



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Lime Down Solar Project
Hearing:	Compulsory Acquisition Hearing 2 (CAH2) - Part 1
Date:	23 September 2026

Please note: This document is intended to assist Interested Parties.

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The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

FULL TRANSCRIPT (with timecode)

00:00:08:27 - 00:00:44:23

Good morning everyone, it's now nine point three zero and time this hearing for to begin. Can I just confirm everyone can hear me and that the live stream and recording has started? Okay, perfect. Welcome to this compulsory acquisition hearing two in relation to the Limedown Solar project. So I'm sure you're all well aware now. My name is Janine Laver. I've been appointed by the Secretary of State as the lead member of the panel to examine this application. My colleague, Mr Love on my left and Ben Northover on my right are also examining inspectors appointed to the panel.

00:00:45:07 - 00:01:10:23

So we therefore constitute the examining authority. Case manager at the back of the room is Louise Haraway and she's joined by Rebecca Quinlan. Please speak to those if you have any issues with how this hearing is run today, any issues with online connections. There are also some inspectors working back in Bristol for online participants to contact. Two non panel inspectors are also in the venue to watch the proceedings.

00:01:12:28 - 00:01:45:21

So for those of you who've attended these hearings already, you'll be familiar with the format. We just run through a little bit of housekeeping and introductions before we get into the substance of the topic. We're very much depleted in the room today. So I'm advised there are no planned fire drills. So should the alarm sound, we should take it seriously and leave the building. There are fire doors immediately behind the applicant's team to the left, on my left, and just outside the doors here to my right. There are also fire doors to the outside, and the muster point is the EV charging points in the car park.

00:01:46:27 - 00:02:26:08

Please keep all phones and devices set to silent. Just check my own now. That's a rookie error. So that we have less interruptions please. For those participating on teams, if you could keep your cameras off and stay muted until you were invited to speak, that would also minimize disruptions. If at any point you can't hear us or you wish to raise a point, please raise your hands in the room or virtually. A recording of the hearing is being made and will be published on the website. So with this in mind, regular participants are well aware of this, but when you speak, if you could introduce yourselves and who you're representing each time, that would help for people on the playback.

00:02:26:27 - 00:02:55:24

It's also important that you don't give any personal information away that you don't wish to be seen or heard in the public domain because the recording is retained for up to five years. If you have any questions please speak to Mrs Haraway. We will take a short break mid morning I imagine, but we must finish no later than one o'clock simply because we have a scheduled development consent hearing this afternoon which starts two. So coming to introductions I'll come to the applicant first please.

00:02:58:02 - 00:03:16:16

Good morning. My name is Claire Broderick. I'm a partner at Pinson Masons LLP solicitors for the applicant Linedown Solar Park Limited. Speakers today are all in attendance in the room. We don't have any virtual speakers today, so I'll let those who are likely to speak for the applicant introduce themselves.

00:03:18:01 - 00:03:27:05

Good morning. I am a senior project development manager at Island Green Power. On behalf of the applicant, am project lead for Lime Down Solar Park.

00:03:30:27 - 00:03:41:05

Good morning. I'm Robert Jones, Associate Director at Dalcon McLaren, Consultant Land Agents to Lime Down Solar Park Limited and Mr Jones will be fine. Thank you.

00:03:43:18 - 00:03:51:13

Good morning. B Hawker, associate Delca McLaren and acting on behalf of the applicant, Lime Down Solar Park. Miss Hawker is fine.

00:03:52:29 - 00:03:56:11

Sorry, did you say Hawker or Walker? Hawker.

00:04:00:21 - 00:04:09:01

Good morning. William Barrett, technical director at AECOM, environment lead for the Linedown Solar Project. Mister Barrett.

00:04:12:12 - 00:04:38:23

I'll come over to Miss Bueno from the council. I understand one of your colleagues is running late. Yes, Isabella Bueno for Wiltshire Council for the for the and hearing this morning, it's likely to just be me but I may be joined by others by this afternoon. Thank you. Okay, so I'll go to the other parties who I understand have registered to speak. Do we have mister Fernall online representing Mr and Mrs Evis?

00:04:39:15 - 00:04:44:25

Yes, good morning. Richard Fernell on behalf of Mr and Mrs Evis. Mr Fernell is fine.

00:04:46:01 - 00:04:51:20

Thank you. Mr Bailey, we have in the room. Do you want to introduce yourself, please?

00:04:51:22 - 00:05:01:29

John Bailey, representing myself. I have land involved in the cable route between Mindown A and D. John's fine.

00:05:05:15 - 00:05:08:23

Do we have Bridget Gregory online?

00:05:13:20 - 00:05:22:00

Hello, yes, I'm Bridget Gregory representing East Eastern Court Farm, trading under PT Gregory.

00:05:23:13 - 00:05:25:23

And would you prefer to be missus or miss?

00:05:27:29 - 00:05:29:03

Missus, thank you.

00:05:31:17 - 00:05:35:27

Do we have mister Lee for Greenergy Renewables online, please?

00:05:38:04 - 00:05:42:18

Yes. Yeah, I'm here. Mister Lee's fine. Yeah.

00:05:43:20 - 00:05:49:24

Thank you. Do we have Mrs Russell from National Highways?

00:05:51:15 - 00:06:17:06

Good morning. It's Julie Russell. I'm a solicitor at Gowling WLG. I'm representing National Highways. You can refer to me as missus Russell. Thank you. Thank you. Now we originally had registered mister Westmoreland Smith for National Gas Transmission but I understand they may have withdrawn from the CA hearing but I would just see if anyone's online for National Gas.

00:06:22:00 - 00:06:35:27

No, not seeing them there. Okay, so I'm not aware that any other affected persons in the room or online have registered, but are there any other affected persons who are wishing to speak that have a legal interest in land?

00:06:38:04 - 00:06:40:17

Yes. Somebody on? Yeah, Somebody online?

00:06:40:19 - 00:06:52:01

I'm Chris Wolfo. I'm representing the affected person who is Mr Angus Matthew Campbell and you can refer to me as Mr Wolfo, that's fine.

00:06:52:10 - 00:06:57:16

Sorry, could you just tell me how to say your surname again? It's quite sort of muffled in the room.

00:06:57:18 - 00:07:03:26

That's all right it's Wulfo and it's spelt Whiskey Alpha Lima Tango Hotel Oscar.

00:07:05:06 - 00:07:10:09

Tango Hotel Oscar, Waltho. Thank you. It's quite muffled in the room.

00:07:11:05 - 00:07:13:10

Okay, we'll try and do something about it.

00:07:19:15 - 00:07:25:27

Is there anybody else wishing to speak is online that that hasn't yet registered?

00:07:31:24 - 00:08:04:16

Nope? Okay, that will conclude the introductions. So this is the compulsory second acquisition hearing for this application and an agenda was published on the eighth of September. That was under examination library reference EV sixteen dash zero zero one. Obviously the main person of the main purpose of this hearing is to hear from persons affected by compulsory acquisition and temporary possession which we will most likely abbreviate throughout to CA and TP and want to get updates and summaries from the applicant in relation to the status of negotiations with various persons.

00:08:05:09 - 00:08:43:18

So we will be following the agenda although under agenda item three I understand that Doctor Peter Phillips who was due to speak is no longer attending. But obviously Mister Bailey is here to speak. Miss Gregory, Mister Lee and Mister Wald though. So we will be hearing from those parties. So let's get into the substantive part of the hearing which is item two and that's about the change request. So as stated in the agenda, the applicant will be invited to explain the extent, purpose, purpose and type of rights sought over the additional land which was plot zero four dash zero three six and the status of negotiations with those affected persons.

00:08:44:00 - 00:08:49:22

So Miss Broderick, it's over to your party please. Claire project the applicant, would it be useful if we

00:08:49:24 - 00:08:54:04

put the land plan on the screen so that people can see the plots we're Yes, talking that's fine.

00:08:58:09 - 00:09:25:19

Whilst we're waiting for that to come up, change one in the change application comprised a small extension to the order limits in order to facilitate an emergency access for the BES. This is access twenty one referred to in the outline CTMP, which is Rep six-forty one at Limedown D. If we just can zoom in a bit more on this one.

00:09:30:05 - 00:10:00:21

In order to facilitate this access, the extent of the order limits was increased. Plot forty thousand and thirty six, which already comprised part of the public highway, was increased from eighty three square meters to five twenty five square meters, so an increase of four forty two square meters. The rights being sought were the same, but just over a larger section of the public highway in order to facilitate that access.

00:10:01:22 - 00:10:14:06

In terms of discussions with landowners, the applicant already has an agreement with the owner of the adjacent land which is plot zero four dash zero three nine

00:10:15:28 - 00:10:50:00

To the extent that works are required to the highway to facilitate that access, that's being agreed with Wiltshire Council via the other mechanisms in the DCO, including the discharge of requirements relating to highway accesses and the protective provisions that apply to works to the highway. As far as the applicant is concerned, there are no additional voluntary agreements required as a result of the change application, that the order limits did need an extension in this location due to that increase in access width.

00:10:53:06 - 00:11:32:27

Okay, thank you. Miss Borono, does that reflect the situation for Wiltshire Council? Yes and so just to confirm that the the Wiltshire's identified only in respect to this plot as the highway authority. So, it's satisfied that there's no issue in relation to any freehold or sub subsole ownership from the council's perspective. It's interested only as local highway authority in respect of public highway bridge and verge. And any excise of order powers over this plot will be subject to the agreed local highway authority protective provisions including one of the consent mechanisms in paragraph one hundred fifty five.

00:11:35:02 - 00:11:46:13

Great. Thank you. I don't believe we've received any representations from any of those other parties, so I'm quite content to move on to gender item three if parties are happy with that.

00:11:48:27 - 00:12:04:05

Item three is site specific representations by affected parties. Now, obviously we had just run through the introductions of who's looking to speak today, but I understand we have a late joiner, a company called SolarCap, maybe online to speak.

00:12:11:04 - 00:12:12:27

Anybody from Solarcap?

00:12:16:19 - 00:12:18:27

Okay, well maybe I'll come back to them at the end.

00:12:21:17 - 00:12:28:11

So give me a second, I'm just receiving a Teams message from a colleague who may be giving me an update on SolarCap.

00:12:38:21 - 00:12:41:10

The Mr Grundy online?

00:12:41:24 - 00:12:43:10

Yeah, that's correct.

00:12:45:05 - 00:12:48:02

We don't to wish speak, we just want to listen.

00:12:51:03 - 00:12:55:20

Mr Gundy, we could see you flash slightly there on our teams at this end,

00:12:57:17 - 00:12:59:06

we can't see you or hear you.

00:12:59:11 - 00:13:04:12

We're here to be able to listen to what's taking place, not to speak.

00:13:04:24 - 00:13:47:25

Right, okay, no problem, thank you. Right, so I will move on to the affected other parties registered. So, I'll come to mister Fernall, then mister Bailey, miss Gregory, then mister Lee in that order. Please. So, mister Fernall, you represented your clients, mister and missus Evis at compulsory acquisition hearing number one, and the message we got was that the right sort across your client's land was excessively wide, and you specifically queried why all the rights overplot five, forty three and six dash one to six dash six, which provide construction access for lines and E necessary.

00:13:48:29 - 00:14:20:07

Now the applicant explained at that hearing that it was seeking permanent access rights across the land because it is preferable to repeatedly constructing and removing a track over the lifetime of the scheme. But I got the impression at issue specific hearing six last week from the applicant when we were talking about proposed works at Rodbourne that a permanent access track across the land was no longer being pursued. Obviously I would like some clarity on that in a moment. But I would welcome your latest summary of discussions and negotiations with the applicant.

00:14:21:00 - 00:14:31:02

In your deadline five submission which was Rep five one three eight, you stated voluntary negotiations were not progressing. So Mister Fernal, the floor is yours.

00:14:32:25 - 00:14:49:20

Yes, thank you. Richard Fernal on behalf of Miss from Missus Evis. Yeah, I'll keep it brief. Most of our representations have been covered in our written submissions and today's purpose is really just to put on record an update as to where negotiations are.

00:14:51:19 - 00:15:30:05

I think it's easy to say that we're we still remain frustrated. That the openness and lack of progress that there has been in voluntary conversations and negotiations until quite recently. I will acknowledge that there has been progress recently and we've received finally substantially more clarity around those access tracks and the permanent nature and temporary nature discussions continue but it yeah it's the overarching feeling I think remains frustration that this has taken almost two years to to have got to this position.

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But we will remain engaged with the applicants and continue

00:15:38:23 - 00:15:44:08

to negotiate the possibility of an agreement subject to the DCO.

00:15:46:00 - 00:15:53:16

I think the problem has been largely that we haven't been able to quantify all of the necessary rights and requirements and

00:15:55:18 - 00:16:25:29

the next bit will be trying to understand the wider implications to the farming business and the family as a whole and encourage the applicant to understand the arguments around that that we've been putting forward that this is simply not a a land rights matter in terms of the land taking the footprint. There are much wider implications across the farming business. So yeah in summary we we have been engaged. We will remain engaged.

00:16:27:02 - 00:17:01:01

We don't believe we're close to reaching a voluntary agreement but there has been progress in recent weeks. But as we see it in the context of the DCO, the compulsory acquisition tests have been not comprehensively satisfied. So, we still have concerns around that. I would raise one other new point and we'll expand on it slightly in our written submissions But just reviewing the funding statement and the detail in there.

00:17:01:20 - 00:17:38:16

There's been a few wider decisions and commentary in those decisions from the Secretary of State on other DCOs about the level of detail required in in funding statements and by applicants about the ability to meet the financial requirements associated with the compulsory acquisition powers. The funding statement does look quite thin on detail and there we've got concerns about how Macquarie etcetera on behalf of the relationship with IGP will ultimately fund the project if development consent orders granted and the compulsory acquisition rights are granted.

00:17:39:12 - 00:17:40:03

Thank you.

00:17:41:26 - 00:17:49:16

Thank you, mister Furnal. It's good to hear that your clients are negotiating still.

00:17:51:21 - 00:18:02:06

But somewhat worrisome that you don't think a voluntary agreement can be reached. So I will come to the applicant. For comment please.

00:18:04:06 - 00:18:04:21

Go ahead

00:18:04:23 - 00:18:19:19

project for the applicant. Just in relation to your first point around the status of the access track noting conversations that were had in other hearings. As you recall, the intention,

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an access track has been put through. Land in order to facilitate the construction of the solar panels and bring in the transformer for the substation.

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The intention originally was to keep that access track in situ

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so

00:18:43:19 - 00:19:14:18

when replacement activities were required or in the event of a transformer failure, which is considered to be highly unlikely, but in the event it did occur, that access track could be utilised for that.

Following discussions with the landowner and taking into account the landowner's strong preference for the physical access track to not remain there when it is not being used. The applicant has agreed to remove the physical access track. So take up the aggregate.

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Obviously we talked in the other hearings in terms of making sure the traffic movements associated with those activities are factored into the construction. Traffic movements and that's being done as part of the the update to the figures that has been requested or that was being discussed at the transport. Hearing. So a permanent property right is still required because we we need to be able to go on and and do those works but the applicant has agreed that it would physically remove the access track after it's finished using it and then in the event that replacement activities take place, it would reinstate that access track if it's needed.

00:20:00:05 - 00:20:42:12

Terms of what format that will take will probably depend on the nature of the activities, the type of vehicles, status of the ground, etcetera. So it may well need to be another track or there could be another engineering solution in thirty years time that is appropriate to use. And then when we come to decommission the site again, a form of access would be physically placed, of a physical access would be created. In order to ensure that access can be utilised in the event of a transformer failure, for example, the actual access point off the highway will remain, but it will be gated and only the landowners and the applicant would have access to that gate.

00:20:42:22 - 00:21:24:05

The access point itself won't be reinstated from the highway but it will be gated access to ensure security of the landholding. So that's part of the discussions that have been had with the landowner taking into account their strong preference not to that they don't have any use for that access track as part of their farming operations and therefore would prefer its removal. So that was just to give clarity on the status of the track. Just to be clear, because that ability to access is required throughout the lifetime, the applicant considers that it's still appropriate and justified to seek a permanent easement right of access over that that land.

00:21:24:07 - 00:21:28:05

We couldn't it's not a it couldn't be done by way of temporary possession powers.

00:21:29:28 - 00:22:18:20

I'll let mister Jones come in in a bit more detail in terms of the nature of the discussions. Obviously the applicant doesn't accept the suggestion that the compulsory acquisition tests have not been satisfied. The applicant needs in the absence of agreement the applicant does require both access and cabling rights across this land. As we explained at the last hearing, there are a number of factors that will determine the exact route of the cabling and access in this location and therefore whilst it is possible to discuss possible refinements through the voluntary agreements in the absence of a voluntary agreement, the applicant still requires the flexibility to micro site those elements of the project.

00:22:20:06 - 00:22:51:04

As Mr Fennel mentioned, in his view, agreement is some way off, unfortunately, so the applicant is unable to reduce the extent of the compulsory acquisition powers being sought in this location. We have answered a number of written questions in relation to the funding statement and how the applicant proposes to fund the project. We've mentioned a number of times that Ireland Green Power is in the process of building out West Burton and

00:22:53:02 - 00:23:26:03

is going through the process of obtaining the funding for that. So the applicant remains confident that funding will be available for this particular project and is therefore able to satisfy the Secretary of State in determining both the availability of funds to build the project and the also availability of funds to pay the compensation liability. I'll hand over to Mr Jones who can just provide an update on the discussions that have taken place.

00:23:29:08 - 00:24:16:21

Robert Jones on behalf of the applicant just wanted to pick up a couple of points in relation to the progression of negotiations noting Mister Fernell's point that it's taken two years to get to this position. For context, we're in a position or the applicant was in position in October twenty twenty five where KMT farming and consultancy were broadly happy with the heads of terms and in a position to recommend them to their client. Now, Mr Fernall became involved in the project when he joined KMT Farming and Consultancy in March of twenty twenty six and it was at that point that arguably negotiations started again and so whilst Mr Fernell may assert that it's taken two years to get to this position, we've only really been actively engaged in negotiating with Mr Fernell directly for six months.

00:24:17:00 - 00:24:53:18

The progress that he refers to has been has been good since the last compulsory acquisition hearing. We're now at a position where Mr Furnal has all of the information that he requires to complete his own detailed assessment of the rights that are being sought and the wider implications to the farming business. And so we wait to hear from Mr Fernell in that regard and we look forward to it and are committed to progressing heads of terms negotiations and ultimately getting signed signed documents with Mr and Mrs Evis.

00:24:53:25 - 00:25:28:02

In relation to the wider implications to the farming business, we have discussed those as part of our ongoing discussions and in a meeting recently held with Mr Fernall. Thus far, the applicant hasn't received anything in relation to those wider implications. However, the applicant has been clear on

needing to discuss more logistical and practical points such as crossing points and fencing specification to mitigate any potential losses to Mister and Missus Avis.

00:25:30:21 - 00:25:31:18

Okay, thank you.

00:25:33:17 - 00:25:39:24

Mister Furnal, did you want to make any comment on any of that?

00:25:40:23 - 00:25:47:05

Richard Furnal on behalf of Bister and Missus Evis. Sorry, my camera's disabled. I'll turn it back on.

00:25:48:27 - 00:26:07:22

Only really to say that it would be nice if Miss Bodrick had been involved in some of the conversations that we've had over the preceding years because she puts the position far more eloquently than I think we've heard it put to date which has been the sort of underlying problem I think in terms of assessing the impact.

00:26:09:20 - 00:26:17:15

We acknowledge that there's been recent clarity on the temporary treatment of the access tracks.

00:26:19:16 - 00:26:40:16

But I would ask the question as to how and if within the DCO documentation that can be captured or recorded because what was talked about just now was essentially something that sits outside the development consent order process and would be achieved through a contractual arrangement with ourselves.

00:26:42:02 - 00:26:56:13

And that would leave us open to further discussions. Is there a way that what they're suggesting has been acknowledged and amended as part of the application process is captured within the the DCO documentation itself.

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Thanks.

00:26:57:05 - 00:26:59:26

Is this in terms of taking away the permanent access?

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That was correct, yeah.

00:27:02:09 - 00:27:36:13

Yeah, we an issue specific hearing six last week, we which was the transport hearing. There were discussions and this is how it came up in relation to access to Robborn and in dealing with some concerns the council's team had about impacts on North Binkham Wood and and and access across to

Robborn. As I understand it that change is now captured in the outline management plans but clarity for Mr Furnal would be helpful from the applicant, please.

00:27:37:09 - 00:28:06:08

Claire Bojek for the applicant. Yes, we're in the process of updating the relevant plans to I think because there was a bit of confusion in terms of those plans, reflecting the updated position in terms of the actual access points but we can look to adding something to one of the management plans. May either the CTMP or the Kemp will have a look at which is the most appropriate place to put it in terms of confirming the removal at the end of construction of that particular access.

00:28:06:10 - 00:28:37:18

I think if that commitment is captured, it would be beneficial for Mr Furnal and his clients when you submit those documents at deadline seven that they are alerted to the relevant documents. But also if that commitment is captured then in the mitigation route map because obviously it would be it is a commitment and it could be caught there as well. So it could be in in three places. But then if Mister Fernall rather than him having to go through all the management plans to try to find it if he could be directed to that deadline seven.

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That would also be beneficial.

00:28:43:25 - 00:28:54:29

Mister Fernall, did you have anything further to add and only because I I I'm not going to be able to resolve in the room today the position for your clients. Richard

00:28:56:03 - 00:29:02:22

Furr, on behalf of Mr Reservious. No, that's brilliant. Thank you very much. I've taken up enough time and I appreciate the opportunity to speak.

00:29:02:24 - 00:29:37:16

Thank you. Much appreciated. So, Mr Bailey, I'm going to come to you now. Obviously, you have a legal interest in land which is next to the Evis's land. And this will be affected by the cabling corridor. Compulsory acquisition one, you were concerned about field drains, obviously passing through your fields. You were also concerned, as I understood it, that you were in some agri environment schemes and you weren't sure if you could apply.

00:29:38:01 - 00:30:07:15

If you did apply what implications would be if you then signed up to heads of terms and what implications they were. Now I understand that you made a submission yesterday I which believe my colleagues very quickly got published on the website but we haven't had an opportunity as well to through all of that submission but you're here and I don't want you to rush and I think we really want to hear where things are for you and any progress that's been made or what's outstanding.

00:30:07:17 - 00:30:20:17

Sorry, the submission I made yesterday, it's not an essay, it was really meant to be this notes for today, but it ran out too long so I thought if I submitted it, it was noted and I would only talk about a few points on it.

00:30:21:02 - 00:30:28:24

You are not limited to talking about a few points. We are here to hear your concerns, so please don't feel like you have got to rush, this is a very important issue for you.

00:30:31:02 - 00:31:04:17

The first thing I would like, in case I forget, the representative from Linedown stated that there was limited progress for Mr Rebus because they had only really engaged for six months. I have engaged from day one. Ms. Hawker attested that I met her at one of the very first open meetings and I have been open, I have signed all the documents, but I am still no more further forward than the evices. They still want sixty percent of my land.

00:31:07:26 - 00:31:38:26

Sorry, I just wanted in case I forgot that, but it was just it seemed odd she was using that as an excuse that it had shortened the time, but shortening the time, lengthening the time has made no difference to where I have ended up. Basically after the last meeting here, I was leaving the meeting by representatives of Dalko and McLean who having been chastised by you were keen to arrange a meeting.

00:31:40:05 - 00:31:42:07

That meeting

00:31:45:05 - 00:31:58:04

didn't take place for quite a while. Some of the reason was there was a dispute over the payment of my agent's fees. The problem with this having been on for two years is the allocated funds for my agent

00:31:59:19 - 00:32:14:25

has virtually been used up and he has told me privately that if he hadn't been acting for more than one client, he couldn't have considered doing it for the fees that are opening. But that caused a slight hiccup at the start. On

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the eleventh of August, they produced the heads of terms.

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On the seventeenth of August,

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we had a meeting at my agent's office to discuss the heads of terms.

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I was a bit disappointed in the heads of terms. It was very generic, it had a lot of inaccuracies and for a legal document that expected they me to sign and be bound by for sixty years,

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I thought it was a disgrace, really.

00:32:54:23 - 00:33:27:21

As I say, it still included sixty percent of my land. It included a clause for an access route across my land, but no map was provided to show that. Now, I was told by the agents that they didn't know anything about that and it was they didn't know why it was in the statement. I have subsequently found a mark showing that route and I don't know if they can I did ask earlier if they could find it?

00:33:35:00 - 00:33:37:07

It was the third one I asked for this morning.

00:33:37:09 - 00:33:42:10

This the plans which you asked this morning that could be shared? Give me a second I'll see if I can find it on the notes.

00:33:42:12 - 00:33:44:08

It's the indicative St Leo.

00:33:46:03 - 00:33:47:14

If it doesn't, it doesn't matter.

00:33:47:16 - 00:34:02:29

No, we'll take time. We will we'll ask the applicant's team to find plan, the indicative site layout plan. You referenced APP one hundred fifty, APP one hundred fifty three, and the indicative site layout plan. So, yes, we don't have a number for that but the applicant's team you'll be able to find it.

00:34:03:03 - 00:34:12:14

CloudWatch for the applicant. Yes, we're just going to find the most up to date version because it, they may have moved on since the, DCO application. Let's, well, you give us a moment, we'll just find it.

00:34:12:16 - 00:34:16:12

The last one in the site I found was June twenty six.

00:34:16:14 - 00:34:18:02

Yeah, let's just pause. Okay.

00:34:20:17 - 00:34:24:14

This the plan, does this reflect Mr Bailey what you've got in front of you in paper?

00:34:24:24 - 00:34:25:13

No.

00:34:26:22 - 00:34:29:04

Do you want to show that to the applicant's team?

00:34:30:02 - 00:34:37:08

Oh yes, sorry, it still shows, you can still see to the bottom GRIFFIN: right there is a dotted brown line.

00:34:37:10 - 00:34:43:15

Can we have the reference number from the exam library for that so that the XA can bring it up here as well?

00:34:43:17 - 00:34:50:29

well? And that dotted brown line on the index substation and base access track.

00:34:54:14 - 00:34:55:18

I think it has been whispered

00:34:55:20 - 00:34:58:00

to you, but Rep three-thirty

00:35:00:24 - 00:35:07:23

five. Same. Won't be able to see that with glasses on. So let me just bring it up through here.

00:35:10:29 - 00:35:17:27

So is this the brown and white striped land that your substation and best access track? I understand that now.

00:35:20:02 - 00:35:25:23

That was on the plan they submitted to you in June this year.

00:35:28:15 - 00:35:54:07

And I was worried that if I signed, although they didn't produce a mark, that that is possibly what I was signing up. Because it is obviously not the cable route because it shows right angle bends at the road and they have assured me they can't do right angle bends on the cable because I asked because I wanted them to try and reroute the cable slightly and I was told that no way could that happen because it couldn't do right angle bends.

00:35:58:26 - 00:36:12:26

It concerns me, I mean, the other thing is I haven't heard, when we had that meeting at my agent's office, they promised to come back by Friday, five days, four days away. That was three weeks ago.

00:36:15:22 - 00:36:23:22

I still haven't had a amended terms or any answers to any of the points that I raised at that meeting.

00:36:25:27 - 00:36:30:05

So I mean, I was trying to progress it. They don't seem to be.

00:36:30:29 - 00:36:37:04

Do you want to tell us about the points that you did raise because I want to get responses in the room today?

00:36:37:07 - 00:36:38:08

That

00:36:41:28 - 00:36:42:15

was one.

00:36:44:05 - 00:36:51:23

The fact that they are taking sixty percent of my land was one of the main ones because if you look at

00:36:53:14 - 00:36:54:13

APP

00:36:57:28 - 00:36:58:27

one hundred fifty three,

00:37:02:12 - 00:37:32:01

it shows that all the other cable routes are very narrowly defined. The only one that is not narrowly defined is the one that goes through Mr Evis and I. And when I raised that at the meeting, I was told, Oh well, if the plan doesn't go through, they don't want to spend money defining the route. So I have to suffer losing sixty percent of my land because they don't want to spend a day with a digger to make sure that they can define the cable route.

00:37:34:08 - 00:37:40:10

The other thing, I think there are four maps on that page

00:37:42:10 - 00:37:56:08

and that shows the cable route going further south. If you go to a map further up, that actually shows my land, you see the crosshatch there is virtually the only crosshatch bit on the whole cable route.

00:37:56:28 - 00:38:00:04

So this is between line down D and E? Yes.

00:38:12:05 - 00:38:36:28

In the heads of terms, they quoted a figure of four hundred and six point six three meters as the length of the cable, and that was the figure they used to calculate what the compensation would be. But they still say they don't have a cable route, so how can they come up with a figure so precise, down to six thirty centimeters, if they have no idea where the cable is going?

00:38:53:03 - 00:39:02:04

It just seems unfair that John and I had been really inconvenienced because they couldn't be bothered hiring the digger for a couple of days to find the site of the route.

00:39:07:29 - 00:39:10:14

Because that's I suspect all it would take.

00:39:12:16 - 00:39:24:16

And I mean, I would happily allow I told them I would happily allow for access that to happen. As I've told them all along, I would have allowed access for all the surveys,

00:39:26:14 - 00:39:28:19

everything that they've asked, all the maps.

00:39:34:26 - 00:39:53:04

The only slight concession they made in the present heads of terms is they took one field out, the smallest one. But if you look at the original map it was never included in it anyway so they virtually added it just to be able to take it away to give a concession.

00:39:58:28 - 00:39:59:15

I

00:40:03:05 - 00:40:09:17

just want to make sure they are not trying to set a railroad me into having a cable on the road

00:40:12:12 - 00:40:17:09

if you can show APP150,

00:40:20:12 - 00:40:27:18

it shows the access route to the site for solar and transformer infrastructure.

00:40:29:25 - 00:40:35:20

And that shows the solar infrastructure for coming

00:40:37:10 - 00:40:43:03

from the north during the A four twenty nine to the intersection between Mr

00:40:45:17 - 00:41:23:15

Evesy's fields. Then I presume they go to Linedown E through John's field and I was worried they were going to come to Lane Downey through my field. Because they can't go any further on that route because there is a low bridge, and if they come the other way, there is a low bridge on the other route. The only logical route would be through my land. I mean, I'm quite happy if they are prepared today to assure me that that is not their intention and that will never happen, provided they amend the map on your site and amend the heads of Thames to assure me of that.

00:41:25:08 - 00:41:30:07

If they don't come through me, it means they will need to come along the byway open to all traffic.

00:41:31:25 - 00:41:35:21

This is a track and

00:41:38:27 - 00:41:41:23

it's the only access to some of my fields.

00:41:43:25 - 00:42:13:04

If they are going to be bringing heavy construction along it, then it's going to affect my access in maybe critical times of cropping. The other thing about the boat is that it has a very old water pipe in it that goes from Corson to Hill Arlington. I'm not quite sure of the diameter, think it's probably between ten inches in the foot. But even tractor traffic

00:42:14:29 - 00:42:18:13

damaged that pipe at least twice a year. There are at least two bursts on it.

00:42:18:25 - 00:42:24:29

And where is it helpful on this plan to almost give us an indication on that?

00:42:25:03 - 00:42:27:13

If they blow them up back up.

00:42:27:15 - 00:42:29:05

Yeah, make it larger.

00:42:31:00 - 00:42:31:20

So

00:42:33:10 - 00:42:35:24

it's more difficult when you're not driving the mouse, isn't it?

00:42:36:14 - 00:42:41:27

No, it's okay. It's the red line from Hill Irvington Inn.

00:42:45:12 - 00:42:47:29

That lane there is the byway open to all

00:42:48:01 - 00:42:48:18

traffic. Okay.

00:42:55:11 - 00:42:59:25

Is firstly at Hill Uppington Crossroads but it goes under the railway bridge and it is

00:43:01:16 - 00:43:03:06

a thirteen foot railway bridge.

00:43:05:00 - 00:43:15:00

I'm not sure what height these transformers are but I'm told they are quite big structures. So I suspect they won't be able to go under that bridge.

00:43:24:14 - 00:43:33:29

I don't think there's any point in control. I'm hoping they will answer all the other points. What I'm basically looking for is this fairness.

00:43:37:00 - 00:43:41:12

I mean, are having a dramatic impact on me and my business,

00:43:45:08 - 00:43:49:13

And I would like the compensation to actually reflect the losses

00:43:50:28 - 00:43:58:07

and the impact over the sixty year period of the project. I mean they are putting a covenant on my deeds.

00:44:00:02 - 00:44:20:23

They are paying eighty percent of land valuation at today's value, but that takes no indication of any index linked payment. The other thing that suddenly appeared in the heads of terms was there's also a communication cable being added,

00:44:22:18 - 00:44:38:22

and there's no additional fee for that. The explanation being that it was no more pain to me, but my claim would be that if there's two cables, there's two chances of breakage, and a communication cable over sixty years

00:44:41:11 - 00:44:47:02

underground is likely to be problematic eventually.

00:44:52:12 - 00:45:18:02

As I say, I'm just trying to get something fair. So what I would like to do is I will happily sign a corridor that will allow them all the access they need to put their cable in, but will minimize my interaction with them. Because I've had interactions with utility companies in the past and

00:45:21:03 - 00:45:24:04

you are the one that has to prove the loss.

00:45:26:25 - 00:46:00:23

I would almost like a clause that there's an automatic payment of a lump, a certain sum, if there's any infringement to the heads of terms, but I'm sure that's not possible legally. I've told them I would

happily say if they accept a thirty meter corridor, and I would even allow a movable thirty meter corridor you know, until they decide where it is. But I don't know where I am.

00:46:00:25 - 00:46:01:22

I've heard nothing.

00:46:02:04 - 00:46:04:28

Yeah, I understand.

00:46:07:17 - 00:46:10:13

Obviously applicant the will respond to all of the points

00:46:12:11 - 00:46:50:14

but I think there's something that has always perplexed me and we have heard from the applicant about this through the examination about the flexibility of the scheme but something's always perplexed me is, is the scale between D and E of this hatched cable route where it's a bit of an unknown, particularly when you look at the twenty kilometer cable route down to Melksham, with the exception of where you to have cross the the main line rail which Miss Gregory will no doubt be coming to talk about where there's some uncertainty of the crossing there and obviously there's obviously how you cross the the M four and the other part of the main line between line down A and and D.

00:46:50:21 - 00:47:10:08

I've always been a bit perplexed why there isn't more refinement of this section between D and E which affects the Evises and Mister Bailey. So I'd like a very detailed response to Mr Bailey's concerns and obviously some commentary on that on my point about the the flexibility sought here.

00:47:11:24 - 00:47:12:29

Claire project for

00:47:13:01 - 00:47:19:28

the applicant. Happy to do that in terms of going through the various points. Obviously,

00:47:22:12 - 00:47:24:26

the applicant very much appreciates

00:47:27:02 - 00:47:51:18

particularly for smaller landowners, the implications of these projects can be very big and they can be very stressful, particularly because of the sheer volume of material that's out there and trying to understand what isn't being proposed on your land can sometimes be difficult to understand. The applicant has tried to explain what's happening here both in terms of

00:47:53:09 - 00:48:06:11

Mr Bailey's agent and in the meetings, but I think it's probably helpful if we maybe go through again just what's required here. So in terms of the and it links back to flexibility.

00:48:08:13 - 00:48:24:29

Mr Throful can provide a bit more detail if required. Through this area of land and same with EVS', these are interconnecting cables and also accesses for construction.

00:48:27:25 - 00:49:01:01

Width of the trench for the interconnecting cables is larger than that for the cable route corridor because you might have multiple cable trenches. That is part of the reason why a wider area is required in this location. You have a wider amount of cable trenching potentially required. We also have a number of different types of accesses. There is HTV access for construction, there is also access required for abnormal individual loads.

00:49:01:04 - 00:49:05:14

So the width of the construction access here

00:49:07:04 - 00:49:29:10

needs to be taken into account as well. Also the timings of the work in terms of when you need the access and when you're doing the cabling. We talked before a bit about trying to agree particular routings with the EVSs and this is linked to where we will then enter Mr Bailey's land. There is a degree of

00:49:31:16 - 00:49:35:09

interaction or dependency between one and the other.

00:49:37:28 - 00:49:52:19

Applicant needs to consider obviously what the preferences are of both landowners in terms of location through their land and try and make them meet in a particular place. We are trying to balance those sort of differing views.

00:49:52:29 - 00:49:59:26

Do we know if they're differing or are the ABCs and the Baileys talking together? Because I'm certain Well,

00:49:59:28 - 00:50:01:09

Well, it's different agents, but

00:50:01:14 - 00:50:03:02

certainly are quite interested in We

00:50:03:04 - 00:50:09:26

are not aware of each other's. Yeah. Could I just say you mentioned several cables. When had that suddenly appeared?

00:50:11:19 - 00:50:15:12

You said you needed a bigger width because there were several cables?

00:50:15:28 - 00:50:23:26

Mr Bailey, let's give the applicant a chance to fully respond and come back. I will come back to you.
Fair budget for

00:50:23:28 - 00:50:24:13
the applicant.

00:50:27:07 - 00:50:36:25
None of this has changed since the beginning of the DCO application, so I just want to make that point clear. What I'm saying, whilst maybe Mr Bailey was not clear,

00:50:40:10 - 00:51:44:19
hasn't changed since the DCU application, none of this is new information. Obviously it's very much noted if maybe a further explanation outside of the hearing might also be helpful. So that these are interconnecting cables between the sites rather than the four hundred kV cable that goes from Lyndon deep to Melksham. So the reason that's for the difference in, in in wits. So Mr Bailey obviously mentioned visually noting that it's a lot wider here than for the part of the cable route corridor that goes from line this four hundred KV substation to line down to Melksham substation, and I was just trying to explain that that's because that is, distinct one set of cable circuits, whereas here we've got, we're taking the electricity that has been generated in limesdown E and transmitting that to the substation in limesdown D and then obviously it's all being brought together in limesdown D to then go down to Melksham substation.

00:51:46:05 - 00:52:12:28
So in terms of flexibility, those are the reasons why the applicant sought flexibility here. Conversations have been had with both EVS' and Mr Bailey in terms of trying to reduce the area over which that flexibility may be required down a bit further as part of the voluntary negotiations.

00:52:16:06 - 00:52:48:16
In terms of the communications cable, all high voltage electricity cables have a cable which is designed to monitor the performance of that cable, so it's not a separate communications cable that you would think of in terms of provision of broadband or a telephone service. It's not an independent, it is part of the infrastructure that's required and it monitors the performance of the electricity cables, it's not considered to be a separate

00:52:50:28 - 00:52:53:12
standalone piece of apparatus.

00:52:58:25 - 00:53:20:06
What we're talking here is about sort of obviously there's the construction access and the need to put in place a separate construction access and for all the reasons that Mr Bailey mentioned, the applicant considers it's appropriate to build a new construction access and not use the existing access road as that's not suitable for construction access.

00:53:22:08 - 00:53:39:11

My understanding is that routine maintenance activities, so where somebody is just travelling in a van to inspect the site and obviously it's a byway open toll traffic, so an individual vehicle could go for maintenance activities up the boat.

00:53:42:00 - 00:53:47:28

If helpful, Mr Jones can provide a bit more detail, we just wanted to

00:53:49:13 - 00:53:56:00

explain. I appreciate this is probably very frustrating for Mr Bailey as he hasn't had the information, but as is typical,

00:53:57:18 - 00:54:06:27

the applicant's agents have responded directly to Mr Bailey's agent as you would expect to. After that meeting So did that happen in the five days

00:54:06:29 - 00:54:08:24

that was requested? Yes.

00:54:08:26 - 00:54:39:15

That's my understanding. The applicant went back to Mr Bailey's agent on the twenty seventh of August, which was two days after the meeting, with responses to the queries that were raised. Then some alternative wording was discussed between the applicant agent and the landowner's agent on the ninth of September and then the applicant updated the heads of terms in response to that discussion and issued them on the same day.

00:54:40:04 - 00:54:54:22

It's obviously unfortunate that it sounds like Mr Baillie hasn't had any communications from his land agent since that meeting. You can only apologise that Mr Baillie has found himself in a situation where he feels like no progress has been made.

00:54:54:24 - 00:55:11:29

Yeah. Mr Bailey, before I come to you, just have another question for the applicant. In terms of the the interconnect cables, and this communications cable, are they all to be put in the same trench or are there different trenches dug across different parts of the land? So are they grouped together or are they spread?

00:55:13:12 - 00:55:50:23

Will throw for the applicant. Just before I answer that I would like to just acknowledge that there is quite a lot of electrical design optioneering in this location in particular, especially when you consider the highway. So I can completely understand why Mr Bailey is finding it hard to understand why we need this flexibility. I think the major difference here between this land in particular across these two landowners and also the cable route corridor is that the cable route corridor is a single circuit four hundred kV cable in most locations, except for where we've got more complex installation techniques.

00:55:51:21 - 00:56:04:25

So it is a one point seven metre trench, for example, there's very little variables in that. So it's a little easier to confirm a trench width or a working area in particular. In this area, mean, Ms. Broderick has covered

00:56:07:22 - 00:56:38:20

quite well, I think, but at a high level without going into the detail, is an awful lot going on here. To answer your question, we want to retain the flexibility to have a one hundred thirty two kV substation in Linedown E6. So if we were to place that trans if we were to use that as a substation as we're considering its worst case scenario, that would be a single one hundred thirty two cable could take all of the power from Limestone E back through to Limestone D, at which point we would have a single trench.

00:56:38:27 - 00:57:20:04

I think it is one point seven meters for that. We talk about interconnecting cables being one hundred twenty seven meters. I think that one point seven versus one point seven has caused confusion down the line, but those are the defined parameters. That up to seven meter trench can accommodate a number of thirty three kV circuits. So if we were not to utilize, because of the distances involved, it's quite borderline. The longer the distance, the more obvious it would be that a higher voltage cable would be needed. Because we can feasibly bring the MW from Lime Down E through into Lime Down D without potentially using a one hundred thirty two cable.

00:57:20:18 - 00:57:52:09

I think we've estimated that two to three thirty three kV circuits may be needed to come through this land, which widens the width of the trench to a point. But it doesn't increase the working area or the easement area or the impact on the land in that sense, because you still need the installation road to do it. When you factor in the highway at this point where we need to cross, that again, we need flexibility to be able to work out where the cable goes, the access points in this location.

00:57:52:11 - 00:58:32:05

So the one that potentially would reach Mr. Bailey's land going north from the A four twenty nine to Linedown D. That would need to be staggered against the one that comes down south through the Ibisland down to Linedown E for example. So, you'd need that distance. The intention or the or the best practice will be to try and lay any access route almost like a haul road as it would be in these locations could be coming out alongside where the cabling goes in so you do minimize the impact. Where we're near the road, there may have to be some sort of because cables will be going straight across the road, I forget the word, whereas the access roads obviously would need to be slightly separate.

00:58:32:08 - 00:58:35:18

We would look to join those to minimize the land impact.

00:58:37:21 - 00:59:12:07

That's probably as far as explanation as I can go. We also have the option to bring for a substation in D18, which is the kind of, we call it a square field because it's the squarrest field on the site, but it's the bit that just drops out there. That again could act as a substation there. And again, we would think about taking the thirty three kilobytes cables from Limestone E into that one. And then we could

capture as that well as maybe parts of line down D into a one hundred thirty two circuit, which then goes west towards the main substation.

00:59:13:06 - 00:59:57:05

There's quite a degree of flexibility. It is defined in part by distances and also the megawatt and the MVA rating of kind of the of Limestone E for example. If we had far more power within Limestone E, we would have to we certainly be more likely to use the one hundred thirty two kV substation. Obviously, we're going with the worst case and the one hundred thirty two substations could be used in all locations, but there's an awful lot of variability in electrical design. This is what we're trying to define as our worst case parameters, confirming that potentially, yes, there could be an AIL movement that takes a substation into Mr Bailey's land in line down D, and also there would be one in line down E using the route that's been defined and avoiding the bridge that I think Mr Bailey has mentioned.

00:59:57:07 - 01:00:09:24

Mr Bailey, is this all this of new to you, this information, or is this information so so you so this explanation which mister Tralfle's just provided to us, is this the first time you've heard it in those terms?

01:00:27:04 - 01:00:47:24

He said that he might need a second route, second access risk for health precaution. At that time I said, you know, if you let me know where you want it then, I'll be about it. But then, that was when they changed the battery.

01:00:47:26 - 01:00:50:22

Mr Bailey, could you put your mic on because we're not on?

01:00:51:23 - 01:00:54:03

We are showing red. Sorry.

01:00:54:20 - 01:01:01:11

Go ahead. Could you go back again and say that again? Was also busy trying to get some power to my laptop, so sincere apologies.

01:01:01:13 - 01:01:02:15

No, it's okay.

01:01:07:16 - 01:01:09:04

All of this, I mean the

01:01:11:25 - 01:01:13:06

access track

01:01:15:18 - 01:01:26:15

has never been talked about apart from early on when the transformer site was going to be a battery site and they needed a second exit for fire,

01:01:28:03 - 01:01:37:15

because apparently you need for battery site, she needs two ways in. And I presume that's why in the end they changed it to transformer site rather than the battery site.

01:01:39:25 - 01:01:43:05

With the heads of terms they produced,

01:01:45:13 - 01:01:50:08

they didn't produce a map, That was the map they produced with the heads of terms.

01:01:51:26 - 01:02:03:00

And I think because they're seeking flexibility across all of that land, think at this point in time are unclear as to where those cables need to be cited and the access.

01:02:03:02 - 01:02:19:27

No map of the possible, even suggestion that they were going to put a road in. And the road is going across different fields. It's actually gone across on that map a field that they have actually taken out of the heads of thefts.

01:02:19:29 - 01:02:45:22

I think Mr Bailey, maybe your conversations with Dalpaul McLaren through your agent have been maybe to some extent quite legalistic, and I think it would be beneficial if you were to have a discussion with Mr Threlfall about some of this information. Just possibly to put some more facts, some meat around the bones of this, because I think what I just got from Mr Telford was quite helpful.

01:02:46:28 - 01:02:54:23

Certainly doesn't resist. No time has anybody ever mentioned any of that. The gentleman has never even spoken to me.

01:02:54:25 - 01:02:56:14

I think maybe some of this anxiety

01:02:58:04 - 01:03:14:24

may be able to be simmered a little bit if Mr Bailey just had some meat on the bones. But Mr Bailey, before I just want to come back to you, Mr. Fernal's got his hand raised and given his hand connected to yours, I think it's very beneficial to bring Mr. Fernal in at this point as well.

01:03:16:12 - 01:03:58:04

Thank you. Yes, Richard Fernal on behalf of Mr and Mrs. Evis. Yeah, I'd just like to underline that, you know, without any element of collusion between ourselves and mister Bailey, it seems as though we've we've all had a very similar experience from the applicant thus far And with specific reference to your question about is this information helpful that you put to Mr Bailey. Mr Threlford's information is extremely helpful and I think it underlines the point of frustration I made earlier that we've been having these conversations for a significant period of time despite the attenuations Mister Jones has made and it's taken compulsory acquisition hearing too to get this level of meat on the bones.

01:03:58:18 - 01:04:18:17

I think that just makes the point we've been trying to illustrate from the outset that we're open to the conversations. We don't understand what's being presented to us and and we welcome the opportunity I think to go through things at this level of detail with Mr Threlfall so that we can frame what's on the table in front of us.

01:04:18:19 - 01:04:56:18

Yeah, I think that's quite pressing. Mr Threlfall, I'm going to have to throw you an action to have a meeting within the next week with these parties because I think the way that you explained it, which was certainly helpful to us, there's probably more information in your head which could be very helpful to them. And given that you're trying to seek voluntary agreements, I think rather than continue to persist between land agents and legalistic speak, it's helpful to speak to the land agents and the clients with your knowledge of how the project would be taken forward as opposed to a

01:04:58:13 - 01:05:00:28

agent's understanding of this.

01:05:01:10 - 01:05:13:12

It will throw for for the applicant. Yes, I absolutely agree that that's what we should do. I I will say this in the defence of us as a team. There's been a lot of information shared that I've provided information on email. It's not the same as

01:05:13:14 - 01:05:14:11

humans in person.

01:05:14:13 - 01:05:28:07

And I note that point exactly, but this information has, as I understand, gone through the team and we do meet regularly to speak about the details of this. So I have every faith that the agents that we have representing us have this information.

01:05:28:09 - 01:05:51:15

Yeah, I'm not, I don't mean to bridge criticism to doubtful McLaren, but you are a project manager and understand how this project will be developed as opposed to somebody trying to agree land agreements and compulsory acquisition compensation packages. So your knowledge that you have coming out of orally from your from your head and your mouth would be very beneficial to these parties.

01:05:51:20 - 01:05:54:01

We'll throw up the applicant and that I do agree with you.

01:05:54:03 - 01:05:56:28

Yes, thank you. Mr Baillie, will come back to you.

01:05:57:24 - 01:06:07:00

Could I just give an update on maligning my agents lately? I got an email from my agent on the ninth

01:06:08:29 - 01:06:41:00

of September, which was a forwarded email from Delco and McLamb. I'll read the paragraph. In relation to Mr Bailey, we have updated the heads of terms. However, the option plan amendments are still being worked on. As you can appreciate, a change in plan is not always a quick fix. It will impact multiple parts of the route where Mr Bailey is situated. We are trying to work to a solution and I will get back to you as soon as possible. But no amended heads of terms were included in that email.

01:06:42:14 - 01:06:48:16

Mean my agent forward me that but they said he was still waiting on the conclusion.

01:06:48:23 - 01:07:13:16

Mr Bailey, I have heard loud and clear. No, not at all. I don't mean to diminish your submissions, your frustration. I have heard it. The applicant has heard it. There will be an action for Mr Truffle to make contact immediately after the end of these hearings. We obviously have another development consent order hearing to to be undertaken this afternoon and possibly into tomorrow so that.

01:07:13:18 - 01:07:14:03

Yeah, absolutely.

01:07:14:05 - 01:07:26:23

I can't say mister Truffle can be in two places at once. But the applicant is aware that they need to speak to you with the person with the knowledge and not just coming from land acquisition position.

01:07:26:25 - 01:07:32:11

Why has it taken them two years to tell us there's multiple cables and access route?

01:07:32:18 - 01:07:45:06

I think that's a conversation that you can have outside of this when you meet with Mr Stuffel. And Mr Furnal, similarly, Stuffel is well aware that you're also to be party to a conversation.

01:07:46:27 - 01:07:47:12

I'm happy to

01:07:47:14 - 01:08:05:23

help Whether that's all collectively or because it's obviously two different landowners, whether it's separately, that's something that you can discuss together outside of the hearing. Is that okay, Mr Threlfall? Yeah, I'm getting a nod. Mr Bailey, is there anything else you wanted to

01:08:06:05 - 01:08:06:20

sorry, I'll

01:08:06:22 - 01:08:07:26

take off enough of your time.

01:08:07:28 - 01:08:42:27

Thank you. Just wanted, however, just to give you an update in case you weren't aware. From the last hearing where we talked quite extensively about drainage. The examining authority did issues some questions to the applicant about how they were intending to deal with drainage on agricultural land. And I think that that what we were taking from those submissions that we heard was it's down the line. It could be two, three years, could be five years before you realise that the drainage that had been affected or or or put in place reinstated would create problems.

01:08:42:29 - 01:09:13:17

And the applicant did undertake some changes to some of the management plans. And I'm looking specifically at section three point six of the operational environmental management plan and section three point six of the outlined construction environmental management plan. I'm wondering if I can just get the reference numbers for those. I don't have them on my screen. the But applicant has undertaken some commitments within those two sections. Three. Six of those two documents.

01:09:14:18 - 01:09:39:24

Where they're a little bit more specific about how they would deal with drainage and drainage issues through construction after reinstatement and through the operational period. Should they should implications arise. So just wanted to assure you that we took the forward the comments the applicant has has made some further commitments. And it's worthwhile you taking a look at those two documents. Let me just see

01:09:39:26 - 01:09:55:16

if I can just get the the library reference numbers. Claire Project the applicant in respect of the construction outline environmental management plan that's Rep six dash zero two nine. And we'll just get the operational one as well.

01:09:55:25 - 01:10:03:22

William Barrett for the applicant. The outline operational environmental management plan is Rep six zero three one.

01:10:03:24 - 01:10:30:24

Thank you. So for any party, Mister Fernall is still on the call, Mister Bailey, and any other party who was at that previous compulsory acquisition hearing who raised drainage and maybe listening back on this recording, it may benefit you to take a look at those extra commitments that were put into section three point six. They're in the tabulated form, but there are some bullet points within there, which gives some extra reassurance how how drainage would be dealt with.

01:10:32:19 - 01:10:41:26

Okay, Mr. Benning, I'm going to move on to my next party if that's okay. So I'd like to invite Mrs. Gregory

01:10:44:20 - 01:11:19:22

onto the the screen. If Mrs Gregory is still there. Yep, I can see you've popped up. Mrs Gregory, you know, understand that you're tenant farmer on the Corsham Estate and we have mister Walso obviously representing the the mister Campbell who I believe is also the landowner of the Corsham

Estate. So, we will come to them later but the cable route I think would run through your land and you're concerned particularly about the impacts on a new slurry lagoon slurry lagoon which you need to install to continue dairy farming.

01:11:19:24 - 01:11:42:07

That's what I understood from your representation. But I think there was another concern that I understood was that as a tenant farmer, obviously no negotiations have happened with yourself because they're all happening with the landowner. But the applicant has at some point said they were open to a tripartite discussion if the landowner were willing to agree to that. Now

01:11:43:27 - 01:11:48:14

Mister Waldo, it might just be helpful. Miss Gregory, don't you are my next speaker but

01:11:50:21 - 01:12:02:05

Mr Waltho might be able to comment shortly about whether that has moved on a little bit. So Mrs Gregory I'll hand you the floor so that you can take us through issues.

01:12:04:17 - 01:12:24:09

Okay so the tenanted land parcels that we farm through which the cable route would pass are recorded. I think the examination library document ref is EN ten thousand one hundred sixty eight-sixteen forty six-one. I think that's a submission I made

01:12:26:14 - 01:12:34:05

which superimposes on the order of works the land and the land use that we farm.

01:12:34:07 - 01:12:38:24

Is there anyone in the African Steam who could just use the mouse and show us?

01:12:41:05 - 01:12:42:25

Claire Pottschek, think, yeah, if we can just zoom in

01:12:42:27 - 01:12:45:14

so we can Because we see definitely can't see the numbers. No, can't. Okay.

01:12:45:26 - 01:12:51:12

Yes. We can zoom in a bit more and then we just do it a bit more then so we can see the actual plot numbers.

01:12:55:23 - 01:12:57:18

I don't know if you can make it a little bit larger.

01:13:01:11 - 01:13:08:20

Need to go further south I think. The cable route is going through our land there but the main area of Kinsitke going south.

01:13:12:18 - 01:13:22:08

So here is here. Okay so we live at Eastern Court Farm which is on the west and

01:13:24:01 - 01:13:32:23

on the edge of our buildings you'll see on the eastern edge of our buildings there is a muck store and we are going to have

01:13:34:28 - 01:14:13:01

developments to our slurry system which will involve a pipeline from some reception tanks just to the north of that muck store and they will go straight down east to that field. The slurry lagoon will be built on the eastern edge of the field. So if you move the mouse right, just directly right, yeah so the pipe will go keep going, keep going, and the slurry lagoon will be sited there. Okay so in one of my submissions if you look under Bridget Gregory in the examination library I've actually put a map of the Slowly Lagoon superimposed onto this.

01:14:13:03 - 01:14:13:18

So

01:14:20:15 - 01:15:13:09

So in order to continue and comply with the Statutory Farming Rules for Water we have to have this slurry lagoon and without it we won't be able to continue. We've had the planning permission, full planning permission, since May twenty twenty five with a discharge of a leak detection system that was discharged in July twenty twenty five. And I registered my concerns about this the cable route going perpendicularly across our pipe and also possibly over the actual slurry lagoon right in the very initial surveys that were sent out to us as affected parties and never heard anything.

01:15:13:23 - 01:15:44:20

So there was no response. So following our instructions to a professional agent, recently this July, to act on our behalf regarding the proposed cable route construction, a meeting was held at the farm on August twentieth this year between the applicant's agents, our agent, the landlord's representative Mr Walthough and ourselves. And during the meeting we all walked through the farmstead and the adjoining field where the Slowly Lagoon is to be built.

01:15:45:04 - 01:16:25:23

And in a field of a total length of around two hundred meters from the farmstead to the eastern hedge, the Slowly Lagoon has dimensions eighty of three point five meters by sixty eight point five meters by four meters depth with a five meter maintenance buffer zone from the hedge. So our concern therefore is that with a working width of fifty meters required for the cable construction, routing it through this field may mean we're unable to farm it. Access to the lagoon will be required for construction which will need to commence before May twenty twenty eight when our planning permission would expire if we haven't started it.

01:16:26:19 - 01:17:03:14

Maintenance of the lagoon and the spreading of its contents which we're now going to be restricted to between March and September. So at the meeting site photographs were taken by the applicant's agents and the positions of existing water troughs and gates in our surrounding grazing fields through

which the cable route would also pass were documented. So vague suggestions of additional fencing, gating tracks and water troughs to allow animals to continue to graze around the cable works were aired by the applicant's agents, but to date

01:17:06:02 - 01:17:55:26

we haven't heard anything since the meeting and so we don't know what's planned there. So we're concerned that the continued cable route construction through our close grazing grounds beyond this slurry lagoon area would restrict our ability to graze the cattle, and they have to come in to the farmstead to be milked twice a day, and we have young stock grazing all around there sort of through the north bit and the south bit. So the large area of the order limits around our farm and that of our neighbour, which Mr Walther will refer to, was said to be required at the time because of the as yet undefined proposed cable route continuation under the nearby main London to Bristol railway line.

01:17:56:15 - 01:18:01:05

So the applicant's agents did not ask to view the rest of the land that we farm

01:18:03:00 - 01:18:13:02

that would be affected by the cable route, It continues for about a couple of miles that as you travel north that also goes through all of our land.

01:18:14:29 - 01:18:33:23

Further to the meeting we haven't, as I said, we've not received any follow-up communication from the applicant's agents and so therefore there is no progress on how the applicant plans to minimise the impact of the cable construction through our farm. In any other industry the building of this would be termed constructive dismissal.

01:18:36:18 - 01:18:39:20

Thank you Mrs Gregory.

01:18:42:14 - 01:18:46:26

Is it okay if I come to the applicant for response at this point? Thank you.

01:19:01:29 - 01:19:36:01

Applicant. Yes, so my understanding is that having reviewed the proposals here in terms of the specific with the slurry lagoon pipe and the connecting the slurry lagoon itself and the connecting pipe. The applicant is confident that the cable works can coexist with that. The nature of that coexistence will depend on obviously the timing of when we come to do our cable installation works and when this infrastructure is built out in respect of the slurry lagoon.

01:19:36:03 - 01:20:20:26

But obviously we do interact with lots of pipes and cables along the length of this cable route and so it will there was an engineering solution in terms of how we would cross the any separation distance that might be required between the pipe for the slurry lagoon and our cabling etcetera. So the applicants are confident that the cable won't prevent the operation or construction of this slurry lagoon. Obviously, if the parties are seeking to do their construction works at the same time, there

may need to be more complicated construction cooperation agreement entered into to the extent that you have two construction teams working on the same piece of land at the same time.

01:20:21:23 - 01:20:28:17

Obviously the applicant will continue to liaise to make sure to the extent possible the timings of those works

01:20:30:12 - 01:20:31:18

don't overlap.

01:20:33:13 - 01:21:04:01

Mr Jones can provide an update on the status of the voluntary agreements. As has been noted before, we have a large degree of flexibility in this area because we haven't yet confirmed with Network Rail the exact location of the point of the crossing of the railway. Depending on where we cross the railway, whether it's to the, I don't know if they're able to go slightly further south on the plans. Obviously there are a number of buildings that have been excluded for the order limits.

01:21:04:03 - 01:21:21:08

At the moment we are able to go either to the east or the west in order to cross the railway there. Until the exact location of the railway crossing has been confirmed with network rail, we're not able to provide any more specificity as to the routing of the cabling

01:21:23:05 - 01:21:30:11

those plots. But yes, as I said, it can coexist with the proposed works for the Slower Lagoon.

01:21:34:26 - 01:21:45:06

Can I just check? So fourteen zero zero one is the field for the slurry slurry lagoon. I have real trouble getting my tongue around that.

01:21:47:11 - 01:21:52:09

Then immediately adjacent is fourteen dash zero zero four.

01:21:57:25 - 01:22:07:29

I'm not certain that is part of missus Gregory's ownership. I wonder if missus Gregory I haven't got the book of reference in front of me. The applicant may know.

01:22:10:11 - 01:22:19:09

No, Mr Walther will be able to we don't own the land, we're tenanted farmers. That field is farmed by our neighbour.

01:22:19:12 - 01:22:20:01

Mr Walther

01:22:20:03 - 01:22:20:20

will probably

01:22:21:10 - 01:22:23:02

answer that. So,

01:22:25:02 - 01:22:34:16

Ms Broderick has suggested that you know there is coexistence, confidence, but presumably there's not confidence on your end so don't

01:22:35:02 - 01:22:43:11

Well there's no specifics. I mean at the meeting that we had, it was all obviously

01:22:45:09 - 01:23:24:16

the applicant's agents have never looked at anything I've sent them, I've never had a reply from when I've emailed them and it was like this was a totally new issue for them and it was like, because there's a stream you can see at the bottom of the parcel one, and it was oh well maybe we'll dig under here, a tunnel under here, and maybe we'll to dig a tunnel under the lagoon. And it was all just sort of like playing a game, know, and no serious I mean it's like Ms Broderick has just said, we're confident that we can.

01:23:24:18 - 01:23:40:14

How? There's no specifics. How are you actually going to do this? And you haven't got the route to find through there so how on earth do you know? You can't be confident that you know what you're going to do if you haven't got the route to find.

01:23:42:12 - 01:23:53:28

Yeah. Ms Broderick, I think there's a fair sense of frustration there and obviously a lack of certainty. So how can you be confident? I mean really?

01:23:57:17 - 01:24:01:03

What other reassurances could be given to Mrs Gregory that

01:24:02:21 - 01:24:04:13

can properly reassure her?

01:24:07:08 - 01:24:46:24

Claire Brogie of the Apkin. In terms of the crossing of the water pipe, we can be very confident because we are crossing many other apparatus that is similar both private water pipes and water pipes that are owned by statutory undertakers. So there is an established crossing methodology that's utilised for cables of this nature in terms of crossing apparatus belonging to other types of apparatus. So I think it's fair to say that we can be very confident in terms of the crossing methodology for the water pipe. I think there was a separate question in terms of is there space, I suppose, I think is the question being asked here, in terms of if the slurry lagoon is constructed.

01:24:46:26 - 01:25:19:27

If there is a smaller gap than fifty metres, how would we carry out the construction in location in order to have space suppose between the Salarah Lagoon if it's been built at that point in time and and

the edge the western edge of the order limits here. As we mentioned before but obviously fifty meters is the is the wider route. It's typically twenty five meters that is the working width. There are certain instances where we may need to

01:25:21:20 - 01:26:12:05

make the working width smaller in a particular location and that happens where you're trying to route through other constraints such as existing trees or other types of constraints along the route.

Depending on the length of the constraint, are lots of different working methodologies that you can put in place in order to have a narrower than twenty five metre working width. It sounds as if, don't know if Mr Drathal has got any more information but it may be that we can provide a diagram to show that there is sufficient working width in this location to carry out the works that might assist with giving some confidence to the tenant farmers here that me saying that they can coexist is supported by some sort of engineering drawing.

01:26:12:07 - 01:26:12:26

Yeah.

01:26:12:29 - 01:26:15:01

Mr Tralfour, you've been thrown a bone.

01:26:18:02 - 01:26:23:12

Is there such a plan that could provide Mrs Gregory with some more confidence?

01:26:23:24 - 01:26:47:06

We'll throw off for the applicant. Yes, I'm sure we could find something like that. It is a very normal thing to have water pipes interact with electrical cables. I would just have to find the diagram most relevant to this situation. I understand we've got the buried depths within the planning application for the Sloughy Lagoon, we could engineer a drawing if we needed to, to show how that would work.

01:26:47:08 - 01:26:48:19

How quickly could you turn that around?

01:26:50:23 - 01:26:51:13

No pressure.

01:26:51:15 - 01:26:52:23

For deadline seven.

01:26:52:25 - 01:27:14:11

Okay. Mrs Gregory, deadline seven is next Friday. The applicant suggests they could turn around a drawing which may be able to assist in your discussions? I'm assuming you would be open to receiving such a drawing to advance the conversation.

01:27:14:25 - 01:27:18:06

Yes, I mean they can send a drawing,

01:27:20:11 - 01:27:42:13

but the conversation is still centering around the pipe, but that blue shaded area that they want to, that they are talking about compulsory acquisition, is also encompassing the actual slurry lagoon area. So I'm not so concerned about the pipe, obviously that's a relatively minor thing. It

01:27:43:06 - 01:27:47:15

you don't want to construct the lagoon and then find that actually it comes through Well the no,

01:27:47:17 - 01:27:53:18

as I've said, it's a two hundred and forty thousand pound project. We're applying for

01:27:55:06 - 01:28:37:16

government grant which would cover fifty percent of it. But this is a major investment project for us, and we don't really want to have to be constructing two of lots constructions going on. And there's the total uncertainty of should we start it? Shouldn't we start it? But we'll have to start it by May twenty twenty eight. And it's very unsettling. And as I said, it's not the pipe per se but as you can see with all this blue shaded area and someone else has said you can't turn, the cable can't turn right angles so you know they've got all this shaded area that they might take, including the area of the lagoon.

01:28:37:18 - 01:28:44:02

And then if they want to have power over that and we need to access it, it's a muddle to be honest.

01:28:44:22 - 01:28:50:12

Yeah, no I understand. I don't think we're going to bottom it out at this meeting.

01:28:50:14 - 01:29:04:06

Well they should have contacted us soon. My main point is I threw this up at the very first surveys that we had to fill in to confirm that we had an interest in the land and it was never been picked up.

01:29:04:28 - 01:29:13:20

Yeah, no I'm fully understanding your frustration. I heard very similar things from Mr Bailey saying that you know he'd engaged from the very beginning and it is frustrating

01:29:16:09 - 01:29:28:15

that lots of this information seems to only be coming to light and fully discussed at these hearings when there's limited time in an examination to bottom them out.

01:29:31:06 - 01:30:01:10

That dialogue needs to continue, but I do appreciate from the applicant's perspective they do need some flexibility here. They haven't fully surveyed. They do have a major statutory undertaker they have to work with in network rail, and I will be asking the applicant on where those discussions are with network rail. But I have heard your your position Missus Gregory and I'm hoping that the applicant after this meeting will be able to furnish you with some further assurances. Thank you.

01:30:02:08 - 01:30:04:13

Mr Thraful, you had your hand raised.

01:30:04:23 - 01:30:41:26

We'll throw for the applicant. Before you ask me again, I'd be more than happy to have a meeting with Mrs Gregory just to discuss the optionality, the likelihood of the slurry. I mean, there's a segue obviously here to network rail, but the field to the East Air fourteen thousand and four, for example, that would only be needed if we were to use the bridge to the east there. If we came through what the other two routes, which is the bridge in the middle, it's just slightly off screen here, which is, well, it's fourteen thousand and thirty three.

01:30:42:14 - 01:31:15:13

There's possibility to use the cable there, and there's been some surveys to establish that feasibility. But also, obviously, there's potential to go underneath the railway. This would, beginning north of the railway fourteen forty four or fourteen twenty, we do require that flexibility. If it was to be either of the latter options, I. E, not the bridge to the east and the slurry lagoon could be avoided by the cable. As you've noted, the degree of flexibility is needed to establish the most viable solution.

01:31:16:07 - 01:31:28:17

I think why we're talking about the pipeline for the Slurry Lagoon is that is we can something guarantee we're going to have to interact with should it be in place if our cable was to wish to So I'm more than happy to have a conversation offline.

01:31:28:19 - 01:31:35:08

Yeah, you're going to be a very busy man, Mr. Dralfall, I think after this meeting. It's the number of meetings I'm setting up for you. I hope you've got a PA.

01:31:37:21 - 01:31:41:05

Yeah, I mean, I think what we're hearing from Mrs Gregory

01:31:43:02 - 01:32:18:15

is about the period of time. Should they construct? Should they not construct? What they don't want to do is spend an absolute fortune, even with a government grant, in building it out to then find it's all very disrupted or they can't access it. I mean this is clearly quite intrinsic to their farming enterprise. As dairy farmers they need it, they can't continue without it, there's a regulation. So I can fully accept Mrs Gregory's concerns here. So Missus Gregory, Mister Threlfall has has offered to have a meeting with you as well. I think hearing a little bit more information from him would be useful to you.

01:32:20:00 - 01:32:48:01

So expect to be contacted if that's all right. Okay, thank you. Thank you. I was then going to come on to Mr Lee, but actually because we're on this part of Lambda Lee, apologies, I'm going to push you down the running order so I can bring in Mr Waltho for Mr Campbell, because we are obviously talking about the same parcel of land. So Mr Waltho, if you're available and you're still online?

01:32:48:11 - 01:32:52:26

Yes I am, thank you. It's Chris Walther for Mr Matthew and Campbell.

01:32:54:06 - 01:33:01:10

Mr Walther, the floor is yours to really set out the position for your client.

01:33:02:02 - 01:33:13:14

Thank you. The cable route extends to an area of some eighty hectares of Mr Matthew and Campbell's land that's shaded blue on the plan associated with

01:33:15:02 - 01:33:31:18

the book of reference, and that's parcel numbers twelve one to fourteen forty seven. On the basis that the working width is in fact thirty metres and not twenty five metres as we've been led to believe by the applicant's agents up until the twentieth of August this year,

01:33:33:04 - 01:34:30:26

It's difficult to understand why the applicant needs to secure rights over an area equivalent to four hundred percent of that represented by what we understand to be the working width. The apparent surplus blue land impacts especially on affected holdings farmed respectively by two of Mr Matthew and Campbell's tenants, one of whom is Mrs Gregory. This is because much of their land abounds the Great Western Railway where the cable route is still ill defined and that we have been led to understand is because the ground investigation surveys have not yet been carried out and as was recently confirmed in fact by Mr Jones of Del Coral McLaren on the eighteenth of September, the absence of any agreement between the applicant and network rail as to where the cable route should actually cross the railway line.

01:34:31:03 - 01:34:53:14

Now in those circumstances it has been difficult for our agent, a BTF partnership from Maidstone, representing Mr Matthew and Campbell in connection with the option agreement which the applicant has been seeking over Mr Matthew and Campbell's land. It's very difficult to focus on

01:34:55:15 - 01:35:16:08

exactly what is going to happen in terms of the on-site works and feed that into an option agreement. Anyway the consequential uncertainty of this situation makes it very difficult for the two farm businesses, both of which are mixed farms with grazing livestock and harable enterprises.

01:35:17:29 - 01:35:38:27

I understand that orders are not made to confer rights that are not reasonably required for the delivery of a development scheme. Bearing in mind for how many months the preferred cable route has been known, its apparent trajectory beneath the expanse of blue infill on the map at the point of the eastern and Thingli

01:35:40:27 - 01:36:24:01

proximity to the railway line, and the fact that the cables cannot be diverted through acute angles, it's difficult to accept that anything like the full extent of land in this area in particular, so this area extends to about forty hectares of my client's land, it's difficult to understand how anything like the full extent of land over which the acquisition restriction rights are being sought can be justified. In short Mr Methuen Campbell feels that the ground investigation surveys should have been conducted and concluded as an early stage where it is clear that major engineering works would be required that's always been obvious from the outset.

01:36:24:08 - 01:36:59:15

No approach was ever made to Mr Methuen Campbell in this connection, although consent was readily given by Mr Methuen Campbell for non intrusive surveys carried out by the applicant's team across the Caution Estate. If the opportunity had been taken to better establish the geological characteristics of the site and the engineering implications thereof in a timely way, the request for rights over land, which is critical for the continuation of the two farming businesses, but not necessarily required for the installation of the cable,

01:36:59:17 - 01:37:00:02

would have been

01:37:00:04 - 01:37:13:14

obviated. The issues are, of course, compounded by the uncertainty surrounding the location of the railway crossing. Surely, this should have been resolved or at least nearing resolution before the preferred cable route was chosen.

01:37:15:14 - 01:37:17:06

That's really what I've got to say.

01:37:17:26 - 01:37:20:27

Thank you, mister Waldo.

01:37:22:27 - 01:37:43:16

I sort of find some favor with some of the things you said there. In an area where there are known engineering constraints and there are really limited options of crossing this railway, I guess I ask the question as Mr Walton has why

01:37:45:02 - 01:38:07:09

better surveys haven't been done before we've reached this stage. Because this is a huge amount of land with option on it and very limited understanding for these landowners as to where, how much, how can they plan their, you know, the future of their farm with such uncertainty.

01:38:09:04 - 01:38:20:12

Claire Bojack, the applicant. Yes, obviously all of the comments that have been made are understood and we do appreciate the frustration here. As Mr Threlthor mentioned, we are exploring

01:38:22:08 - 01:38:51:28

three different ways of crossing the railway here. There's the bridge options and then there's drilling under the railway. If you don't know why it's taking so long, perhaps you haven't had the fortune of dealing with Network Rail before, but unfortunately that is just sadly the reality of the matter. There are a lot of internal processes as you would expect within Network Rail. The Network Rail team often changes every time you send them documentation.

01:38:53:19 - 01:39:27:12

So it just does take time to get both initial feedback from network rail and then once they've possibly accepted the principle of crossing in a different location, establishing what type of survey work you might need to carry out and the viability of that suggestion. Even at that point they still won't commit to you finally signing off any plans until you've actually provided the very detailed design information and that detailed design information isn't actually available until the detailed design stage.

01:39:27:14 - 01:40:07:02

So whilst the applicant is getting sort of indicative designs approved or sort of seen by Network Rail and approved by them. It will need to go through the process again when it comes to the detailed design. So only at that detailed design will it have final sign off from Network Rail that the proposed crossing locations and crossing construction methodology is actually acceptable to Network Rail. And so it has to keep the optionality available because two years' time, Network Rail may decide it has a different view on how we cross the railway and then we might need to redo the exercise all over again.

01:40:07:07 - 01:40:15:21

I do very much appreciate the frustration that causes for landowners, but unfortunately that just is the reality of trying to cross infrastructure at the moment.

01:40:16:29 - 01:40:24:08

So all of the landowners in this area or tenant farmers are at the mercy of network rail is what I'm hearing from you?

01:40:27:28 - 01:40:32:00

In terms of the location of which option is going to be selected.

01:40:32:02 - 01:40:35:25

So we can't offer any assurances for any of these parties

01:40:37:13 - 01:40:40:17

at all at this stage? Not

01:40:41:01 - 01:41:18:21

in terms of exact route location. No, unfortunately not. In terms of how we can engage with them and provide information in terms of timings, the specifics of interactions with the slurry lagoon. Yes, we can work with them on that. It sounds like maybe there is an opportunity to have specific agreements with the tenant farmers here. Obviously, it was mentioned previously that we typically try and reach an agreement with the actual landowner first but obviously the specific operational concerns here from what we've heard affect the tenants more specifically.

01:41:19:00 - 01:41:30:00

So, we will as mister Thrathl's going to offer that further meeting, then discussions as to what commitments could be made in terms of operational interactions can

01:41:31:23 - 01:41:40:25

happen now. In terms of certainty en route, no, we can't make any commitments at this particular point in the process, unfortunately. Mr Waldo,

01:41:43:19 - 01:41:50:01

obviously we're not going to resolve the scenario of uncertainty your client

01:41:51:20 - 01:42:08:01

the tenants here because of this flexibility required to work with network rail. I suppose that presents a difficulty for your clients in terms of signing aheads of terms with It makes extremely

01:42:09:29 - 01:42:22:27

difficult and that has been borne out by the negotiations I think between the applicant's agents and our own agent. But it wasn't until Friday that we were told that

01:42:25:16 - 01:42:34:27

the applicant had not actually resolved the location across which the cable route would cross the railway.

01:42:36:15 - 01:43:05:02

So that was Friday the eighteenth of September. In fact at the meeting I had with the applicant's agents on the twentieth of August that wasn't mentioned at all. All that was mentioned was that they required flexibility to micro site the cable route according to what geology they found when they did on-site surveys, which is why I've sort of majored on that in the oral address I've just given.

01:43:05:04 - 01:43:05:21

I

01:43:07:26 - 01:43:30:28

have to say that over the last twenty years I've worked for Mr Matthew and Campbell's family for the last thirty eight years over the last twenty years we've had projects with Network Rail whereby they have come on to State land and they have reprofiled the railway cutting

01:43:32:13 - 01:44:08:09

and they have also installed electrification infrastructure across the line. Both projects were major, also National Grid were involved. They did preliminary surveys which we gave them licenses to carry out. It's all carried out in a thoroughly professional and timely way and they carried on and did their works and we didn't have any issues with network rail whatsoever and they didn't have any issues with us but they were pretty much on the ball as far as

01:44:10:05 - 01:44:21:15

getting the detail they needed in advance to do the works which they then commissioned, which I think is notably absent from the applicant's approach to this.

01:44:22:15 - 01:44:24:17

Yeah, noted, thank you.

01:44:26:15 - 01:44:31:04

Can't really pass a comment on Network Rail's way of working when they're working on their own projects.

01:44:32:22 - 01:45:15:12

If I was to have a take home from this, would it be possible for the applicant's agents to hurry up and provide us with what engineering information they actually do have and geological information they do have in terms of preferred route? Because as Del Coral McCarran pointed out to Mrs Gregory and myself on the twentieth of August, there is a trajectory for this cable route because we know the cables cannot turn through acute angles and you can see where it feeds into the northeast end of this balloon of forty hectares and goes out through the southwest end.

01:45:15:14 - 01:45:39:29

And if it can't bend then presumably you can sort of assume there's a trajectory and that was what I was told by the applicant's agents on the twentieth of August and they said that they would go back and get some engineering information, some geological information, so that we would have at least a more clearer understanding of what was possible from an engineering perspective.

01:45:40:28 - 01:46:13:08

Yeah I don't think that's an unreasonable request. I think the eastern side of this blob of land almost looks significantly more constrained, even from a non engineering point of view, as you say, turning a cable on ninety degrees. And we've heard from Mr. Threlpall, better if it goes in a straight line. We've heard that already this morning. Mister Threlford has offered to obviously meet with mister Gregory and and I think as for mister Matthew Campbell, obviously, his land affected is as well as the landowners.

01:46:13:10 - 01:46:33:09

So, I think that's going to be a tripartite meeting of which you would probably be involved in. So, you will hear from the from the applicant on that and mister Thrallful furnishing whatever diagrams and predictions you have, I think, would be beneficial to these parties.

01:46:34:24 - 01:46:44:27

Will Throful for the applicant. Yes, no, I think it would be good if we have all of us in the room on this. Listening to the concerns raised, I completely understand the frustrations.

01:46:47:04 - 01:47:22:28

Because we have been engaged with Network Rail on this as far back as early twenty twenty four, where we've been trying to establish certain things. So while some surveys have been carried out, I have no information at the moment that rules out any of that land within the order limits to cross it. And I understand that's frustrating. I'm more than happy to explain that. It would be helpful if could discount the to bridge the east, for example, if we could get somewhere. That then at least brings us west a bit more and confines it. So I do see that point. I I know the word is engineering, the words used were engineering diagrams and things of the preferred route.

01:47:23:17 - 01:47:31:00

I can't get there at the moment, but I can explain how and why and how we might be able to achieve something soon.

01:47:31:02 - 01:47:43:28

Okay. Mr Walther, I think that's where it's going to have to be left for today, obviously but Mr Threlfall has offered for that meeting and I think it would be beneficial for that offer to be taken up.

01:47:44:08 - 01:47:45:14

Thank you very much and

01:47:45:16 - 01:47:46:01

both

01:47:46:03 - 01:47:46:18

of those Thank have

01:47:47:18 - 01:47:56:06

you. If you could submit your oral submission into the examination, a copy of that, seven next Friday, that would be much appreciated.

01:47:56:11 - 01:47:57:08

Thank you.

01:47:57:10 - 01:48:22:17

Thanks very much. Okay, so I want to come on now to Mr Lee. Mr Lee is the last of our speakers in item three, and then we'll move towards break. So Mr Lee for Greenenergy Renewables, we may want to take this plan off the screen because it's not necessarily relevant. We could show the

01:48:24:12 - 01:48:30:13

the map van near Melksham substation because I believe that's the area in which Greenwich have potential interest.

01:48:30:15 - 01:48:33:05

I think it's plot fifteen-fourteen.

01:48:34:23 - 01:48:43:17

I think Greenwich Renewables has a category two interest in that plot where they have an option for some potential battery energy storage system. Is that right, Mr Lee?

01:48:44:04 - 01:48:54:11

Yes, Bernard Lee for Greenwich Renewables. Yes, that's correct. And it is the plot just off the side of Goods Hill.

01:48:56:01 - 01:49:04:02

As you said, fifteen-fourteen in particular, that's the largest parcel, but there are several smaller ones in the vicinity.

01:49:04:11 - 01:49:12:18

And of these several smaller ones, do you have options on those, or is it just options on fifteen-fourteen at the moment?

01:49:12:21 - 01:49:14:16

No. From the land plan,

01:49:16:23 - 01:49:24:18

we believe it's also incorporating a very small sliver, which is fifteen-twenty.

01:49:26:26 - 01:49:27:11

And then

01:49:29:11 - 01:49:42:20

intention with the cable routing for our scheme is that thereafter it would most likely would go in the or run-in the public highway, which is coloured yellow on the plan there.

01:49:42:26 - 01:49:57:13

Right, okay. Can you just explain to the examining authority what your option is and, you know, if planning permission exists, would be helpful for us to get an understanding of the interest in the land.

01:49:58:07 - 01:50:12:23

Yes, yes. We've got a category two interest by virtue of an option agreement which was signed last August with the Neston Park Estate, who were the landowner.

01:50:14:18 - 01:50:15:07

And

01:50:18:23 - 01:50:20:13

basically the cable corridor,

01:50:21:29 - 01:50:44:25

if you like, that we've got included within that option agreement brings us out in the vicinity of what comes out through plot fifteen-fourteen. And as I say, thereafter we were looking to run the cables in the edge of the public highway.

01:50:47:04 - 01:50:51:26

But this is for a battery energy storage system, is that right?

01:50:51:28 - 01:51:09:26

Yes. Yes, that's correct. Battery energy storage system, the BES, is on land owned by Neston Park Estate. So the option agreement we have is for a lease for that site from the Neston Park Estate, and

01:51:11:14 - 01:51:34:18

we've incorporated effectively land under the option for the cable route, and a bit like the cable route that's being discussed for the applicant. We've obviously at this stage established quite a wide corridor within which to define the cable route at a later date.

01:51:36:12 - 01:51:41:11

Okay. So in terms of that battery energy storage system, does it have planning permission?

01:51:41:18 - 01:52:00:18

The planning's been in for over twelve months and is expected we've got just one fairly minor point to resolve on the ecology side of things, and it's due to be heard at the moment at the committee hearing in December of this year.

01:52:05:17 - 01:52:18:25

Okay, so at the moment we've just an application, no outcome, so no timeframe for construction of your energy storage system. So what would be the implications then

01:52:20:22 - 01:52:27:28

for your project as a result of the land rights over this plot?

01:52:28:21 - 01:52:33:27

Well, basis of our objection is essentially to

01:52:36:09 - 01:53:16:17

obviously compulsory acquisition of the land for the cables for the applicant scheme would obviously prejudice our ability to potentially install cables in the same vicinity for our scheme. And there is also the, I think within the applicant's submission, there's a proposal to extinguish existing private rights where necessary, and the view is that between the compulsory acquisition rights and the extinguishment rights it

01:53:18:15 - 01:53:28:05

would have a severe effect on our scheme in that we would pretty much be unable to connect our battery storage scheme to

01:53:30:12 - 01:53:32:07

the Beanacre substation.

01:53:35:11 - 01:53:55:00

Yes, I that's the basis of our objection. But that said, obviously we're in the same game essentially as the applicant, and we obviously want to work with them just to resolve this potential conflict between the two schemes. Okay.

01:53:56:23 - 01:54:01:05

I'm assuming you've been in discussions about protective provisions.

01:54:04:03 - 01:54:04:25

Well, yes,

01:54:06:20 - 01:54:11:14

if I just give you the background briefly, we were only advised of

01:54:14:27 - 01:54:21:14

the applicant's land plan affecting plots that we've just mentioned earlier

01:54:23:02 - 01:54:37:01

this year by the landlord, by our landlord, and we haven't had any from the approach applicant previously. So in light of that we fairly quickly

01:54:38:17 - 01:54:40:14

of got in touch,

01:54:42:02 - 01:54:42:17

and

01:54:45:18 - 01:54:53:03

at that stage we felt it was appropriate to obviously just lodge our objection earlier in the year, I think ninth of March,

01:54:54:29 - 01:54:57:27

just to make sure it was flagged up really within the process.

01:54:59:24 - 01:55:08:06

And from that we've been trying to engage with the applicant over the details of how we could resolve the matter.

01:55:10:08 - 01:55:38:00

Unfortunately it took us until mid May have a meeting with the applicant, but it was a fairly fruitful meeting in that we, having discussed it, both parties agreed that by means of pursuing a cooperation agreement and a crossing agreement we would be able to manage the issues that arose satisfactorily for both parties.

01:55:39:21 - 01:55:46:04

And it was left with the applicant to supply us with a draft copy of

01:55:48:24 - 01:55:52:00

the cooperation agreement, crossing agreement

01:55:54:09 - 01:55:55:06

for us to review.

01:55:57:17 - 01:55:58:14

Unfortunately

01:56:00:06 - 01:56:10:26

we didn't receive that draft agreement until the beginning of this month, and that was after considerable pressing the applicant, to be

01:56:13:27 - 01:56:25:18

as you'll appreciate, the position we're in at the moment is of having to maintain our objection on the basis I've mentioned for the time being,

01:56:29:05 - 01:56:39:15

basically we need to request that protective provisions be put in place in the DCO to ensure that our

01:56:41:15 - 01:56:56:06

scheme rights are not, one, not extinguished, two, that we can actually install our cables as necessary in the future, assuming that our installation comes date after that of the applicant.

01:57:00:08 - 01:57:10:21

Unfortunately we didn't get the draft cooperation agreement until earlier this month, I think the third of this month. So whilst we are busily reviewing it

01:57:12:10 - 01:57:15:23

the crossing agreement, which came a couple of weeks after that,

01:57:18:12 - 01:57:31:18

obviously it's going to take a little while to get that resolved. If we can get it resolved before the close of the examination, we would be in a position to withdraw objection. But

01:57:35:26 - 01:57:43:16

in the interim obviously we need to maintain our objection with the request to have protective provisions put in place.

01:57:44:08 - 01:57:48:18

MS sure. No problem. I understand all of that.

01:57:52:10 - 01:58:04:05

the applicant confident an agreement can be reached without the need to go down a protected provisions pathway? Because obviously again there's very short time in play in examination even to drop those into

01:58:04:07 - 01:58:06:26

a DCO. Claire project for the applicant.

01:58:09:03 - 01:58:41:26

It may be helpful if Mr Lee could just confirm the applicant's understanding of the project as he'd mentioned obviously it hasn't got planning permission at the moment. We understand from the tech register that the current anticipated grid connection date is two thousand and thirty seven, so considerably after the Lambdawn Solar Parks connection date. And as far as we're aware, the planning application didn't include the anticipated cable route. It's just for the best facility itself.

01:58:41:28 - 01:58:45:29

So no detail has been made available in terms of the actual

01:58:47:24 - 01:58:52:06

post route of the cable. Obviously they have rights over a wide area of the

01:58:55:17 - 01:59:31:06

estate with the agreement that they've got with the land over here. They've got flexibility, as we understand it, to put their cable within that landowner's estate. Obviously the applicant has been working on the base of the information available to it. It wasn't aware of the option agreement existence until it came. It was notified of that the landowner didn't make the applicant aware that it entered into an agreement for this particular facility. Since we've become aware of that, as has been mentioned we have had a discussion with them.

01:59:31:08 - 01:59:34:12

We understand that the BES is

01:59:36:25 - 02:00:08:24

two hundred megawatts so that they would need a generation license for that. So the general protective provisions in part one would apply to generation license holders to the extent they have existing operators. If for some reason they came first then they would have the protections afforded to operators belonging to other license holders. I think based on the information we've got it's very likely that they will come second.

02:00:08:26 - 02:00:40:29

So they will need to design their cable route to take into account our cable route. The idea of the cooperation agreement that we've put forward is to try and establish a way of working so that information is shared such that they're able to design their cable route to coexist with our proposed cable route. But we very much anticipate that they will be coming second and they haven't got their far, you know, further behind in terms of

02:00:42:24 - 02:01:20:04

their design work. Is typically the case, they would need to design around our cable route, but we don't foresee there being any reasons why the two can't projects coexist as we mentioned previously. It's very typical for cables to cross one another. You just have to agree with specifications and the separation distances. So we don't think there's any reason that the Linedale Solar Park project would prevent the connection of this best project, but they will need to route and determine their route and determine the depth of their cable to coexist with our cables if they if it does transpire they need to cross us.

02:01:20:14 - 02:01:29:01

But in essence you've still offered you know an agreement option at this stage? Claire Project yes.

02:01:29:03 - 02:01:35:14

So it's a cooperation agreement so that the two cables can coexist in the same place.

02:01:37:11 - 02:02:05:04

Mr Lee, I'll come back to you on that. I think the applicant makes some reasonable points there that your scheme is behind theirs in terms of generation license orders. Obviously the permission's not in place but there isn't, know, are offering an agreement, a coexistence agreement. Obviously the terms of that not are to be discussed here, but the applicant seems confident that there is coexistence.

02:02:08:13 - 02:02:09:14

What's your position on that?

02:02:13:02 - 02:02:49:10

Bernard Lee for Grevigy Renewables. Yes, thanks. Yeah, as I say, you know, we're we're intending to try and work with the applicant as much as we can. I think our main concern has been the problems we've had with the engagement with the applicant, which seems from your other speakers to have been rather a common theme. And we're just not confident that in the time remaining that the cooperation agreement will necessarily get completed.

02:02:50:23 - 02:02:55:21

And yeah, I mean that's the reason, as I say, we need to maintain So your

02:02:57:23 - 02:03:07:04

if things can be moved along very promptly, we'll certainly do our best on that front. It's very much in our own interest to do so.

02:03:10:06 - 02:03:11:28

It's just making sure that

02:03:14:27 - 02:04:07:12

we're not disadvantaged by the process, because obviously our scheme is also going through a planning consent process. It's just going through the town and country route rather than DCO route. And yeah, I mean to our mind, one of your earlier speakers just mentioned fairness in the in the in the overall process and I think that's very much what we're seeking here is just to be just to be treated on an even you know, on an even basis with the applicant scheme, even though the applicant's scheme is potentially going to have, what should we say, more power to be delivered than ours, which is being done through the usual TCPA and voluntary agreements with landowners route.

02:04:08:09 - 02:04:17:10

So yes, as I say, we want to work with them, and it's just making sure we don't get disadvantaged by the outcome.

02:04:17:12 - 02:04:20:11

Yeah, sure. I think to the applicant's defence,

02:04:22:14 - 02:05:04:21

they obviously have to engage with the landowners through the CA process and if they weren't aware of your option on that land until fairly late in the day then there's been limited time to have those discussions with you. But it seems like discussions are happening and certainly bringing it up in this forum today it's clearly back on the radar and hopefully it doesn't slip off the radar. There is limited time left in the examination. If it could be bottomed out, that would be fantastic because although we have pretty much the final deadline next Friday for most submissions into the examination, we obviously don't close for a few more weeks after that and there's always potential for the applicant to update the Secretary of State subsequently that agreements have been reached.

02:05:05:03 - 02:05:15:08

You know I'm I'm hopeful particularly given an that agreement is being pursued with with yourselves that it it can be it can be dealt with reasonably

02:05:17:28 - 02:05:20:19

soon. So, mister Lee, unless there's anything else to add,

02:05:22:13 - 02:05:25:12

I'm going to move on now, if that's all right?

02:05:25:19 - 02:05:39:05

Yes, I think we've covered everything. As I say, our only real ask at this point is the applicant puts as much resource as they can into

02:05:40:23 - 02:05:45:26

completing the cooperation agreement at the earliest opportunity.

02:05:45:29 - 02:05:53:03

Yeah, thank you, Mr Lee. Much appreciate your submission this morning. I'm going to suggest now that we just break

02:05:54:19 - 02:06:18:00

it'll be fourteen minutes, just because it'll be a nice round number at eleven point five zero and then we'll come back. There's still a chunk to get through and we do really have to close out by one o'clock. So I may just move the order around in some of the matters because some things could be dealt with in actions. So if that's alright. I I I'm aware National Highways are are on the call and I'd like to get them in.

02:06:19:16 - 02:06:21:02

That that's fine.

02:06:21:04 - 02:06:48:22

I think in terms of update with statutory undertaken discussions, it may well be that we can cover that in the update on the status of protected provisions this afternoon subject to obviously anything particular that Miss Russell Miss Russell wants to raise for National Highways but yeah in terms of that general update on the status of negotiations probably more relevant to protected provisions and I I note that it sounds as if National Gas will be represented this afternoon. Absolutely. It sort of brings those two those two points together.

02:06:48:24 - 02:06:52:10

Yeah. Thank you. Okay. Let's just pause until eleven fifty. Thanks.