 00:47:41:04

If they're looking for, um, where the commitments about the width of the um, the cable trench are contained, for example, it will then usefully refer you to the right, the right document. Um, similarly, as we mentioned again if if it if any particular affected person would like to have a meeting where we can sit down and discuss it in respect of their particular land, then the applicant's team is very happy to do so.

00:47:41:06 - 00:47:56:08

Good. Thank you, Mr. Bailey. Thank you very much. You're free to stay or you're free to go. Um, however, however you choose. So I want to come now to Mr. Fernhill, um, from KMT Farming and Consultancy, who's online. Hopefully still.

00:47:56:27 - 00:47:57:15

Yes.

00:47:57:17 - 00:48:09:24

Yeah. Brilliant. Thank you. Um, so you're representing Mr. and Mrs. Eavis, um, who? I believe the land adjoins Mr. Bailey's um, in this section between lime down D and E. Is that correct?

00:48:10:08 - 00:48:11:04

That's correct.

00:48:11:06 - 00:48:11:22

Yes.

00:48:11:28 - 00:48:42:06

Okay. So, um, I read rep 1164 and then Mr. and Mrs. Eavis I believe submitted rep three 170. Um, and the concerns about, um, it says the affected parcels comprise a substantial and functionally important part of an active agricultural business, which would be significantly impact beyond the extent of the applicant's land take. Um, they're also concerned, as Mr.

00:48:42:08 - 00:48:50:11

Bailey was, around agricultural, um, drainage infrastructure. Um, and they don't feel there's been a.

00:48:52:12 - 00:49:07:23

Sort of genuine attempt to, um, agree certain terms. Um, and the this is having an effect on, on their health. So, Mr. Furner, I suppose it's over to you, please, to put some meat on the bones of that.

00:49:08:03 - 00:49:08:27

Thank you. Yes.

00:49:08:29 - 00:49:09:24

Richard Vernal, for.

00:49:09:26 - 00:49:41:13

Mr. and Mrs. Eavis. Um, before I sort of roll into the high level bits and pieces I would like to mirror, um, a lot of the comments that have already been made by sort of progress and discussions to date with the applicant and their agents on behalf of other interested parties that have already spoken. Uh, I think it's fair to say there are some common themes coming out which which should not be overlooked, and we may have heard some more eloquent answers today provided by Miss Broderick, than we've heard in what has been quite a long saga up to this point.

00:49:41:24 - 00:50:17:26

Um, and we keep referring to discussions evolving. Um, I'd just like to make the point that we're quite a mature stage in the development of this project and the examination process for this project, and these discussions shouldn't be evolving at this stage. They should be evolved or certainly more mature

than the position we find them in, I think. Um, so specifically in relation to Mr. and Mrs. Eavis, um, they own the property at Manor Farm in Cawston, which is a 415 acre arable and sheep farm.

00:50:18:00 - 00:50:54:00

Um, I think it's fair to say that Mr. and Mrs. Eavis object to the scheme at the moment, but have entered negotiations on a without prejudice basis and have engaged throughout this process and will continue to do so. Um, in practice, the owners aren't being approached for merely a cable easement route and a temporary access track, uh, through the DCO. The owners have been asked to provide rights sufficient to construct, operate and decommission a large industrial development that's the lime down solar farm and across a significant part of their farm.

00:50:55:06 - 00:51:21:13

The footprint, the permanence and the breadth of those rights reflect that reality. The impact on the business is far greater than I think has been truly reflected and assessed by the applicant, and is definitely far greater than has been potentially explained to landowners. I'm going to touch on four points briefly. Um, and I've got three specific questions that I think remain unanswered that all posed to the applicant.

00:51:23:22 - 00:51:55:10

And the first point to make is that the scale of the impact is far greater than the applicant has presented. We've been told on numerous occasions that this scheme requires a cable easement and a temporary access track, but in reality, the owners are being asked to provide rights to construct, operate and decommission what is a huge industrial development across their farm. If those are truly the only requirements, I think the footprint on this farm would be a fraction of what's actually being sought.

00:51:55:28 - 00:52:27:27

Um, it's not. I think approximately 70 acres fall within the order limits, which is almost 20% of the farm. But the true picture, I think, is materially worse than that. Um, a further 41 acres of land outside the DCO boundary will potentially be severed from the rest of the holding. That's land outside the order limits that will potentially become cut off and become unmanageable as part of what is currently an existing and integrated holding.

00:52:29:05 - 00:52:58:05

In total, that makes about 110 acres, which is well over a quarter of this 400 acre farm that will be directly affected or severed by the scheme. Um, I don't think that figure has been presented, um, accurately by the applicant, and I think it needs to be. And the assessment on impact needs to take account of that. Uh, proportionality can't be assessed on that incomplete account of the impact.

00:52:59:24 - 00:53:30:04

Uh, another point is that, again, at this stage of the project, the rights being sought are extremely wide. Um, they're not merely for temporary construction rights. Every right sort under the DCO will be exercisable at any time throughout the life of the project. So, again, as I said earlier, will be during construction, throughout the operation and or at decommissioning. There's no provision that limits them to any defined phase of the scheme.

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In addition to the access and cable works, the DCO authorizes far wider construction that includes construction compounds, that includes site offices, welfare facilities, workshops, laydown areas, perimeter fencing, lighting, the installation of CCTV and at full suites of utility rights. So whilst the applicant has mentioned earlier that there will be some limitations and checks and balances on the powers ultimately exercised, the scope of the right sought are excessive and extensive, and we don't believe the checks and balances will be great enough or significant enough to provide any of the protections outlined earlier.

00:54:18:26 - 00:54:51:17

Given the level of justification. Justification that may be required at the time of exercise for all these additional rights that have been taken. The rights to build construction compounds. Site offices. We're talking about a 70 acre, um, industrial facility across all of this area. So on the face of it, the owners aren't really being asked for a cable easement and a temporary access track. They're being asked to grant these rights that are sufficient to construct operating, decommission the entirety of the line down solar farm.

00:54:51:25 - 00:55:18:06

Um, and they're being expected to bear the full burden of that throughout the project's life lifecycle. Um, at this stage, I think the applicant should be in a position to set out clearly what it genuinely requires at each stage of construction, operation and decommissioning and why. And it hasn't done so. Uh, the breadth of powers sought in the absence of that explanation, I think speaks for itself.

00:55:20:00 - 00:56:16:22

Whilst the initial works may be described as temporary, the rights secured to carry them out are permanent and exercisable at any time. Um, the gap between what the owners have been told is needed and what has actually been sought in the DCO is wide and is still really, um, unexplained. So we're still trying to ask the applicant for further clarity on three core questions, which are can the applicant confirm that all the right sort in plots 05043 and 0600 1 to 0 6006 are necessary? Um, secondly, what is the length of time that the rights taken through compulsory acquisition will endure? And at what stage of the project are they likely to be utilised? And the third question is just to confirm what the total anticipated life of the project is expected to be.

00:56:19:00 - 00:56:56:24

But my third point is really about the extent of the harm. And when this really bites with the landowners. Um, I think the applicant is supposed to focus their impacts of assessment on the future exercise of powers. But in reality, as soon as the DCO is granted, the very presence of these powers will start to have an impact on landowners, landholdings and farming businesses. Um, over a quarter of this farm will be immediately impacted by the presence of permanent compulsory acquisition powers of such a significant breadth.

00:56:57:10 - 00:57:28:15

This would make the day to day management of the business, the implementation of environmental schemes, longer term investment planning and succession planning. Impossible. Very very difficult at best. From from the data grant of the DCO. Not before a notice is served, before a payment is made, and even before ground is broken. Um, people are going to be living with the practical implications.

So I think that's worth, um, perhaps the applicant illustrating in a bit more detail as part of their assessment.

00:57:28:24 - 00:57:58:29

Um, essentially, we're not looking at a temporary disruption to a farming business. We're looking at, um, potentially the permanent decimation of one. Um, in view of the points I've made already. I think it's our view that engagement with, um, the owners. And it sounds as though perhaps some of the wider landowners has not been sufficient. Um, like I say, we like further engagement. We've engaged fully throughout this process.

00:58:00:00 - 00:58:32:17

And in order for any voluntary negotiations to proceed, we need to understand the answers to some of these questions. We've given some more information so that we can take things forward on a coherent basis. I think there's a lack of coherency between what we're hearing, what we're seeing in the DCO, and what we're seeing outside of it. Um, in conclusion, um, I think that we're concerned that the legal tests have not been satisfied for the grant of compulsory acquisition powers, particularly over Manor Farm. Um, the position is quite clear.

00:58:32:19 - 00:59:11:18

It's either the land and rights sort and the DCO a disproportionate to what this scheme genuinely requires from this landholding, in which case the order limits and rights should be reviewed to reflect the true minimum necessary, or the rights, or accurately reflect what constructing, operating, and decommissioning a large industrial development will demand, in which case the full scale of that impact on Manor Farm has not been adequately assessed. It has not been properly engaged on, and does not come close to satisfying the compelling case test for this property on either analysis.

00:59:11:22 - 00:59:25:01

This the CAA case fails. The applicant can't take maximum powers whilst asserting minimum impact and expect the statutory tests to be satisfied. Thank you.

00:59:25:12 - 00:59:27:27

Thank you, Mr. Fernhill. Um,

00:59:29:24 - 01:00:06:07

the applicant's response to the first written question, which I put to Mr. and Mrs. Eve Eavis, um, in PD 010. Another question to Mr. Mischievous was CA 1.31, which was specifically about them providing more information about how their land was used, which they have done. But the applicant responded to that and said, whilst we note this question is posed to Mr. and Mrs. Eavis, they almost gave us an update and suggested that they were confident that the necessary land rights could be acquired by voluntary agreement. Um, and the land rights tracker rep 3011 advised that a meeting was held on the 19th of June.

01:00:06:09 - 01:00:14:06

But what I'm gathering from everything that you've just said is that you're nowhere near to looking at signing a voluntary agreement.

01:00:14:11 - 01:00:51:18

Richard Furner for Mr. and Mrs. Eavis know we have engaged positively and there have been a number of meetings to try and, um, understand what is a more coherent picture and the likely implications of, of construction and permutations on the ground. But yeah, exactly that. We've yet to have a reflective set of heads of terms that captures and reflects all of the discussions that we've had. There seems to be a disconnect between certain elements, as I say, that the DCO proposals at the high level, and perhaps more refinements that we're talking about under voluntary negotiations.

01:00:51:27 - 01:01:01:29

Um, yes, we are some way away from having a set of, um, I believe, fully illustrative and coherent terms to which we can engage with.

01:01:02:14 - 01:01:33:11

Okay. Thank you. Um, Miss Broderick, there was again a lot in that submission, and Mr. Furnival posed three questions, um, of which I'll need to listen back to the transcript for the very wording of those. But in essence, um, I think it would be appropriate for you to to give a full response in writing to the questions that were just ask there by Mr. Fernhill. Um, but obviously I would like a response to, to what we had just heard. I'm just Mr.. Mr.. Fernhill. Um, this is not meant as any prejudice to Mr..

01:01:33:13 - 01:01:51:07

And Mrs.. Branch is very conscious. We are at 10 to 12 and we must get through some other presenters in the room as well, so we may not get a full response from the applicant at this point, because I do need to also hear from the other parties in the room. Um, but Miss Broderick would like a summary response, please. Um, to Mr. Fernhill.

01:01:52:10 - 01:02:39:00

Uh, Claire Patrick for the applicant. Yeah. Noted the request for brevity. Um, I think it's for this particular plot of land. Um, we are seeking rights for the underground cabling, but we are also seeking rights for access, as was mentioned, because, um, the construction of the um, uh, solar panels in the site to the east. Um, the panels will be brought through this plot of land, and that access route is also intended to be used for any replacement activities, and again, would be used, um, during decommissioning to avoid routing traffic through the nearby village.

01:02:39:02 - 01:03:15:12

Um, so that is the reason why a permanent access right was sought through this land. It was also considered that that would be preferable then, um, putting in a temporary track, taking it all away again, and then re putting in, uh, the track at those, those various points in time. Again, as I've said before. Uh, the applicant is seeking the ability to microsite both the cabling and the track. Um, within this area, um, so whilst the area is is wider, um, it won't be the full full width of the land shown, which I'm sure Mr.

01:03:15:14 - 01:03:53:03

Fennell um, appreciates. Um, I've also mentioned before about, um, path crossing points being provided across the corridor such that land isn't severed during construction. So the concerns that were raised about it having a much wider impact on land outside the order limits the applicant considers can be mitigated through the use of, um, crossing points across the working width. Um, I

think the information, um, uh, is available throughout the suite of application documents, and perhaps it's the case that the applicant can point those out in its written submission.

01:03:53:05 - 01:04:23:27

But, um, in terms of the sort of the timescales. Um, the applicant has five years to seek to exercise the compulsory acquisition powers and before they expire. So it would need to spatially confirm exactly which area of land um, is going to be subject to those permanent rights within that five year period. So that's the window in which I suppose there is an element of uncertainty as to which area of the land may be subject to those permanent rights.

01:04:24:04 - 01:04:55:04

Um, the applicant has stated that the scheme will be in operation for no more than 60 years in total, and there are a number of measures in some of the other management plans in relation to community liaison groups. Phasing and giving greater, greater transparency to both landowners and the local community about when certain activities are going to be taking place. Um, so I think that the rights that are being sought and the plans, um, shouldn't be looked at in isolation.

01:04:55:06 - 01:05:20:10

They need to be looked at in conjunction with all of the other commitments that the applicant is making in respect of how it will construct, operate and decommission the scheme. I know there have been a number of discussions, um, between the applicants, land agents and Mr. Furner regarding these particular, uh, plots and what, um, whether the route can be narrow or the area of land could be narrowed at all, whether, um, the, uh,

01:05:22:00 - 01:05:49:04

access road, um, can be not a permanent access road, but, um, reduced down to a temporary access road. Um, and those sorts of discussions are ongoing at the moment and will continue. But, um, the applicant obviously disagrees with some of the points being made about the rights being excessive. The applicant considers that they are all necessary at this point in the process, and are only what is required to deliver the scheme. Okay.

01:05:49:06 - 01:06:28:25

Thank you, I appreciate. Five years is that is the sort of standard, um, period of time to exercise CA rights. And that's what you're certainly seeking through the DCO. Um, what I heard from Mr. Furner, however, and probably for all of the other APS in the room, that does affect their investment decisions. So they're on hold, um, for what they can do with their land, um, for that period of time whilst they wait for that information to, to drip feed through to them. So if there is any way of, of being able to, you know, to give more comfort, um, to the area of land that might be sought, I think they would all be looking for that.

01:06:28:27 - 01:06:36:20

Um, Mr. Furner, is there anything you wanted to add? Um, before I move on to my next party?

01:06:37:06 - 01:06:56:27

Richard vernal for Mr. and Mrs. West. Um, no. I think in the interest of brevity, um, those common themes are starting to appear, I think, and we will provide further detail in our written submissions so that other opportunities, other apps have the opportunity to speak today.

01:06:57:20 - 01:07:30:16

Thank you. Much appreciated. So I would like to come now to Mister Hawker. Um, please, Mister Hawker. Um, I think you spoke at open floor hearing one. I think you were in the 78 or so people that we heard from that night. Um, but it was around your dairy and your beef business. Um, and certainly that's coming through in your representations for compulsory acquisition. Um, you've also mentioned that there's potential effects on two different environmental schemes.

01:07:30:18 - 01:08:04:16

I believe in your representations. Um, so if you could give us a bit more information about that as well. At this point in time. Um, and you also say there's a lack of personal and constructive correspondence from the applicant. So there, there, the headlines that I, I've picked up from your representation, but, um, would it be helpful if we showed any plans for your, for your land. Um, in your representation. 3159 you attach some plans in response to my written first written question. Um, but if the land plans might be more helpful to display.

01:08:06:04 - 01:08:08:21

Yeah, that'd be quite helpful. Yeah, if we could put the plans up.

01:08:08:23 - 01:08:14:28

Yeah, yeah. The ones that you submitted at deadline three or the applicant's blue and pink land plans.

01:08:15:08 - 01:08:16:27

Uh, the blue and pink ones. Yeah.

01:08:19:28 - 01:08:31:14

This project, somebody's going to put those up. That would be helpful. Mr. hook, please feel free to start your submission whilst we wait for those on on the screen.

01:08:33:22 - 01:09:07:21

Hello, Ashton Hawker representing Gardeners Farm. I repeat my written response reference questions raised regarding the proposed cable route and its impact on my farming business. Whilst the latest plans show a detailed route and has provided some welcome Clarification. Significant uncertainty still remains regarding the extent of the land required, both during construction and permanent, following completion of works based on the information currently available. I estimate the approximately 55 to 70 acres of land farmed by both business will be affected.

01:09:07:24 - 01:09:38:07

One rented block at Happy Land's Hill, Hayes Lane, comprising approximately a 15 acres, appears to become entirely unusable during the construction period, at least for the remaining land. It is difficult to access the practical impact as the route crosses the center of a number of fields, potentially restricting access for farm machinery and normal farming practices. The loss or disruption of any land would have a direct effect on my farming business.

01:09:38:19 - 01:10:04:23

Every available acre required to support forage feed production for my livestock. Should these areas become unavailable, alternative cropping may be needed to be secured, although locating replacement land within the practical distance of the farm is both limited and uncertain. Contrary, there is likely to be a financial impact on the business. I am able, I am able to be more specific based on the limited information available.

01:10:07:05 - 01:10:42:13

I would add that in the last 12 months, our milk buyer has agreed to our herd expansion plan. We have invested over £1 million in infrastructure to accommodate this increase. The thought of losing any land for any length of time will have a huge impact on my business. I am also concerned about the long term effects of excavation and cable insulation on soil quality and agricultural productivity. We have recently undertaken a undertaken extensive source sampling across the farm, which demonstrates the saws are currently in very good condition.

01:10:42:23 - 01:11:17:21

Although no formal agricultural land classification assessment has been undertaken by both my agronomists, and I believe at parts of the affected land are likely to fall within grade two and three. A I have direct experience of both new water main and new sewage lines being installed across my land, with the construction strips of 20m approximately. Land reinstatement following these type of major groundworks results in significant reduction in soil performance and crop yields, which persist for many, many years.

01:11:18:01 - 01:12:00:12

Having read the information provided by SSP regarding the challenges with underground over 400 kV. They state a 45 meter trench is required to install cabling. IPG are quoting third 30m. Can this be clarified? The fields affected are currently being used for grass, cereals and maize production as part of a rotational farming system that incorporates livestock grazing. The route affects two environmental scheme areas and appear to remove mature hedgerows and trees, and and a small copse of trees on location three the flower rich margins and plots have been established over a 16 year period.

01:12:00:14 - 01:12:19:08

I would need further clarification regarding the actual area affected measures proposed to mitigate the impact and details of restoration of affected habitats. Before I can approach Defra to establish how they will penalise me for losses under my current environmental schemes,

01:12:21:02 - 01:12:54:24

negotiations to date with the applicant are very limited despite what is recorded on the Land Negotiation Tracker tracker. We received an unsolicited solicited correspondence, including heads of terms dated 8th of December at September, which referred to draft heads of terns sent to our agent on the 2nd of June, which seems very strange since I have no agent and I did not receive any draft heads of terms. However, the ones I did receive were, in my opinion, threatening bullying and bordered on bribery.

01:12:54:28 - 01:13:33:04

Two sets of revisions have set had since been received, but the survey and access options are long and I am concerned about the cable depth. 1.2m save save where impractical due to engineering readers. Land is used for livestock and I would want assurance of a minimal depth. I have lived, I have lived on the farm and was born 64 years ago. I know the land very well, and the reasons is that we have four stone quarries on the farm, and the reason they don't want to go as deep is to the mine through the heavy stone.

01:13:33:25 - 01:13:51:03

There is no detail regarding any above ground or permanent infrastructures, including whether inspection chambers or similar structures are proposed within my productive agricultural fields. I also question how cabling can be removed during decommission should the scheme be proposed.

01:13:54:00 - 01:14:21:21

I am not. I have not been inclined to engage any further with IPG until a decision on the DCO is actually rese reached. Listening to today's, I understand that the cable route will only come one month through my farm. Does this mean there will be an open trench less left open for the whole duration, or will it all be covered up and finished within a month? Please, could they clarify? Thank you.

01:14:24:00 - 01:14:29:24

Thank you. Um, again, a lot to unpack in there, Mr. Hawker. Uh,

01:14:31:13 - 01:14:49:04

it would be helpful, um, if the applicant could identify all of the land on the land plans that Mr. Hawker has referred to. I'm only seeing one snippet of that, but I'm assuming it goes much further. I mean, I've got the plots numbers written down on my screen here. Um.

01:14:50:26 - 01:15:21:16

Uh, yes. As we understand it, there's two different areas of the areas that, um, Mr. Hooker actually owns, which are, I believe, the plots being shown at the moment. And then there is, um, other land that, um, he, uh, leases, um, and that is shown on another sheet. Um, so we can go back up there sort of a few pages apart, if that makes sense. So we didn't want to keep scrolling up and down, but happy to talk to one section or another. Obviously they're slightly different.

01:15:21:18 - 01:15:55:20

And so here, um, is a section, uh, whereby um, you have the sort of the standard cable corridor, but then it is, uh, wider sort of either side of the access road there to allow for access to the north and to the south of the cable route corridor. But then if we go back to the other sheet, which I think is sheet uh, four, um, there is sort of a wider extent of land shown because there is some flexibility required in terms of how the sites are going to be.

01:15:55:22 - 01:16:18:10

The, the pink areas, as it were, are going to be linked up. And but then also the exact, um, position of where the applicant can cross the railway line there, which is sort of shown in between the, um, the two pink parcels there. So to a certain extent, the location of the cabling will be led by where the point of crossing with Network Rail.

01:16:18:17 - 01:16:45:23

So, Mr. Hooker, in terms of where you keep your your heard primarily on those two sections, there's you've got the skinny strip down on a different land plan and we've got this these wider parcels here. I just wonder if you could explain to me how your farming enterprise works in terms of what you have as crop and what you have as heard, if that's even possible with these plans.

01:16:46:17 - 01:17:04:12

Um, the land at Hill Hayes Lane that we rent, we we don't graze that that is quite a way. You know, it's up a small lane. It's a small 15 acre parcel. So we don't graze that. But. But the land, it gets to an end where, um, the 17 area. That is where we would graze cattle. Yes.

01:17:04:14 - 01:17:05:04

Okay.

01:17:15:07 - 01:17:15:22

Um.

01:17:16:13 - 01:17:35:05

It seems that negotiations haven't gone very well. Um. Or are not going well. Um, from what I understand from you, Mr. Hawker, and that, um, information before us suggesting land agents and heads of terms, um, that that's just not the case for your land.

01:17:36:17 - 01:17:42:15

No, no, we haven't employed a land agent at all. No, no, but I must. I'm about to employ one. Yes.

01:17:42:24 - 01:17:43:15

Okay.

01:17:46:03 - 01:18:37:25

Okay. Uh, Claire? Patrick, the applicant. Um, yes. And I think, um, the reason why the applicant does, um, try to encourage landowners to engage a land agent and covers the the costs associated with that is is just for that land agent to give, um, some, uh, reassurance that the terms being sought are typical for projects of this nature. And also then, um, to, um, uh, request on the, on the landowners behalf if there are, um, specific provisions that might be required for this particular parcel of land as opposed to, um, the, the general provisions that are applying for, for all of the, the land, there are obviously a number of different, uh, points? Um, being, uh, that were just raised there.

01:18:37:28 - 01:19:23:28

Um, again, which I think are covered in, in some of the other management plans. So obviously that there's been reference to, um, how we're going to cross hedgerows and the sort of measures that are going to be taken there in terms of the width of crossing on hedgerows. Um, particularly in relation to locations of, of link boxes. Um, and there are some information in the application about that, that that detail isn't yet known because until the applicant has um confirmed, um, the electrical configuration and has ordered, um ordered the cable, um, it won't know how long each of the sections will need to be, and therefore where the locations of any link boxes will need to be be placed.

01:19:24:00 - 01:19:56:27

But um, there is they are seeking, there will need to be link boxes, um, along the cable route, where lengths of cables are adjoined together. Um and as far as practicable, the applicant will try and locate those um in sort of field margins. But that sometimes isn't, isn't always possible. And and where it isn't. Um, then again, that's something where compensation, um, would be, would be payable in the event that there was, um, a greater area of land that wasn't usable post construction.

01:19:56:29 - 01:20:01:14

Um, because there was some above ground elements, for example. Um.

01:20:05:11 - 01:20:09:23

Just looking at some of the, um, the other points, I think the.

01:20:12:16 - 01:20:44:05

I think we're just trying to get I'm just trying to see if we can find some more information in terms of the, um, the length of time that the, um, the trench would be open, but the general construction point will be that noting that, um, there would be some differences where you're doing some sort of major, um, crossings of things like railways is the, um. The cables would be, uh, the ducts would be laid and then the land, um, reinstated, and then there would be an exercise to pull the cables through the, the ducks and then the the cabling would be tested.

01:20:44:12 - 01:20:59:03

Um, and before you had fully, um, come off the land, potentially. So we can provide a bit more information about, um, the, uh, sequencing of construction works, if that would be helpful in terms of how it applies generally across, I.

01:20:59:05 - 01:20:59:27

Think it would be helpful.

01:20:59:29 - 01:21:11:06

To if there is some information in this scheme, just chapter three, I guess, but we can um, in the written summary of this hearing note, we can lift that information out. So it's clearly in one place.

01:21:15:05 - 01:21:48:02

What I'm hearing is there's lots of information in the yes document. It's all there somewhere of which we're all wading through. But for individual pupils, I think Miss Ross said they've, got to carry on with their daily lives, their farming operation. None of this is you know, it's not 9 to 5. The work that they do. And I just think I'm wondering if in these negotiations which are happening, that actually that information about where they can find the information is available to them, because otherwise there's a lot of material for these individuals to have to keep pouring through.

01:21:48:04 - 01:22:25:16

Obviously, some of these materials get and documents get updated at different deadlines. So there are subsequent changes. So for affected parties to stay on top of that and navigate their way through all this material just almost seems like a day job in itself. Um, for lots of these people. And I'm what I'm

suggesting is for these discussions that are happening, whether with individuals or with land agents, there's a little bit more signposting to address some of these issues so that they're not just it's in the documents, we think it's in this chapter, or we think it's in this environmental management plan, or it's in this bit of the DCO.

01:22:26:01 - 01:22:35:03

I just think it would be helpful to assist the affected parties to find the information that they're looking for. Um, as part of the negotiations.

01:22:37:08 - 01:23:11:04

Uh, Clare project the applicant. Um, yes. I said, I think obviously these detailed discussions have been going on where landowners have been represented by land agents or where, um, landowners are willing to engage direct. Obviously there have some where landowners are not willing to meet with the applicant. There haven't been those discussions. But I think in terms of a signposting document, um, then the applicant, um, will take that point on board and see whether we can provide, um, uh, a more succinct, uh, place where the information can be found.

01:23:11:06 - 01:23:11:27

I think even.

01:23:11:29 - 01:23:12:15

If the.

01:23:12:17 - 01:23:42:20

The APRs have reached a point where they're not negotiating because they're exasperated in some way, their their written representations are still before us. And so responses to those written representations need to signpost not just to a document, but almost to a part of a document that will help them have the answers that they need. So I'm just leaving that on the table for the applicant, that there's information before us in the examination, and you are responding at deadlines to comments made by particular parties.

01:23:42:22 - 01:23:46:28

But some of that signposting could be within there a bit more clear.

01:23:49:11 - 01:24:10:17

For the applicant. The point is noted. I think we have tried to provide specific sections or paragraph numbers when we've been giving our responses, but I do appreciate that some of those documents, because of the number of submissions, are very lengthy documents, and it's not always easy for an individual to find the relevant. I'm going to interrupt.

01:24:10:19 - 01:24:11:11

Because I.

01:24:11:13 - 01:24:11:28

Feel really.

01:24:12:00 - 01:24:21:25

Strongly about this. You are people who deal with numbers, and I just really sorry I'm at a complete disadvantage in these negotiations.

01:24:22:22 - 01:24:53:12

Um, Miss Ross, thank you. Um, we generally don't interrupt any proceedings. You need to wait and to be to be called. Um, just so that we can just keep a handle on the on the dialogue. Um, but I think I've made the point on behalf of the apps that you do all have, obviously very busy lives just running the farms that you run and also navigating this incredibly stressful process. And I want the applicant to do all they can to help you with the information. Um, and so the applicant has heard what the TSA's position is on this.

01:24:53:14 - 01:25:11:06

And certainly hopefully, hopefully more information will start to flow your ways to make it easier for you to get through the process. Um, so, Mr. Hooker, is there anything else that you wanted to add at this point in time? Because we're certainly not going to solve the issues today.

01:25:13:09 - 01:25:49:24

Uh, yeah. There is. One last thing is, um, the whole solar project was a voluntary by my neighbors to volunteer up their land, of which they were given great incentives and considerably large rents for the solar panels to be on their land each year. But the cable route farmers have really been ignored here. We've got to have our land restricted for 60 years. We don't get a payment each year. We're just fobbed off with a compensation of disruption for a farming for a year, which I find actually quite unfair.

01:25:50:03 - 01:25:50:26

Thank you.

01:25:53:06 - 01:26:05:19

Thank you, Mr. Hooker. Point noted. So, Mr. Cole, please. Oh, we have a hand up. I'm sorry, Mr. Cole. Mr. Fernhill, did you.

01:26:07:29 - 01:26:32:27

Yes. Richard Farnell for Mr. and Mrs. Davis. Um, apologies. Just to expand slightly on the point you very kindly made just now about signposting. And whilst that would be helpful and it would be great to see the extensive protections that the applicant suggests are available within the DCO documentation, I think it's fundamentally important for them to appreciate that those protections need to flow through into voluntary agreements as well.

01:26:33:28 - 01:26:34:20

Yeah.

01:26:35:06 - 01:26:40:01

Thank you, Mr. Fennell. Miss Broderick has noted that, uh.

01:26:40:10 - 01:26:56:15

To the applicant. Yes. The point is noted. Although the applicant wouldn't seek to duplicate a commitment. So if there's a commitment in a management plan, for example, then it wouldn't necessarily be needed to be duplicated in the contractual agreement because the DCO requires the applicant to do it in, in any event.

01:26:56:17 - 01:27:27:28

Yeah, but I think it's important for the dialogue and the discussions on heads of terms and certainly agreements that the affected parties know where those commitments are. And it's clear to them where those commitments are. So, um, you're aware of that now. So thank you, Mr. Furner. I will move on to Mr. Cole now, if that's all right. Mr. Cole from. Good morning, Roberts Berry farm. Um, I think I recall you showed us around, um, pointed to your pasture fields and showed us your crop fields, um, on the day.

01:27:28:00 - 01:27:32:28

And you did have a lovely dog as well. I do remember that, um.

01:27:35:03 - 01:27:44:00

You were a bit reluctant to turn up today. I understood, um, because you weren't sure what you wanted to say, but we're really interested to hear what you have to say. Uh, now,

01:27:45:22 - 01:27:58:27

there are Elizabeth Mary Cole and Peter Edward Cole. I'm assuming that your parents can say just the beginning that you were representing your parents. But there's also you're also an infected person on on land as well. Is that correct?

01:27:58:29 - 01:28:01:08

Well, I'm farming the land. Yes, yes.

01:28:01:22 - 01:28:17:20

Okay. Um, we couldn't really hear your detailed submissions on the site because obviously we weren't in a public forum. And that means people, you know, need to be able to hear what we hear. so is great that you've you've turned up today. So please, the floor is yours to thank you.

01:28:17:26 - 01:28:44:10

Firstly, thank you for turning the air conditioning down. It was getting a bit nippy. We save a bit of power. Um, yes. Thank you. A lot of my fellow cable root colleagues have have raised issues that are similar to myself. And I know that time is short, so I don't know if you've got the map of of our particular part of the land. It's the the initial part of the cable route when it's leaving Johnny's land. Um.

01:28:45:12 - 01:28:46:05

That's that's.

01:28:46:23 - 01:28:47:08

Uh,

01:28:48:26 - 01:29:24:07

yes, that's the one. The one I've got actually shows what is, um, planned for that particular part of the route. And it shows what, what it's what is called, um, a trench loss solution. Um, and I've only just found this, um, which I understand to be to, to tunnel without making a trench. Is that right? So it's going to come underneath the gauze brook from above. From the north. Um, and then right underneath our pastureland and underneath the tree land, the tree line.

01:29:24:28 - 01:29:50:05

I think that's what I'm gaining from. From the map. Which which does solve my cattle problem, because it's going to go right underneath the grassland. If that is correct, I would like to ask the applicant of that, if that is what is. Is what? To the north of it, in Johnny's land. Um, is also going to be tunneled under. I don't quite know why that is. I think they found something that is significant there.

01:29:50:09 - 01:29:51:13

Um, Mr. Cole.

01:29:51:15 - 01:29:52:03

You.

01:29:52:28 - 01:30:09:09

You mentioned Johnny's land when we were on the accompanied site inspection and then your representation. You say it's the Johnny Walker land? Yes. Um, it would be helpful to us to understand where Johnny Walkers land is, because you obviously know Johnny Walker very personally.

01:30:09:19 - 01:30:11:26

Is there a better. Is there a better map there?

01:30:13:01 - 01:30:15:08

The applicant? Should we put the land plans back up?

01:30:15:27 - 01:30:17:01

That would be helpful.

01:30:17:26 - 01:30:24:05

Sorry, I just I don't actually know where his exact land is, but I know that.

01:30:24:07 - 01:30:24:22

He.

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

Borders. He borders with us. So the other side of the Dudley Wood. Uh, yes.

01:30:34:09 - 01:30:42:15

So his land is directly, if you can identify the Gores Brook. Yeah.

01:30:42:20 - 01:30:44:11

Because the darker line in that middle.

01:30:44:15 - 01:30:48:26

That's correct. Yes. His land starts there and ours is to the south of it.

01:30:49:11 - 01:30:50:25

That's Theron Farm. Just.

01:30:50:27 - 01:31:02:13

That's the Randall farm. Just up to the right. Yeah, on the top. Right. That's right. And his land is all round to the left. I'm not quite sure where he goes around to the right, but round to the left, as far as I'm aware.

01:31:02:15 - 01:31:04:23

So has he got land affected?

01:31:05:02 - 01:31:37:28

He has land in the scheme. So here's a beneficiary of the scheme. As far as I'm aware. Um and here's so here's land. Goes. Yes to to the left. Um, but just to the north of the gorse Brook, there is going to, as it says on this map here, whether it's correct or not, there's going to be, um, what do they call it? Um, a trench solution. I don't know whether that's right or not. So they've clearly found something there that they need to tunnel under for some reason.

01:31:38:08 - 01:32:12:27

Uh, one of one of my questions is, why does it need to go through our land at all? Yeah. So the land to the left of that blue line, um, is Johnny's land. Who is a beneficiary of the scheme? I don't begrudge him that, but that he is a beneficiary and really fairly. It should go through his land. In fact, if he went through his land and then down sort of south, looking south west a south westerly direction, and came to the Dudley Wood and went.

01:32:13:04 - 01:32:42:17

It might have to go under there, I understand that, but it would be a shorter trenched solution than the current one that's planned. So that would be my first question. Why does it need to go through our land at all? The second question is, um, if it does come through our land underneath our partial land, it will then pop up, um, into a arable land, which happens to be the wettest field on the land in our area.

01:32:42:19 - 01:32:43:22

And that's the one that you showed.

01:32:43:24 - 01:33:21:06

That's the one we showed you? Yes. Correct. Um, I had to work with my father and he said, all land here that's been, um, drained. And there's ten different, uh, land drains that the cable will buy, will bisect if it goes in that route. Um, and I have the same concerns with drainage and also with the the general disruption of the land. I was cutting grass yesterday on land not far from there where, uh, trenches were put in for heat pump source 25 years ago.

01:33:21:08 - 01:33:59:03

And there are still, uh, the grass is not growing there as much as where it hasn't been. That's 25 years. And as Ashton said, um, also with the sewer that was put in in 2017, I estimated that, uh, I was on the combine, uh, last summer, that it was 50% less than the land next door to it. That was eight years. So any sort of disruption, particularly in Cotswold brash, um, as this sort of area is, um, causes huge disruption.

01:33:59:05 - 01:34:02:08

Um, for an extended period of time

01:34:04:02 - 01:34:38:08

also coming up. If you go further south, you will. Then they do make a little bend to go around a nice tree, which is very generous, and then across a hedgerow and then into what is a miscanthus cane crop that is a permanent biomass crop. It was established in 2007. And, uh, in that particular year, I don't know if people remember 2007. It was a very, very dry spring, and we lost 30%, 30% of the rhizomes in planting.

01:34:39:02 - 01:35:14:03

And my question is, as there has been from my colleagues here, uh, what happens when things go wrong in terms of establishment? We might get a compensation and things. And I know we're not talking about compensation, but things don't always go according to plan. And we can say how much things will cost to do. but they don't go according to plan. What is the the contingency if you like. And and similarly, um, I'd like to know what is the contingency of when there is a problem.

01:35:14:14 - 01:35:46:28

I understand that with electrical things there are problems, particularly if water egress and that sort of thing. Um, ingress. Sorry if they put a, uh, a I don't know what, what they call them where they join the cables. I assume when it comes out of the ground, they will then join it with some, some compound or I don't know what you call it. I don't know the technical term. Um, but that will be in the middle of the field, which will, of course, cause a, not a difficulty, any obstruction of fields, the difficulty.

01:35:47:00 - 01:36:08:27

But what will happen if there is a technical problem ten years down the line, uh, water gets in, big sparks fly. What will happen is most likely to happen in the middle of the winter when that land down there is pretty much flooded. How? How will how will it be resolved? I'd like to know that. So thank you for your time.

01:36:08:29 - 01:36:42:21

No, thank you, Mr. Cole. The applicant will give a fuller response, obviously in, in, in writing after this hearing and will hopefully address some of those concerns for you. But, Miss Broderick. Um, I, I think the the most interesting question for me is, um, from Mr. Cole is why the cable route didn't continue on Mr. Walker's land. As I understand he is a beneficiary. I think the word beneficiary, meaning he's entered into an agreement, um, with the applicant.

01:36:42:23 - 01:36:49:29

Um, and I'm. I think, Mr. Cole, that's the thing that most perplexes him at the moment.

01:36:51:12 - 01:37:10:24

Uh, of the applicant. And, yes, that points, uh, noted. I'm going to hand over to Mr.. To Barrett to. You can explain the sort of ecological reasons for routing the cable through these particular parcels of land, which was the primary driver for selecting the route rather than land ownership criteria.

01:37:12:00 - 01:37:42:10

William Barrett for the applicant. Yes, I'm mindful of time, but I think it'd be helpful just to provide a couple of responses to a number of the points there, and also a couple of the references, which will also be relevant to some of the earlier submissions made because there are some themes coming through. Um, one of the themes is the is the reinstatement of the cable um area. And we are very mindful that there are sensitive ecological areas here, and also the historic grazing that we heard about earlier this morning.

01:37:42:12 - 01:38:14:07

So just briefly, the ecological protection and mitigation strategy. Rep 3103. There's a specific section in there which is method statement number six. And that is a method statement for temporary habitat removal and reinstatement. So there's a number of pages there which walk through some of the measures and mitigation put into place. Um, that's important because those method statements will then be developed further prior to construction. So and there are commitments there.

01:38:14:09 - 01:38:45:19

That's the outline plan. And then as prior to construction would be a series of plans that will develop those initial pages. But there's some very useful information there that I think will answer some of the questions. Um, in the outline, Kemp as well, which is rep 3093 that contains a series of measures in relation to the questions around drainage and monitoring and management of existing drainage infrastructure in ground. And that's one of the commitments that we will develop further.

01:38:45:26 - 01:39:16:07

Um, as a revision to the Kemp, there's a number of sentences in there that are relevant, but we've heard today about elaboration of that, and we'll take that away. Um, to the point just now. That's correct. This is what we call an avoidance area. Um, and it's shown in a number of the drawings. Um, and I will provide the reference to the drawings in a response to this submission. But the avoidance areas are really focused on those higher sensitivity areas. And the Gaus Brook is one of them.

01:39:16:15 - 01:39:49:07

Um, and the process of the environmental work was effectively to minimise the effect on the gorse Brook and in this location, because of the topography coming down and then up into the gorse Brook. There is also a registered scheduled monument, which is located just to the north of the gorse Brook. So typically when we have a series of constraints, that's what drives the definition of the avoidance areas. So that is correct. There will be um, launch and exit pits to the north and to the south. Um, to the question about some of the detail.

01:39:49:13 - 01:40:24:12

The launch and exit pits, and the process for installation of the cable is set out in. It's about a six seven page document. Appendix three two cable route construction method statement. And that's rep 3042. And in that document, there's actually an indicative layout of some of the launch and exit, what the compound could look like, what machinery and plant and equipment would be there. And the final point just to make, yes, we're very mindful of the high water table, which is all around the course, but particularly to the south here.

01:40:24:26 - 01:41:02:03

Um, the construction methods, the construction environmental management plan has a number of areas dealing with where you have a higher likelihood of water ingress into the launch and exit pit. Um, again, that document will be developed further prior to construction in collaboration with Wiltshire Council, Natural England and others. But there are some measures there that might be useful to explain how the construction would be implemented, managed and planned and monitored to basically from the point of view of making sure there's no water ingress into the compound or pollution outwith the compound adjacent.

01:41:02:05 - 01:41:22:00

And the gorse Brook is noted as a very sensitive receiver. So there will be and there need to be a series of measures there which will address some of that point. But that's again the outline. Camp rep 3093. Um, I'll probably hand back now over to Claire and Rob more for the other, um, landowner elements.

01:41:22:12 - 01:41:50:26

Uh, Claire, project the applicant. Um, just if, Mr. Barrett, you just be able to confirm in terms of in terms of the route selection, um, it's necessary to cross the gorse Brook wherever, whichever route you go in this location. But, um, my understanding is it's the avoidance of the area of woodland that is located on Mr. Walker's land, which is why, um, the decision was made to go through, uh, Mr. Kohl's land. But I'd just be grateful if you can just confirm that. Thank you.

01:41:51:26 - 01:42:22:23

William Barrett, for the applicant. Yes. Confirming that just to the south. There's a much wider area of woodland, um, which we're avoiding. And then on the western side, there's also like a sort of rectangular woodland shape. Um, it's just a bit further west from this, from this image. And that was another element that meant that we wanted to avoid going through that particular, um, piece of vegetation.

01:42:22:25 - 01:42:26:20

So that was one of the reasons for locating it in this particular.

01:42:26:22 - 01:43:06:21

So Mr. Cole's perspective, um, again, it's a bit like I was saying before about some of the questions the other apes are asking. You know, why this? Why that, um, clearly that information is this is the first time Mr. Cole is hearing that explanation. And, yes, it's in various documents, but how would an affected party know that information? Its being raised in their submissions. It must be being raised in dialogue. Um, but this is the first time that he's hearing that, and that's concerning given how far along we are in the examination that they're seeking basic answers to simple questions.

01:43:07:01 - 01:43:17:15

Um, so, you know, we need to be much further along in these discussions with these parties. Um, and I think you're hearing that.

01:43:18:27 - 01:44:07:14

Uh, Clare project for the applicant. Um, yes, we are hearing that. I think obviously there have been various reasons why particular landowners haven't wanted to speak to the applicant until now. And so, in some respects, today's hearing hopefully has answered some of their questions and made it clear that if landowners do wish to speak to the applicant, we are more than willing to do so. And it doesn't affect their overall objection to the scheme. But I do feel it's important to note that some people may have felt reluctant to engage in conversations because they just object in principle to the scheme, and maybe that is why some of the detailed information that has been available and the applicant has been very willing to discuss, has perhaps not come to light, or there's been some confusion and until today's hearing, but please do take up the opportunities to have those discussions.

01:44:07:16 - 01:44:33:22

Yeah, I would urge those conversations even to say it doesn't prejudice your positions, but the information and some of the information seeking is there. Obviously you don't have the time to to look for it and you shouldn't have to look for it. But, um, the applicant can certainly guide you through that. And then you can form a position of whether you then choose to negotiate further or not. I've got a hand up in the, in the room. Um, we're really tight on time. So if.

01:44:37:15 - 01:44:52:28

Sorry. So if can I just ask what the purpose of this is? A compulsory acquisition hearing, and if you're an affected party, then I'd need to leave you to the end so I can get through the affected parties that have spoken. Um, they've requested to speak. I've still got several more parties.

01:44:55:04 - 01:45:18:15

Or it will need to wait for the end. If it's not in relation to compulsory acquisition, then I'm afraid it needs to wait. Um, I'd like to come to Mr. Newman now, Mr. Cole. Thank you very much for turning up and speaking. It's certainly not the end of the rodeo here. Um, but I do need now to move on to to Mr. Newman, who's sort of hiding behind a camera for me.

01:45:18:17 - 01:45:20:05

I thought it was you that was hiding.

01:45:20:24 - 01:45:33:03

I'm certainly not avoiding eye contact. Eye contact, Mr. Newman. Um, so let me just take a look at my notes. Um, so your land of neighbours, Mr. Cole?

01:45:34:00 - 01:45:34:17

Yes.

01:45:34:25 - 01:45:37:05

Um, so just south of Littleton.

01:45:38:09 - 01:45:38:24

Yeah.

01:45:38:29 - 01:45:48:17

Yeah. And I'm very aggrieved by the methods of communication and negotiation and severance is is what I'm gathering, um. From submissions.

01:45:48:19 - 01:45:49:06

Well.

01:45:49:14 - 01:46:21:01

Communication is diabolical. Um, thank you for welcoming us all to this Kafkaesque, um, hearing. Um, we rather feel like victims. I mean, the the inequality of it is quite staggering, really. We have legislation enabling overseas investors to produce an array of very impressive professionals. I'm simple country folk.

01:46:21:06 - 01:46:56:09

I run a 200 acre holding. I'm also managing another 200 acre holding for my brother's widow. Um, I employ nobody. I have no time in my day for this. I'm sitting here for 4 or 5 hours this morning listening to this, when I should be mending my sprayer. I don't have time to wade through documents. Thankfully, I have people who here support us all and, um, um, tell us what's going on and give us some information so that we can try and engage.

01:46:57:06 - 01:47:12:19

I was interested to hear the applicant saying that we should engage with agents and they will fund it, um, so that we are, um, getting good advice and aware that they're not trying to railroad us. Now, I got.

01:47:13:09 - 01:47:18:20

This anymore. Can I just ask, um, you were not aware of that scenario where you could engage land agent?

01:47:18:22 - 01:47:41:22

No, no, no, I got an active land agent. I put it to you. Um, I had an email on the 12th of June outlining the, um, response. They are still, however, ignoring government advice and are looking for landowners to negotiate at risk with the possibility of not being compensated for professional representation. That was what my agent received.

01:47:45:14 - 01:48:16:03

From McLaren. Now that puts me in a difficult position, and that puts us in a very difficult position to negotiate. How can you negotiate with somebody who's going against government advice? And apart from issuing their rather blunt heads of terms, which I am reliably informed by my agent, I hope, um, are requesting powers which exceed those which would normally be given even with compulsory acquisition powers.

01:48:16:24 - 01:48:37:11

Um, it's it's a strange situation I find myself in. I look on the land rights tracker, and originally they were in negotiations and expected to reach an agreement. Then, apparently I wasn't engaging. Neither of these things are true. It's not disingenuous. It's it's untrue.

01:48:40:00 - 01:49:13:17

Um, I speaking as someone with a little bit of experience of solar development. Um, we have rented some land out on a different farm. My brother and I, when he was alive. Um, for solar development. We are. It is now on its third different ownership. Another foreign company. You have no idea what's going to happen. You have no control over who's managing it. And we are.

01:49:13:19 - 01:49:44:09

We are in dispute with them 12 years later from construction. All these assurances are, at best, box ticking. The reason the route has been chosen is to avoid the conservation area. Um, it's not because of Mister Walker's woodland, half of which has been decimated by ash dieback. And most of, I mean a perfectly good wood that we couldn't see through before. I can now see through most of the year.

01:49:44:24 - 01:50:12:27

It's it's pretty thin and there are very considerable rides through the middle of ride being an area with no planting. Um, originally, I presume, for landed gentry to hawk up and down in their carriages or whatever, and subsequently used, um, to shoot pheasants from areas without planting, which could quite easily have been used for a cable route. But as I say, for various reasons, other routes have been chosen.

01:50:16:24 - 01:50:33:15

I've got enormous numbers of notes. I I'm sure my concerns echo those of all the other landowners, all the other, um, victims in the wake of this Absurd situation. Um,

01:50:35:15 - 01:50:52:26

we're it's all acronyms, isn't it? N sips CA x xa. Everything else. This is about corporate remuneration. Accumulation. Accumulation project. That's an acronym that sums it up. Thank you.

01:50:54:07 - 01:51:18:01

Thank you, Mr. Newman. Um, we do appreciate the strength of feeling about about the application. Um, I did want to say to the applicant I was concerned about gagging clauses, which you mentioned in your representation, and I've heard from from others, um, which have since been removed from some of the heads of terms which you've received that you can represent yourselves. Um.

01:51:18:14 - 01:51:40:29

I would like to say that was the the one time I have had actual verbal communication with alcohol. McLaren was when I phoned up miss B Walker. Hawker? No relation. Um, when we received that within 24 hours of receiving it to say that I suspected it should be illegal if it actually wasn't, because it was without doubt a gagging clause, and it was removed pretty swiftly.

01:51:41:03 - 01:52:21:03

Yeah. I mean, we were concerned about that. And we did have some correspondence from the applicant submitted into the examination, but more so at the moment. Um, the Land and Rights communication log, which came in at rep 3130. Um, looking at that document, there's a new document into the examination, which I did request in a first written question. And to some extent it is helpful, but what it suggests for your yourself is, to me, limited negotiation attempts, um, to negotiate since September 25th, um, with dialogue recorded only as discussions around the applicant compensating Mr.

01:52:21:05 - 01:52:45:18

Newman for his land agent costs. Um, so slightly worrying for us as an next day. That's in September 2025. All the references to Mr. Newman in that log are discussions around land compensation costs or land agent compensation costs. So what dialogue is going on with the land agent for Mr. Newman? Um, if anything, since September 2025.

01:52:47:27 - 01:52:48:12

Uh.

01:52:48:22 - 01:53:28:29

The applicant. Um, I'll let Mr., uh, James come in. But I think in terms of this particular scenario, as I understand it, to be Mr. Newman's agent, and until resolution can be sought in respect to payment of his particular fees, he doesn't wish to engage on any other matters in relation to the voluntary agreement with Mr. Newman. So that's the reason why the log, um, doesn't show much progress, because there hasn't been that much progress, because there is a sticking point in relation to, um, the, uh, timing and nature of the land, agents fees, um, the fee basis.

01:53:29:01 - 01:54:00:17

So just if I could just finish my point. We obviously are dealing with a large number of agents across the scheme, and we have agreed a payment arrangement with those land agents. So, uh, Mr. Newman's agent, um, is requesting something different than than what is being asked for by and has been agreed to by the agents representing other land agents, um, across the scheme. So it's it's an unfortunate position and we do recognise obviously we'd have much rather had greater progress, um, in respect of Mr.

01:54:00:19 - 01:54:45:10

Newman's land than there has been to date. But that is the, um, the sticking point, as it were, um, to making further progress and why you don't see as much, um, communications logs and respect to this particular landowner as compared to the other landowners. Um, across the scheme, what I would just want to address first before we come back is the point about the, um, the non objection, cause you will obviously be well aware that there was a court case in relation to that particular point there fairly standard provisions that have been to date included in these types of voluntary agreements to reflect the fact that enhanced payments were being offered as part of the negotiations.

01:54:45:16 - 01:55:19:16

Um, and so it's not illegal. I just wanted to make that clear. Um, but obviously on this particular project, it was, uh, and there are a number of projects across the scheme where landowners are, uh, are not opposed in principle, um, to the, to the, to the, to the scheme and therefore are willing to sign up

to those sorts of provisions here. It was recognised, obviously, that across the cable corridor, uh, and a large number of landowners wish to be able to freely participate in the examination and, um, and object to the scheme in principle.

01:55:19:18 - 01:55:41:26

And that was the reason why the clause was. Was removed there so that negotiations on voluntary agreements could continue without landowners being required to stop and participating in the process. But I just thought I'd touch on that, that particular point. I'll just check whether Mr. Jones has anything else to add in terms of discussions with the with the landowner landowners agent?

01:55:41:28 - 01:55:55:15

Yeah, I'm just wondering how we move that on, because if we're if we're stuck on a position about payment of fees, then Mr. Newman's position is is being negotiated. So how do we move that along, please.

01:55:56:14 - 01:56:01:11

Robert Jones, on behalf of the applicant. Um, that's absolutely right. Um, and.

01:56:03:12 - 01:56:24:04

Disagreement over fees is. No, um, it's not permissible to not represent their clients because of that, negotiation should still continue. Um, as a responsible developer, the applicant is offering to meet fair and reasonable fees that have been incurred. Um.

01:56:25:27 - 01:57:01:15

However, it's not an obligation. Um, and we're not paying the agent. We're reimbursing the affected party. And so we have had extensive discussions with that particular agent dating back to probably September 2025. And those discussions have been almost exclusively concerning his fees and based on his feedback.

01:57:02:05 - 01:57:35:26

The applicant has made concessions to try and show willing um, and make it a more palatable proposal to him. But unfortunately, as as of today's date, But yet to reach an agreement on that. Um, and I guess from a professional standpoint, we are or are acting on behalf of the applicant are restricted from contacting Mr. Newman directly because he has a instructed agent working on his behalf.

01:57:38:25 - 01:57:41:15

Hopefully that clarifies the point.

01:57:43:20 - 01:57:50:13

Uh, I'm just going to have to pause there. Just one. I can come back to Mr. Newman. Um, if he's

01:57:51:29 - 01:58:02:18

got anything that he wishes to add. I mean, it's it's unfortunate that we're in a scenario where your position is not being reflected in discussions. Well.

01:58:03:03 - 01:58:43:06

Yes, I mean, it is the only consolation to me is that judging from anybody else's negotiations, we wouldn't be any further forward anyway. Um, so we're not missing out on much. Um, the fact that my agent sits in an office with another agent who you are in discussion with, um, seems to me rather unlikely, um, that this matter couldn't have been overcome had there been any willingness, um, to engage, um, more satisfactorily.

01:58:43:08 - 01:59:14:23

I mean, you're all professionals, you're all agents, you all spend most of your lives together. Um, you have meetings all over the country where you get together and speak to people from different practices. I find it, um, surprising that that minor obstacle hasn't been, um, passed. Um, you can't talk to me. My agent's telling me you're not talking to him. Excellent.

01:59:14:28 - 01:59:16:11

Let's all go home.

01:59:18:15 - 01:59:28:10

Yeah. This is not an ideal position to find ourselves in. Um. And I would urge the applicant to to reach back out to the land agent as best they can. Please.

01:59:28:12 - 02:00:01:29

Robert Jones, on behalf of the applicant, I just wanted to, um, just respond there that whilst there are agents, um, that work in the same office effectively. But I think quite a good illustration as to some of the challenges that the applicant is experiencing is that we have those two agents working for different affected parties, one of which is a member of the agent group that I talked about earlier, one of which isn't, um, and there is a very there are differences in that communication style.

02:00:02:01 - 02:00:12:00

So whilst they are in the same office, we're not seeing a similar, um, response, um, in that regard. Um, and yeah, so I just wanted to clear that Yeah.

02:00:12:02 - 02:00:28:10

Thank you, Mr. Newman. I've urged the applicant to do a little bit more in those discussions. I would urge you also to have a conversation with your agent about trying to reenter those discussions with the applicant on your behalf because it's in your interest.

02:00:28:18 - 02:00:58:22

I am doing so. Um, the only issue is that if I am told by my agent, rightly or wrongly, I mean after all, they they won't stand by any of their advice. Um, indeed. Nor will a solicitor or a lawyer. Um, if he says that the government guidance is such that the fees should be underwritten or whatever, then I can only take that advice. And I'm not not engaging with anybody.

02:00:58:24 - 02:01:10:02

Yeah, okay. I'm in a situation where there is no engagement. Now, I agree there are various views on why that might be. Um, and I will certainly

02:01:11:19 - 02:01:14:00

do my best to move things along.

02:01:14:02 - 02:01:14:26

Thank you.

02:01:15:01 - 02:01:17:23

I doubt we'll reach a very satisfactory English.

02:01:18:13 - 02:01:19:25

That may well be the case.

02:01:20:00 - 02:01:20:15

And.

02:01:20:18 - 02:01:31:25

I hope it isn't. I hope it isn't. Um. I genuinely hope the next time I'm back in the room talking around CA that there has been progress on for your benefit and on your behalf.

02:01:31:27 - 02:02:02:18

I do, but I do find it, um, bizarre because even you pointed out that we should engage because should the the DCO be granted, we will be hamstrung. This is the whole point of these negotiations. They are non-existent because the applicant knows on gaining DCO, we will have no choice but to agree to whatever they want. They don't actually want us at this point to sign. They don't want us to agree.

02:02:03:14 - 02:02:39:01

I won't go back to Miss Broderick on that because it's a reflection from the table, and it may not be the way that they perceive it. And I'm not here to mediate that scenario. What I just want is to negotiations to continue at pace, so that when we are in the room again in September, we are not still sitting here where heads of terms are, you know, further along and people can't find things in the documents or, you know, communication has not been forthcoming on either side because it really is in everybody's interest.

02:02:39:03 - 02:03:10:06

And without prejudice to to progress this dialogue. And we're seven minutes away before we said we would end this. And we're still so far, clearly way overestimated how much I could fit into this agenda. But I still have speakers I don't want to hear from. So if we're slightly overrunning for lunch, I apologize. Um, Mr. Newman, thank you for your submissions today. I've heard them loud and clear. Um, and we will be revisiting, um, this situation for you. So just coming very quickly to Wiltshire Council.

02:03:10:08 - 02:03:28:08

I think this is probably more about some update on the Wiltshire Council position in terms of some of those land parcels. The applicant said they had listed Wiltshire Council in the book of reference, which possibly aren't, um, Wiltshire Council owned. So I'm coming over to Wiltshire Council, please.

02:03:28:10 - 02:04:07:29

Yes, thank you, Madam Johanna Wheeler for Wiltshire Council. Um, we we have, we have two points. Um, one of those is the issue of amendments to the, the book of reference, which I miss Broderick has mentioned, um, and which are covered in the excuse one response CA 1.17. I don't think there's any need to go into those. Madam, we're working with the applicant to provide updates to the book of reference to clarify the categorisation of Wiltshire Council and ensure that it is reflected accurately as an occupier, as a highway authority, as a public right of way authority.

02:04:08:01 - 02:04:44:08

As may be the case. Um, and so I don't propose to trouble you further with that. We do have a second matter, which wasn't covered in our SSC one, but we can be brief about it. Um, and that is the issue of the operation of the compulsory purchase powers again as against Wiltshire Council. Um, and primarily there are two points coming out of that. The first point is that once the interests have been categorised correctly, that leaves the vast majority of plots in which highways are affected.

02:04:44:14 - 02:05:15:25

Um is insofar as Wiltshire is the highway authority, i.e. the surface of the highway is being used um, as a doctored highway or to be adopted as highway, and therefore compulsory purchase powers aren't really the appropriate mechanism for dealing with those. They will be dealt with via the articles in the DCO part three, Primarily street works. Powers will cover the vast majority of the plots where we are the occupier as the highway authority. Um, so it's not, uh, that instance that we're concerned about.

02:05:16:00 - 02:05:49:04

Um, the second point is that we have provided we have now provided local highway authority protective provisions to the applicant. Um, and we are working constructively with the applicant to agree those and hopefully, um, not to speak for Miss Broderick, but we'll see in the next, uh, deadline some progress on on that. Um, the second point is this to the extent that Wiltshire Council are a landowner and there is a genuine interest affected, not just as a highway authority.

02:05:49:21 - 02:06:48:00

Um, we we say that we see the utility of compulsory purchase powers. Um, we don't disagree that they can be useful, particularly for vesting very small slivers of land where there might be a need for a piece of subsoil or verge. Um, we don't dispute that. But what we do say is that, um, the powers over those plots should not be unfettered and that they should be subject to consent with Wiltshire Council and exercised that way so that we have the opportunity to consider, in the terms of such vesting, whether we need to preserve any existing rights or passages or easements necessary for the proper protection of the highway or any other, uh, obligations and duties we have, um, with regards to, say, the drainage of that highway or, um, use of it or timing or coordination of other works.

02:06:48:02 - 02:07:18:08

So, um, we've suggested in our protective provisions that there be a consent mechanism whereby compulsory purchase powers are only exercisable against our interests by consent. That consent is not to be unreasonably withheld. Um. Like I said, it simply gives us the opportunity to consider, um, and agree with the applicant the terms of that vesting. Um, we would submit that's not unusual. It's very common for statutory undertakers and local authorities to have a consent mechanism.

02:07:18:10 - 02:07:38:21

Um, that we're proposing. Um, and so we would hope that the applicant would consider that favourably. And we ask that it be included both in our protective provisions and those provisions in the DCO. Um, and those concerns are really our submissions, unless I can assist you further with any queries about them.

02:07:38:23 - 02:08:00:10

No thank you. It's intending on coming, um, to talk to Wiltshire Council about protective provisions on Friday when we cover the DCO. There was a there's a part in there in that agenda talking about negotiations on protective provisions. And it might be best that, you know, Miss Broderick addresses protective provisions at that DCO as opposed to this DCO that this CA hearing.

02:08:03:00 - 02:08:49:04

Uh project to get applicant um happy certainty to we have just gone back which obviously butcher council won't have had the opportunity to consider on the draft protective provisions, but perhaps by Friday they will have had a chance to look at it. But it's just to confirm that the provisions that were just mentioned then about, um, needing to obtain consent before exercising compulsory acquisition powers in respect of the local road network are included within those within those protective provisions. So the applicant has agreed to those particular measures. So I don't believe from a compulsory acquisition perspective there is any there is any areas of disagreement, but there may be some further negotiation on other provisions in the protective provisions regarding, um, the processes to be followed for the actual works to the highway network.

02:08:49:06 - 02:08:53:03

Okay. Handful, Miss Weber, that hopefully is helpful from a CA perspective.

02:08:53:06 - 02:08:54:02

Thank you madam.

02:08:54:08 - 02:09:25:03

Okay. Thank you. Um, coming very quickly, then, to Mr. Seymour Williams, as you've sat very patiently. We are very much at the lunch break now. But you are here and you are down to speak, and I would like to hear from you. Um, we obviously heard from your open floor hearing one. Um, and then we were on your farm at the ACI, where we were looking for a drainage hole. Um, and I believe you did submit a an image of that, um, into the examination.

02:09:25:19 - 02:09:34:22

Um, drainage was what you were concerned about when we were on site. Is is that what you're here to talk about at the moment?

02:09:35:01 - 02:09:35:28

Thank you. Madam.

02:09:36:00 - 02:09:37:10

Um, and.

02:09:37:12 - 02:09:38:13

Since I saw you.

02:09:38:15 - 02:10:09:20

I've appeared at a similar inquiry in Bristol on housing, where I'm also involved. So I've seen both sides. And this is not just a, um, straight compliment. Thank you for engaging the way you've done, because at the other one it was a tick box exercise and they ignored 30 years of experience. Thank you. Um, I, I have slightly changed my position hearing my colleagues, um, with whom? Farm next door.

02:10:10:20 - 02:10:24:07

My position is that I've farmed Farley's farm. I don't know if it's possible to show the. I think it was Ashton's, um, map, which shows Farley's as the blank in the middle.

02:10:25:26 - 02:10:30:02

Um, the one that shows the routing of the. That's the one.

02:10:31:27 - 02:10:51:12

My my position is that I'm within the red line, and I'm prepared to go to the nth degree to prove because I'm surrounded. I therefore become within the compulsory purchase area. If DCO goes through.

02:10:52:03 - 02:11:03:18

Well, you would be a category three potentially affected in terms of being able to make a relevant claim. Um, but not a category one because your land is not being acquired.

02:11:04:04 - 02:11:38:13

Then I have to come to the very clear detail of the intersection of the railway, the water flow and the crossing of the cable which is highlighted there. And my point that I want to make beyond any is that that is the lowest point. None of our maps that have been provided have our topographical maps. None of them show the, um, the, the positions of the trees.

02:11:38:16 - 02:11:52:10

The drainage in its full form. I've got very detailed maps of that particular point of drainage. And my contention is that after three. Um. Um.

02:11:54:20 - 02:12:37:28

This is now the fourth, uh, operation on the Pig Lane bridge. And I've. I've gone through three. One of them was actually quite traumatic. Involved. I was arrested, um, because I was wearing a shooting jacket and said to threaten them. The drains, Pig Lane, the railway all intersect at the bottom of Pig Lane. And that is the point of inflection, where I honestly believe when they come to put the, uh, cable cabling in, they will be forced not by me, but by the topography to.

02:12:38:28 - 02:13:11:01

And it's already been said by McClaren that they will need a wider area to operate where they have inflection points and that that very narrow blue strip joins the whole thing, therefore guiding the, uh,

the cable not across at the highest point, which is the right hand, uh, Hayes Lane crossing, but we'll cross somewhere in the, uh, affected land, which is Johnnie Walker, my neighbor.

02:13:12:03 - 02:13:31:28

So guiding it to the left hand side and joining, um, uh, in the Yadkin kennel direction. Sorry. Um, it can't go any other way because it starts on the right hand side and it has to go to the left, and that is the lowest point.

02:13:32:19 - 02:14:04:03

We're not at this hearing to talk specifically about drainage, that we're talking about compulsory acquisition and temporary possession of land. Um, however, I will make one point on drainage when we were on the accompanied site inspection, and you were in the head in the long grass trying to find the drain, and that the applicants drainage engineers were there, or at least one of them, and was pulled out. Some plans showed you as an examining authority. We removed ourselves at that point because that was a dialogue with yourself.

02:14:04:05 - 02:14:37:14

But it did overhear, um, the applicant's team trying to explain their drainage plans to you. And he certainly had a topographical map, but I was getting the impression that was the first time you were seeing that information, or you'd had anybody talk to you about that information. Um, and although we are talking about it slightly, it was slightly worrying that as a farm that isn't being paid or temporary possessed, you are in the middle of of this development, as we can see from this plan.

02:14:37:21 - 02:14:58:00

And yet that dialogue has not been had with yourself. So I suppose, for the applicants team. What I want to understand is what dialogue is happening in terms of drainage and flooding. For a farm, which is out with CA, and what dialogue is happening for Mr. Seymour Williams.

02:15:00:18 - 02:15:09:20

And Clare project the applicant. So obviously in terms of compulsory acquisition and voluntary property agreements that there isn't any big business.

02:15:09:28 - 02:15:19:04

It was more about what dialogue is happening for him to appreciate the drainage plans, although we're not here to talk about drainage. Mr. Williams has sat patiently and I would like to cover it.

02:15:20:20 - 02:15:30:24

Collaborate with the applicant. So obviously there were in terms of general wider engagement, obviously a number of points during the pre-application process where

02:15:32:19 - 02:16:06:10

nearby affected landowners were able to come and ask questions about the project and a number of consultation events. So there was a suite of consultation events that took Place. Um, the applicant has obviously done detailed drainage, um, uh, studies in order to inform the environmental statement and has gathered the information it requires in order to carry out those assessments. Um, I think in terms

of obviously wider communications, um, there hasn't been a outside of those formal consultation events.

02:16:06:12 - 02:16:41:06

There hasn't been, um, specific conversations with landowners unless they've approached the applicant to discuss specific drainage questions, concerns or questions they have. But as we're seeing from that, that hearing the applicant has always been and remains willing to discuss any particular concerns that neighbouring landowners may have about the arrangements. We also will find the details for the written summary, but we have put some more information in the outline management plans about, um, private water supplies, for example, as things that people have been raising concerns about.

02:16:41:09 - 02:17:06:01

We've been putting more information in there. Similarly, there are provisions in the management plans about, um, maintenance of drainage. So I think it's, um, a case of us providing the signposting document that they mentioned that we discussed earlier in today's hearing, um, and reiterating that the applicant is very willing to sit down with any of the landowners to discuss how the how the scheme interacts. Um, so.

02:17:06:03 - 02:17:27:17

When we go into our lunch break project, can I urge the applicant team to sit with Mr. Seymour Williams and see what they can do to assist him with the material that's in the examination, and may help him understand drainage implications for his land? Um, and how he can have that dialogue offline from, from this hearing. But, Mr. SIM Williams, I will come back to you very briefly.

02:17:27:27 - 02:18:00:05

Yes. May I make the point that some six weeks ago, Network Rail started a new drainage compound from the, uh, Fosse. Fosse way. Yeah. And since, uh. And came to me and said they were going to alter the drainage some two weeks after that, Johnny Walker approached me and said, Network Rail with different agents, different parties are going to start a compound, um, in the bottom right hand corner.

02:18:00:07 - 02:18:21:23

So this is all new. This is literally this week. I've got the photographs, and so the maps and the drainage are not even up to date. And that, uh, they'll call McCarran. Don't talk to Network Rail. Yeah. They just assume it's a statutory undertaking and they'll get what they want when they want it. So it's a hierarchy of my lawyers. Bigger than your lawyer.

02:18:21:25 - 02:18:46:15

Mr. Williams, I've asked the applicant team to make themselves available to you when we come off stream here for the court hearing. And I would urge you to sit and have a conversation with them offline. Um, and if obviously there's any more information you need to put into the examination, then continue to keep engaging with those written submissions. But I think we've gone as far as we can go on that point as a CA hearing. Um, today. Uh.

02:18:46:17 - 02:18:47:08

Thank you.

02:18:47:26 - 02:19:06:18

Now, we have unfortunately run out of time for me to get on to item four. And I did have a number of questions for the applicant. Um, on the back of what would have been another update from yourselves. Um, I need to clearly make sure I can fit into the agenda as one I can fit in. Um,

02:19:08:10 - 02:19:40:04

we will be revisiting, and I probably will put some of these questions that I would have had for you out in second written questions later this month. But undoubtedly we'll be back in September for another CA hearing. And certainly we've got the change request which will trigger potential CA hearing anyway. Um, I thank all of the participants in the room today. Appreciate how emotive this is. I really, really do. Um, I do hope negotiations do continue and they are productive without prejudice to your overall in principle positions.

02:19:40:06 - 02:20:10:14

The applicants are in the room. I realize they want some lunch as well, but now's the time to grab them while they're in the room. Um, if you have anything that you want to talk to them offline about, um, but I'm sincerely appreciative on behalf of my colleagues, um, for you all showing up today, if you wish to come again for a subsequent compulsory acquisition hearing, then obviously you are free to elect to make a representation to say that you would like to be heard at a subsequent hearing, um, speak to the case team about the process for doing that.

02:20:10:16 - 02:20:23:04

So I will now adjourn, close the compulsory acquisition hearing and adjourn for our lunch. The time is 110 and we're back for 2:00 for the open floor hearing. Thank you very much.