Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Meridian Solar Farm
Hearing:	Compulsory Acquisition Hearing (CAH1) - Part 1
Date:	10 November 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.

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1
00:00:16,440 --> 00:00:20,140
Good afternoon, everybody. It's now 2:30 and time for this

2
00:00:20,200 --> 00:00:21,240
hearing to begin.

3
00:00:22,280 --> 00:00:26,180
I'd like to welcome you all to this compulsory acquisition hearing for the Meridian

4
00:00:26,300 --> 00:00:30,280
Solar Farm project. Can I just confirm that everybody can hear me clearly?

5
00:00:33,280 --> 00:00:36,360
And could I also confirm that the live streaming and recording of this event has

6
00:00:36,400 --> 00:00:37,760
commenced? Thank you.

7
00:00:39,780 --> 00:00:41,920
Good afternoon, everyone. My name is Beth Davis.

8
00:00:42,120 --> 00:00:45,740
I'm a chartered geologist, and I've been appointed by the Secretary of State to be

9
00:00:45,780 --> 00:00:48,340
a member of the panel to examine this application.

10
00:00:48,960 --> 00:00:51,980
I'm now going to ask the other panel members to introduce themselves.

11
00:00:53,920 --> 00:00:57,520
Good afternoon. My name is Mrs. Murphy, and I'm a chartered town planner and a

12
00:00:57,560 --> 00:01:01,340

chartered environmentalist, and I've been appointed by the Secretary of State to be

13
00:01:01,380 --> 00:01:04,181
a member of the panel of inspectors to examine this application.

14
00:01:06,660 --> 00:01:08,880
Good afternoon. My name's Ms. Casini.

15
00:01:08,940 --> 00:01:12,380
I'm a chartered town planner, and I've been appointed by the Secretary of State to

16
00:01:12,420 --> 00:01:15,800
be the lead member of the panel to examine this examination.

17
00:01:17,460 --> 00:01:20,680
Together, we constitute the examining authority, or the XA, for this

18
00:01:20,760 --> 00:01:21,520
application.

19
00:01:22,780 --> 00:01:25,160
Also present today are members of the case team.

20
00:01:25,400 --> 00:01:29,160
The case manager is Ms. Margum. She's supported at the

21
00:01:29,180 --> 00:01:30,500
venue by Mr. Stevens,

22
00:01:31,380 --> 00:01:34,080
Mrs. Woodruff, and then by colleagues online.

23
00:01:34,520 --> 00:01:38,440
If you have any questions or concerns about today's event, please contact one

24
00:01:38,480 --> 00:01:39,300
of the case team.

25

00:01:40,920 --> 00:01:44,460
In addition, there are technicians from TM Services with us today.

26
00:01:44,980 --> 00:01:48,200
They're here to manage the recording and the live streaming of the event.

27
00:01:48,740 --> 00:01:52,220
We also have a colleague at the back of the room observing us for training

28
00:01:52,280 --> 00:01:53,000
purposes.

29
00:01:54,800 --> 00:01:57,900
I'll move on to a few housekeeping matters for those attending in person.

30
00:01:58,460 --> 00:02:01,820
Could everyone make sure that their devices and phones are set to silent?

31
00:02:03,020 --> 00:02:06,140
There are no fire alarms planned, so if you hear the alarm, please leave the

32
00:02:06,180 --> 00:02:09,861
building. There are three exits in this room, and if you make your way

33
00:02:09,920 --> 00:02:13,660
outside from one of these, there's a fire assembly point on the grass in

34
00:02:13,720 --> 00:02:17,460
front of the back car park, which is viewable from this room.

35
00:02:18,620 --> 00:02:22,560
In terms of timings, we'll adjourn for a short break at about half past

36
00:02:22,900 --> 00:02:25,380
3:00 and hope to finish no later than 5:30.

37
00:02:27,580 --> 00:02:30,440
This meeting will follow the agenda published on the National Infrastructure

38
00:02:30,500 --> 00:02:34,480
Planning website on the 30th of October, which has examination

39
00:02:34,540 --> 00:02:37,380
library reference EV5001.

40
00:02:38,200 --> 00:02:41,080
The applicant will also display the agenda on the screen.

41
00:02:43,120 --> 00:02:46,640
A recording of today's hearing will be made available on the Meridian Solar Farm

42
00:02:46,700 --> 00:02:50,120
project section of the National Infrastructure Planning website as soon as

43
00:02:50,180 --> 00:02:53,960
possible. With this in mind, please ensure that you speak

44
00:02:54,020 --> 00:02:57,760
clearly into a microphone, stating your name and who you're representing

45
00:02:57,820 --> 00:02:58,980
each time you speak.

46
00:03:01,020 --> 00:03:04,020
A link to the Planning Inspectorate's privacy notice was provided in the

47
00:03:04,060 --> 00:03:07,720
notification for this hearing. We assume that everybody here today has

48
00:03:07,780 --> 00:03:11,580
familiarized themselves with this document, which establishes how

the personal data

49
00:03:11,620 --> 00:03:15,120
of our customers is handled in accordance with the principles set out in data

50
00:03:15,160 --> 00:03:18,860
protection laws. Please speak to the case team if you have any questions about

51
00:03:18,920 --> 00:03:19,200
this.

52
00:03:20,380 --> 00:03:22,660
Does anyone have any questions about agenda item one?

53
00:03:27,000 --> 00:03:28,460
Moving on to agenda item two,

54
00:03:30,980 --> 00:03:34,200
the purpose of the hearing. So the application for the proposed development

55
00:03:34,240 --> 00:03:38,180
includes a request for an order granting development consent, which will

56
00:03:38,260 --> 00:03:42,040
authorize compulsory acquisition of land or compulsory acquisition of an

57
00:03:42,100 --> 00:03:43,860
interest in or right over land.

58
00:03:44,700 --> 00:03:48,500
This hearing will help us to consider whether relevant legal and policy tests have

59
00:03:48,540 --> 00:03:49,120
been met.

60
00:03:50,940 --> 00:03:54,480

Please remember that the examination is a predominantly written process.

61
00:03:55,000 --> 00:03:58,940
If you can't answer the questions being asked right now or require some more

62
00:03:59,020 --> 00:04:02,600
time, then we can defer the response to an action point to be

63
00:04:02,660 --> 00:04:05,940
submitted at deadline four, which is on the 27th of November.

64
00:04:08,600 --> 00:04:12,320
We're also aware that commercial negotiations are still ongoing between

65
00:04:12,360 --> 00:04:16,120
affected persons and the applicant, and that these are confidential in nature.

66
00:04:16,740 --> 00:04:20,680
This is not the correct forum in which to discuss specific financial issues,

67
00:04:20,740 --> 00:04:24,360
so please do not disclose any confidential financial matters during this

68
00:04:24,400 --> 00:04:24,840
hearing.

69
00:04:27,180 --> 00:04:31,060
Turning to introductions, can I first ask the applicant to introduce

70
00:04:31,100 --> 00:04:33,780
its team, including any advisors? Ms. Power.

71
00:04:35,240 --> 00:04:39,180
Taylor Power for the applicant. Managing associate at Pinsent Masons.

72

00:04:40,260 --> 00:04:44,080
Would it assist if I introduce all of the people next to me to start with, or

73
00:04:44,120 --> 00:04:46,360
should I introduce as we come to each item?

74
00:04:47,580 --> 00:04:49,000
Each item is fine.

75
00:04:49,120 --> 00:04:49,640
Great. Sure.

76
00:04:53,460 --> 00:04:56,120
So I'm now going to ask those affected persons who've given notice of their

77
00:04:56,160 --> 00:04:58,480
intention to speak today to introduce themselves.

78
00:04:59,060 --> 00:05:02,360
When I state your name, please could you introduce yourself to confirm your name,

79
00:05:02,520 --> 00:05:06,340
who you represent, and if relevant, provide a brief summary of your interest in the

80
00:05:06,380 --> 00:05:08,820
land which would be affected by the proposed development.

81
00:05:09,360 --> 00:05:12,700
So first on my list, I have Mr. Barton, who's here in the room today.

82
00:05:13,940 --> 00:05:15,740
Yes. Thank you, madam. Andrew Barton,

83
00:05:16,820 --> 00:05:19,600
infrastructure officer at Lincolnshire County Council.

84
00:05:20,520 --> 00:05:22,700

I will just caveat my attendance

85
00:05:23,880 --> 00:05:25,500
this afternoon, if I may.

86
00:05:26,580 --> 00:05:29,540
I'm obviously the sole representative for the council today.

87
00:05:30,460 --> 00:05:33,700
Compulsory acquisition's not my strong suit,

88
00:05:34,180 --> 00:05:38,080
but I am here to obviously take on board any comments

89
00:05:38,120 --> 00:05:41,860
or actions that may arise from the hearing today if that's

90
00:05:41,940 --> 00:05:42,160
okay.

91
00:05:43,200 --> 00:05:44,200
Thank you, Mr. Barton.

92
00:05:45,040 --> 00:05:48,560
Next on my list is Mr. Dewar for South Holland District Council.

93
00:05:48,640 --> 00:05:49,900
I believe you're online.

94
00:05:51,800 --> 00:05:54,320
Yes. Hi, good afternoon. My name's Sam Dewar.

95
00:05:54,420 --> 00:05:57,180
I represent South Holland as a planning consultant.

96
00:05:58,540 --> 00:06:01,720
Again, just on the note, the XA requested our

97
00:06:03,020 --> 00:06:06,900
attendance, but we don't have anything particular to speak about
unless

98
00:06:06,940 --> 00:06:08,940
they're needed, but I am available. Thank you.

99
00:06:10,450 --> 00:06:10,830
Thank you.

100
00:06:12,010 --> 00:06:12,710
And then Mr.

101
00:06:13,510 --> 00:06:15,690
Edward Daniels on behalf of InterGen.

102
00:06:15,730 --> 00:06:17,770
I understand you're in the room with us today.

103
00:06:18,290 --> 00:06:20,690
Yes. Good afternoon. My name is Edward Daniels.

104
00:06:20,950 --> 00:06:23,490
I am the plant manager at Spalding Power Station,

105
00:06:24,350 --> 00:06:27,770
and I'm speaking on behalf of its owners, Spalding Energy Company Limited

106
00:06:28,390 --> 00:06:32,230
and Spalding Energy Expansion Limited, which are part of the

107
00:06:32,310 --> 00:06:36,050
InterGen group, and I'll refer to them collectively as

108
00:06:36,130 --> 00:06:36,570
InterGen.

109
00:06:37,510 --> 00:06:41,410
My interest today is we own and operate a high-pressure gas pipeline,

110
00:06:41,570 --> 00:06:45,550
which provides the sole fuel feed for the power plant, which

111
00:06:45,610 --> 00:06:46,990
runs through the affected land.

112
00:06:48,870 --> 00:06:50,310
Thank you, Mr. Daniels, and welcome.

113
00:06:51,450 --> 00:06:51,530
Mr.

114
00:06:52,330 --> 00:06:55,350
Bassford or Mr. Clarke for NGET

115
00:06:57,150 --> 00:06:57,790
online?

116
00:06:59,310 --> 00:07:01,870
Yes. Good afternoon, madam. Howard Bassford.

117
00:07:02,270 --> 00:07:06,230
I am a solicitor from the law firm DLA Piper, and I represent

118
00:07:06,290 --> 00:07:09,810
National Grid Electricity Transmission, and I am supported by Mr.

119
00:07:10,010 --> 00:07:11,670
Gordon Clarke, who's also a solicitor

120
00:07:12,490 --> 00:07:14,410
from the firm of DLA Piper.

121
00:07:16,090 --> 00:07:17,050
Thank you, Mr. Bassford.

122
00:07:19,010 --> 00:07:20,230
That's everyone that I've got on my list.

123
00:07:20,350 --> 00:07:23,570
Bearing in mind that the purpose of today is to hear from persons
with a legal

124
00:07:23,630 --> 00:07:27,410
interest in the land affected by the proposed development, is there anyone

125
00:07:27,530 --> 00:07:31,110
else in attendance today or online who wishes to speak?

126
00:07:34,950 --> 00:07:38,930
If I could direct you to our external legal counsel that's joined

127
00:07:38,990 --> 00:07:39,370
online.

128
00:07:39,730 --> 00:07:40,770
Is that Ms. Tetley-Jones?

129
00:07:40,790 --> 00:07:41,170
It is.

130
00:07:41,730 --> 00:07:42,270
Ms. Tetley-Jones.

131
00:07:43,510 --> 00:07:47,170
Yes, it is, madam. I just wanted to flag that

132
00:07:47,470 --> 00:07:50,550
I would like to speak just before my client, Edward Daniels.

133
00:07:51,350 --> 00:07:51,930
Thank you very much.

134
00:07:52,570 --> 00:07:52,990
Thank you.

135
00:07:55,410 --> 00:07:57,010
Anybody else who needs to speak today?

136
00:07:59,530 --> 00:08:01,490
Thank you. I'll now hand over to Ms.

137

00:08:01,530 --> 00:08:04,190
Cassieni to move on to the main discussion points on the agenda.

138
00:08:05,690 --> 00:08:09,650
Thank you. If we move on to agenda item three, I'm going to turn to

139
00:08:09,690 --> 00:08:13,510
the applicant first. Could we look at bullet one and four

140
00:08:14,190 --> 00:08:18,090
on the agenda for item three, as they both deal with

141
00:08:18,130 --> 00:08:20,170
Section 122 of the Planning Act?

142
00:08:21,390 --> 00:08:24,590
So I'm inviting the applicant to expand on how the proposed development

143
00:08:24,690 --> 00:08:25,470
satisfies

144
00:08:26,370 --> 00:08:29,910
both Section 122 and 1223.

145
00:08:31,150 --> 00:08:35,091
In your response, could you please demonstrate how the two statutory conditions

146
00:08:35,130 --> 00:08:38,990
are satisfied and identify any plots or interests for which the

147
00:08:39,030 --> 00:08:42,970
justification may differ as a compelling case from the proposed development does

148
00:08:43,390 --> 00:08:47,350
not automatically establish that every individual plot needs to

149
00:08:47,390 --> 00:08:49,070
be compulsorily acquired.

150
00:08:51,210 --> 00:08:52,890
Thank you. Taylor Powell for the applicant.

151
00:08:54,030 --> 00:08:57,930
So I will start in respect of the first bullet

152
00:08:57,970 --> 00:08:59,250
point, which relates to

153
00:09:00,390 --> 00:09:03,910
a brief overview of whether the purpose for which the compulsory acquisition powers

154
00:09:03,930 --> 00:09:05,910
would comply with 1222.

155
00:09:08,390 --> 00:09:12,290
The applicant is seeking powers of compulsory

156
00:09:12,330 --> 00:09:15,270
acquisition of the ordered land shown on the land and Crown land plans.

157
00:09:15,870 --> 00:09:19,730
The nature of the power sought varies according to what is required for each

158
00:09:19,770 --> 00:09:21,710
plot. So Schedule nine

159
00:09:22,690 --> 00:09:26,550
of the draft DCO has been added at deadline three to capture directly

160
00:09:26,590 --> 00:09:30,490
within the draft DCO the relevant compulsory acquisition power which applies

161
00:09:30,530 --> 00:09:34,410
to each plot and the purposes for which each power or right might be

162

00:09:34,490 --> 00:09:35,290
exercised.

163
00:09:36,170 --> 00:09:39,250
This information was previously set out within the book of reference, and

164
00:09:39,310 --> 00:09:42,470
cross-referred to by the relevant articles within the DCO, but it's been brought

165
00:09:42,530 --> 00:09:46,170
into the draft DCO in response to the examining authority's written questions.

166
00:09:48,890 --> 00:09:52,870
But I'll walk through the classes of rights and how they apply

167
00:09:52,930 --> 00:09:56,510
to the plots generally within Schedule nine and within the land

168
00:09:56,590 --> 00:09:57,110
plans.

169
00:09:59,290 --> 00:10:03,110
To set out how the power sought for are land required for the

170
00:10:03,190 --> 00:10:06,790
scheme or required to facilitate or be incidental to it, which is the relevant test

171
00:10:06,830 --> 00:10:08,410
within Section 1222.

172
00:10:09,450 --> 00:10:13,250
So specifically, Schedule nine of the draft DCO identifies five principal

173
00:10:13,310 --> 00:10:16,950
classes of rights. The first, class one, is a compulsory

174
00:10:17,030 --> 00:10:18,150

acquisition of land.

175
00:10:19,110 --> 00:10:23,050
Class two is a compulsory acquisition of rights for the overhead electric

176
00:10:23,090 --> 00:10:24,910
lines and associated infrastructure.

177
00:10:26,369 --> 00:10:29,809
Class three is the compulsory acquisition of rights for the underground cable

178
00:10:29,910 --> 00:10:33,890
systems. Class four is the compulsory acquisition of rights for

179
00:10:33,950 --> 00:10:37,530
permanent access for construction, operation, maintenance, and decommissioning.

180
00:10:38,170 --> 00:10:41,970
And class five is temporary possession powers for construction, mitigation,

181
00:10:42,150 --> 00:10:43,330
maintenance, and dismantling.

182
00:10:44,710 --> 00:10:48,570
So class one rights have been applied to those plots, predominantly within the

183
00:10:48,650 --> 00:10:52,510
solar development area, but also to the areas for the cable

184
00:10:52,590 --> 00:10:55,850
ceiling and compounds within the grid connection route.

185
00:10:56,530 --> 00:10:59,590
So this is considered appropriate because these areas will effectively be

186
00:10:59,630 --> 00:11:01,650

completely restricted from third parties

187
00:11:02,770 --> 00:11:05,570
and landowners within the operational lifetime of the scheme.

188
00:11:06,010 --> 00:11:09,630
And so full acquisition of the land is seen proportionate to the

189
00:11:09,690 --> 00:11:12,710
nature of use for those compounds,

190
00:11:13,950 --> 00:11:15,910
and for the solar development area.

191
00:11:17,230 --> 00:11:20,910
Class two rights have been applied to the plots required for the overhead lines

192
00:11:20,950 --> 00:11:24,710
proposed for the overhead inter-array connection, which is between

193
00:11:24,770 --> 00:11:27,550
land parcels C and D of the solar development area,

194
00:11:28,450 --> 00:11:32,410
and reflected in its work number eight in the works plans, and

195
00:11:32,510 --> 00:11:35,810
also to the overhead lines within the grid connection route.

196
00:11:37,250 --> 00:11:38,530
It also covers the

197
00:11:39,350 --> 00:11:42,850
land around the overhead lines where required for the

198
00:11:42,890 --> 00:11:46,410
construction or maintenance or decommissioning of those lines.

199
00:11:47,830 --> 00:11:51,290
So these rights are considered appropriate to enable and protect the

overhead lines

200
00:11:51,330 --> 00:11:55,190
constructed in these areas and have been described

201
00:11:55,230 --> 00:11:58,750
within Schedule nine in

202
00:11:58,790 --> 00:12:02,530
reflection of the nature of rights needed to protect or enable overhead

203
00:12:02,570 --> 00:12:03,610
lines specifically.

204
00:12:04,990 --> 00:12:08,410
Class three rights have been applied to the plots comprising the underground

205
00:12:08,530 --> 00:12:11,970
inter-array connection, which is work number four between

206
00:12:12,926 --> 00:12:16,246
Land parcels A and B within the solar development area,

207
00:12:17,086 --> 00:12:20,386
and also to the short section of undergrounding in the middle of the grid

208
00:12:20,466 --> 00:12:23,586
connection route between the two cable sealing end compounds.

209
00:12:24,006 --> 00:12:27,806
And that's where the grid connection ducts beneath an existing

210
00:12:28,006 --> 00:12:28,766
NGED line.

211
00:12:33,366 --> 00:12:34,906
Class III rights are also

212

00:12:35,786 --> 00:12:39,626
applied to short sections

213
00:12:39,766 --> 00:12:43,566
of particularly highways land within the solar development area

214
00:12:43,606 --> 00:12:47,466
where cabling required for connecting panels

215
00:12:47,506 --> 00:12:50,446
and solar stations within the site crosses under

216
00:12:51,066 --> 00:12:51,626
highways.

217
00:12:53,886 --> 00:12:57,166
Class IV rights have been applied to plots where permanent infrastructure is not

218
00:12:57,186 --> 00:13:00,886
proposed, but instead access rights only are required to access to infrastructure

219
00:13:00,906 --> 00:13:04,646
within the scheme. So for example, where access is required of public highways to

220
00:13:05,166 --> 00:13:06,966
pylons within the grid connection route.

221
00:13:08,486 --> 00:13:11,966
And finally, Class V rights represent those areas where only

222
00:13:12,026 --> 00:13:15,326
temporary access is necessary for the construction of the scheme.

223
00:13:15,386 --> 00:13:17,186
So they're used at various points on

224
00:13:18,826 --> 00:13:22,426
the edges of the solar development areas and also the grid connection route.

225
00:13:23,086 --> 00:13:26,086
And those rights will fall away once the scheme is constructed.

226
00:13:28,346 --> 00:13:31,526
However, I do also note that Schedule 9 and its

227
00:13:31,566 --> 00:13:35,166
interpretations section ahead of the table within Schedule 9

228
00:13:35,246 --> 00:13:37,306
identifies subordinate classes of rights.

229
00:13:37,926 --> 00:13:39,646
So this means that where a higher

230
00:13:42,126 --> 00:13:45,686
class of right is sought over a plot, the undertaker may instead

231
00:13:45,746 --> 00:13:49,186
exercise a less extensive class where that's sufficient.

232
00:13:49,346 --> 00:13:50,246
So for example,

233
00:13:51,706 --> 00:13:55,586
the areas of land within the solar development area or within

234
00:13:55,626 --> 00:13:58,506
the cable sealing end compounds within the grid connection route
that are

235
00:13:58,546 --> 00:14:00,366
designated in the land plans as Class

236
00:14:01,945 --> 00:14:05,686
I, the undertaker may also elect to apply Class II, III, IV

237
00:14:06,046 --> 00:14:08,046
or V rights instead. So that's

238
00:14:08,146 --> 00:14:12,006
once it identifies the extent of land

239
00:14:12,046 --> 00:14:16,026
required, if it considers that the full extent of acquisition isn't required,

240
00:14:16,106 --> 00:14:17,826
or for example, an

241
00:14:20,226 --> 00:14:23,086
access right is only necessary rather than an overhead line right,

242
00:14:24,406 --> 00:14:28,306
or a temporary possession power is only necessary rather than a permanent power, it

243
00:14:28,346 --> 00:14:31,726
could apply a lesser right using the subordinate right

244
00:14:31,786 --> 00:14:32,346
approach.

245
00:14:34,206 --> 00:14:37,726
This allows the applicant to take a proportionate approach and acquire a lesser

246
00:14:37,786 --> 00:14:41,486
interest if it doesn't need to use the most extensive power available to it.

247
00:14:42,146 --> 00:14:45,526
It also enables the applicant to take temporary possession of a broader working

248
00:14:45,606 --> 00:14:48,926
area for the construction of elements of the scheme, like the grid connection

249
00:14:48,986 --> 00:14:52,906
route, and apply permanent rights only over the narrower area where

250
00:14:52,946 --> 00:14:54,986
the permanent infrastructure is being placed.

251
00:14:56,006 --> 00:14:58,946
I'm very sorry to interrupt. I do actually have a specific question on the

252
00:14:58,986 --> 00:15:01,887
subordinate rights, so I'm more than happy for you to continue- Go

253
00:15:01,965 --> 00:15:05,646
on ... but I will be revisiting that particular topic later on,

254
00:15:05,906 --> 00:15:06,606
on the agenda.

255
00:15:07,466 --> 00:15:08,166
Yes. Sure thing.

256
00:15:11,626 --> 00:15:15,366
Well, that was essentially the end of my spiel on the Schedule

257
00:15:15,646 --> 00:15:19,286
9 section. So the applicant's position is therefore that the powers as sought

258
00:15:19,366 --> 00:15:23,206
for and as relate to the land that those classes of rights have been applied to

259
00:15:23,666 --> 00:15:27,126
are clearly tied to the nature of right needed to deliver the type of

260
00:15:27,186 --> 00:15:29,186
infrastructure within those plots.

261
00:15:29,826 --> 00:15:33,406
And therefore, the powers are required for the authorized development or to

262

00:15:33,446 --> 00:15:37,246
facilitate works incidental to it, and so satisfy Section

263
00:15:37,786 --> 00:15:38,606
1222.

264
00:15:40,026 --> 00:15:43,486
So then I'll just move down to my notes for bullet point four.

265
00:15:45,666 --> 00:15:45,846
So

266
00:15:46,926 --> 00:15:50,466
this is to provide a brief overview of compliance with Section 122,

267
00:15:51,626 --> 00:15:53,446
subparagraph three of the Planning Act,

268
00:15:56,246 --> 00:15:59,846
which requires there to be a compelling case in the public interest
for the land to

269
00:15:59,886 --> 00:16:03,566
be acquired and for the public benefit to outweigh the

270
00:16:03,606 --> 00:16:06,866
private loss. So starting with the compelling case.

271
00:16:08,646 --> 00:16:11,966
The case for this scheme is set out principally in Sections

272
00:16:12,246 --> 00:16:16,066
4.45 and six of the statement of reasons, which

273
00:16:16,146 --> 00:16:17,606
is application document

274
00:16:18,226 --> 00:16:21,626
APP-032, read

275
00:16:21,686 --> 00:16:25,566

alongside the planning statement, which is application document

276
00:16:25,786 --> 00:16:28,346
APP-260.

277
00:16:29,565 --> 00:16:33,486
Both of those documents explain how the scheme meets an urgent need

278
00:16:33,706 --> 00:16:37,626
for new energy infrastructure as a form of development that's suitable in

279
00:16:37,666 --> 00:16:41,366
its local context, minimizes or mitigates adverse impacts to an

280
00:16:41,406 --> 00:16:44,926
acceptable degree, and is compliant with the relevant national policy

281
00:16:45,026 --> 00:16:48,466
statements being NPS EN1, EN3 and

282
00:16:48,626 --> 00:16:49,366
EN5.

283
00:16:50,626 --> 00:16:54,026
The applicant considers the need for the scheme is firmly and comprehensively set

284
00:16:54,066 --> 00:16:57,986
out in the planning statement. That need primarily stems from the

285
00:16:58,026 --> 00:17:01,626
two overarching goals set by the UK government to achieve net zero and

286
00:17:01,686 --> 00:17:03,106
achieve energy security.

287
00:17:04,186 --> 00:17:07,866
The scheme will generate low carbon electricity over a period of approximately

288
00:17:08,066 --> 00:17:09,866
40 years contributing to these goals.

289
00:17:10,786 --> 00:17:14,366
I do note, however, that further to the examining authority's request in its

290
00:17:14,406 --> 00:17:18,386
written questions, the applicant is also preparing a further supplementary

291
00:17:18,446 --> 00:17:21,866
statement of need, to outline in more detail the

292
00:17:21,906 --> 00:17:25,446
regulatory and demand context in which the scheme is being brought forward.

293
00:17:25,987 --> 00:17:29,766
So this is being submitted at deadline four and is considered will

294
00:17:29,866 --> 00:17:33,766
further bolster that needs case, which is already comprehensively set

295
00:17:33,826 --> 00:17:34,886
out in the planning statement.

296
00:17:36,806 --> 00:17:40,306
So it's on that basis that the applicant considers the compelling

297
00:17:40,386 --> 00:17:43,306
case for the scheme is established.

298
00:17:44,126 --> 00:17:46,786
And then in respect of balancing the

299
00:17:47,686 --> 00:17:51,066
interference with private interests of that public benefit,

300

00:17:51,866 --> 00:17:54,986
the applicant has sought to minimize that interference through the proportionate

301
00:17:55,046 --> 00:17:57,486
approach to land powers I've already outlined.

302
00:17:58,286 --> 00:18:00,846
Existing land uses have also been taken into account.

303
00:18:01,326 --> 00:18:05,206
In particular, no residential dwelling houses are proposed to be acquired outright,

304
00:18:05,626 --> 00:18:09,186
and the agricultural activity can generally continue or resume around scheme

305
00:18:09,226 --> 00:18:09,886
infrastructure.

306
00:18:11,126 --> 00:18:14,166
Human rights considerations are addressed in Section seven of the statement of

307
00:18:14,206 --> 00:18:18,066
reasons, including Article 8 and Article 1 of the First Protocol to

308
00:18:18,106 --> 00:18:19,126
the ECHR.

309
00:18:20,506 --> 00:18:23,986
Statutory compensation would also be available where applicable, although, as

310
00:18:24,026 --> 00:18:27,766
explained in the applicant's responses to the examining authority's written

311
00:18:27,806 --> 00:18:28,466
questions

312

00:18:29,266 --> 00:18:32,366
at questions 6.0.9 and

313
00:18:32,806 --> 00:18:36,766
6.0.11, the availability of compensation is not

314
00:18:36,786 --> 00:18:40,486
relied upon as the determining factor in that proportionality

315
00:18:40,546 --> 00:18:41,166
assessment.

316
00:18:43,146 --> 00:18:45,846
Taking those matters together, the applicant considers that interference with

317
00:18:45,866 --> 00:18:49,206
private interests is proportionate and justified, and that the public benefits of

318
00:18:49,206 --> 00:18:52,406
the scheme outweigh the private loss arising from the exercise of the powers,

319
00:18:53,146 --> 00:18:56,886
and therefore, both limbs of Section 122 are satisfied,

320
00:18:58,926 --> 00:19:02,526
being the land and rights required for the purposes identified under Section

321
00:19:02,866 --> 00:19:06,686
122 (2) , and there's a compelling case in the public interest under Section 122

322
00:19:06,686 --> 00:19:06,946
(3)

323
00:19:09,025 --> 00:19:12,906
. Thank you very much. Does anybody in the room or online have any comments or

324

00:19:12,966 --> 00:19:15,366
questions on what they've just heard from the applicant?

325
00:19:18,646 --> 00:19:22,466
Thank you. Bullets two and three, again, can we look at them

326
00:19:22,746 --> 00:19:24,405
kind of together? So

327
00:19:25,906 --> 00:19:29,786
in terms of bullet two, please confirm whether the Secretary of State could

328
00:19:29,826 --> 00:19:33,486
be satisfied whether the land proposed to be acquired is no more than is

329
00:19:33,526 --> 00:19:35,026
reasonably necessary.

330
00:19:36,826 --> 00:19:40,626
Please then provide an overview of whether all reasonable alternatives to

331
00:19:40,686 --> 00:19:42,746
compulsory acquisition have been explored.

332
00:19:43,166 --> 00:19:46,986
We do have some questions today on specific works numbers and

333
00:19:47,046 --> 00:19:47,546
plots.

334
00:19:48,806 --> 00:19:52,726
That list is quite long, so what I'm proposing to do is to

335
00:19:52,766 --> 00:19:54,766
ensure we get through all the agenda items.

336
00:19:54,826 --> 00:19:57,366
I'm going to deal with those at agenda item eight,

337
00:19:58,206 --> 00:20:01,926
depending on time. If we don't get through everything today, I will

338
00:20:01,986 --> 00:20:05,766
put what is remaining into ExQ2, which I hope is

339
00:20:06,386 --> 00:20:07,866
acceptable to yourselves.

340
00:20:08,726 --> 00:20:12,026
Yeah, so if you could look at bullets two and three, please.

341
00:20:13,706 --> 00:20:15,526
Yes, of course. Taylor Power for the applicant.

342
00:20:17,046 --> 00:20:20,766
So starting with bullet two, the applicant considers that

343
00:20:21,146 --> 00:20:24,206
the examining authority can be satisfied that the land proposed for the scheme is

344
00:20:24,266 --> 00:20:27,426
only that reasonably necessary to deliver the authorized development.

345
00:20:28,126 --> 00:20:31,886
The applicant has gone through an iterative design process to ensure the efficient

346
00:20:31,906 --> 00:20:35,806
and effective use of land, as described in detail throughout the design approach

347
00:20:35,886 --> 00:20:38,006
document, which is application document

348
00:20:38,186 --> 00:20:40,046
APP-268.

349
00:20:40,906 --> 00:20:44,306

Alternatives to the particular land and infrastructure configuration have also been

350
00:20:44,346 --> 00:20:48,006
considered through ES chapter three in respect of alternatives and

351
00:20:48,046 --> 00:20:51,486
design evolution and section five of the planning statement.

352
00:20:52,426 --> 00:20:56,186
The result of this work is that the solar development area provides that

353
00:20:56,246 --> 00:20:59,566
land sufficient to meet its original grid connection offer with a rate of

354
00:20:59,646 --> 00:21:03,606
overplanting, which is commiserate with the range set out within MPSEN1.

355
00:21:04,886 --> 00:21:08,206
At design stage three, the BESS was repositioned from being co-located and

356
00:21:08,246 --> 00:21:12,206
dispersed across the site at all on-site substations to being located in a

357
00:21:12,266 --> 00:21:16,226
centralized location in order to promote a technically

358
00:21:16,306 --> 00:21:19,866
suitable and efficient solution in respect of land take.

359
00:21:21,306 --> 00:21:24,566
The grid connection route represents a consolidated route from the broader

360
00:21:24,646 --> 00:21:28,286
corridor, which was consulted on at statutory consultation.

361

00:21:28,946 --> 00:21:31,526
So while it still provides a corridor wider than that

362
00:21:32,426 --> 00:21:36,386
required for the permanent infrastructure alone in order to enable

363
00:21:36,446 --> 00:21:40,366
the efficient final routing design and also efficient

364
00:21:40,406 --> 00:21:43,926
construction, the applicant will only exercise the powers

365
00:21:43,986 --> 00:21:47,586
insofar as required once the detailed design is known, and

366
00:21:47,686 --> 00:21:51,526
otherwise only use those temporary powers necessary to construct the scheme.

367
00:21:53,726 --> 00:21:57,546
The use of an overhead line itself limits ground disturbance to discrete foundation

368
00:21:57,926 --> 00:22:00,806
locations, allowing impacts to be more readily avoided,

369
00:22:01,626 --> 00:22:03,586
and use of the land to occur around

370
00:22:04,546 --> 00:22:05,646
pylon footprints.

371
00:22:07,126 --> 00:22:11,026
The scheme also uses land for associated development, including matters like

372
00:22:11,066 --> 00:22:14,906
B and G and landscape planting, access, heritage mitigation, and drainage

373
00:22:15,006 --> 00:22:18,906
works. The relevant ES chapters outline in detail how these features

and

374
00:22:18,926 --> 00:22:22,866
the land required for them directly respond to and are proportionate to

375
00:22:22,906 --> 00:22:25,006
the level of impact generated by the scheme.

376
00:22:28,566 --> 00:22:32,306
The applicant has also reached agreement with the majority of the freehold owners

377
00:22:32,346 --> 00:22:35,606
of the solar development area for a lease, and negotiations are well advanced with

378
00:22:35,626 --> 00:22:39,226
the other landowners within the solar development area, such that similar agreement

379
00:22:39,306 --> 00:22:43,026
is anticipated to be finalized by the end of examination for those landowners.

380
00:22:45,726 --> 00:22:49,566
So then moving on, I think, to point two, which is to provide a brief

381
00:22:49,646 --> 00:22:53,366
overview of whether all reasonable alternatives to compulsory acquisition have been

382
00:22:53,426 --> 00:22:54,066
explored.

383
00:22:55,406 --> 00:22:58,946
The applicant has sought and continues to seek to secure the land and rights

384
00:22:58,986 --> 00:23:02,866
required for the scheme by voluntary agreement wherever practicable, in

385
00:23:02,926 --> 00:23:04,946
line with the compulsory acquisition guidance.

386
00:23:05,706 --> 00:23:09,246
So as just noted, in the solar development area, five of the seven option

387
00:23:09,306 --> 00:23:12,986
agreements have been completed. Terms are agreed for the remaining

388
00:23:13,046 --> 00:23:13,666
two. And

389
00:23:14,566 --> 00:23:18,146
just to clarify, that land of the remaining two option agreements

390
00:23:18,266 --> 00:23:22,146
accounts for approximately 84 acres or 3%

391
00:23:22,206 --> 00:23:25,706
of the solar development area, so the vast majority of the solar development area

392
00:23:25,726 --> 00:23:26,566
is under option.

393
00:23:27,866 --> 00:23:30,886
As already noted, the applicant expects those agreements to complete within the

394
00:23:30,946 --> 00:23:32,126
examination period.

395
00:23:33,206 --> 00:23:36,966
And then for the grid connection route, negotiations are ongoing with 41

396
00:23:37,026 --> 00:23:40,566
heads of terms, and option agreements currently outstanding.

397

00:23:41,106 --> 00:23:44,326
Those negotiations will continue throughout the examination.

398
00:23:44,446 --> 00:23:45,226
And I have

399
00:23:46,226 --> 00:23:49,906
the applicant's land team here who can speak to the ongoing progress of

400
00:23:49,966 --> 00:23:53,006
those negotiations if there are any particular questions.

401
00:23:54,086 --> 00:23:58,066
The inclusion of compulsory acquisitions powers does not prevent these agreements

402
00:23:58,086 --> 00:23:59,826
from being completed voluntarily.

403
00:24:01,066 --> 00:24:04,786
But the applicant considers it remains necessary to retain compulsory acquisition

404
00:24:04,846 --> 00:24:08,586
powers to provide certainty that all land and rights required to deliver the

405
00:24:08,626 --> 00:24:10,486
scheme can ultimately be secured.

406
00:24:11,906 --> 00:24:15,706
In particular, those powers address interests or third-party rights

407
00:24:15,946 --> 00:24:19,506
which can't be secured voluntarily despite the applicant's best interests,

408
00:24:20,286 --> 00:24:23,606
the circumstances where voluntary agreements do not ultimately secure all of the

409

00:24:23,666 --> 00:24:24,906
land or rights required,

410
00:24:26,006 --> 00:24:29,766
and the need to ensure the scheme can be delivered within the required program, so

411
00:24:29,826 --> 00:24:31,846
if negotiations aren't progressing

412
00:24:33,446 --> 00:24:35,046
to completion fast enough.

413
00:24:37,914 --> 00:24:41,194
The applicant has also considered the extent and nature of the power sought and has

414
00:24:41,234 --> 00:24:44,454
sought to apply the least extensive form of power reasonably required within the

415
00:24:44,514 --> 00:24:45,234
land plans.

416
00:24:46,274 --> 00:24:49,434
In particular, freehold acquisition is not sought where permanent rights is

417
00:24:49,454 --> 00:24:52,214
sufficient. Permanent rights are not sought where temporary possession is

418
00:24:52,234 --> 00:24:55,974
sufficient. And as I've already noted, Schedule 9 allows

419
00:24:56,094 --> 00:24:59,874
lesser classes of rights to be exercised if in the future, even further

420
00:24:59,914 --> 00:25:02,034
downgrading of rights can be applied.

421

00:25:03,554 --> 00:25:06,654
The applicant's position is therefore, is considered reasonable alternatives to

422
00:25:06,694 --> 00:25:09,954
both the use of compulsory acquisition powers, principally through the ongoing

423
00:25:09,994 --> 00:25:13,814
pursuit of voluntary agreements and the use of proportional powers to the works

424
00:25:13,854 --> 00:25:14,374
proposed.

425
00:25:16,254 --> 00:25:20,214
Thank you. What's the likelihood of the outstanding agreements for the

426
00:25:20,274 --> 00:25:24,134
grid connection route being completed by the close of examination, please?

427
00:25:26,874 --> 00:25:28,114
Taylor Powell for the applicant. Sorry.

428
00:25:28,854 --> 00:25:32,594
I do have further notes on this further down in my notes.

429
00:25:32,654 --> 00:25:33,694
One moment, please.

430
00:25:38,174 --> 00:25:38,454
So,

431
00:25:40,934 --> 00:25:43,394
for the grid connection route, negotiations are progressing.

432
00:25:44,274 --> 00:25:47,974
They're progressing collectively through a land interest group for a large number

433

00:25:48,014 --> 00:25:51,314
of the landowners and then also directly with individual landowners.

434
00:25:52,174 --> 00:25:55,394
The common heads of terms with the land interest group are on their third

435
00:25:55,454 --> 00:25:58,274
iteration. Sorry, I'll just take a sip of water.

436
00:26:02,714 --> 00:26:05,674
And significant progress is being made on those common heads of terms.

437
00:26:06,694 --> 00:26:10,114
But then they'll need to be taken to the relevant individual landowners to sign on

438
00:26:10,174 --> 00:26:13,894
to. So while the applicant expects those

439
00:26:13,994 --> 00:26:17,794
negotiations to continue to progress materially through the examination, it can't

440
00:26:17,854 --> 00:26:21,694
guarantee that they would be concluded by end of examination,

441
00:26:21,834 --> 00:26:22,234
although,

442
00:26:23,794 --> 00:26:27,654
based on the current engagement, it's hopeful that at least some of them

443
00:26:27,714 --> 00:26:28,234
will be.

444
00:26:30,814 --> 00:26:33,994
And this is particularly where the fact some of the affected persons within the

445

00:26:34,034 --> 00:26:37,674
grid connection route aren't presently engaging or still have

446
00:26:37,734 --> 00:26:39,414
site-specific matters they want to address.

447
00:26:39,494 --> 00:26:43,254
So particularly for those landowners, it might not be possible to agree them with

448
00:26:43,294 --> 00:26:44,234
an examination.

449
00:26:45,794 --> 00:26:46,814
But I would note that

450
00:26:49,174 --> 00:26:52,674
this exceeds the obligation on acquiring authorities under the compulsory

451
00:26:52,714 --> 00:26:56,254
acquisition guidance, which provides they should seek to acquire land by voluntary

452
00:26:56,314 --> 00:26:59,414
agreement wherever practicable, which the applicant considers it's met.

453
00:27:00,674 --> 00:27:03,834
And in fact, it's very common for particularly linear projects and

454
00:27:04,294 --> 00:27:07,914
looking for solar DCOs at the grid connection routes to close

455
00:27:07,954 --> 00:27:11,694
examination without all voluntary agreements in place for grid

456
00:27:11,734 --> 00:27:15,694
connection landowners. So the applicant considers while, it's hopeful

457
00:27:15,714 --> 00:27:19,694

that it can agree as many as possible heads of terms with

458
00:27:19,734 --> 00:27:21,054
grid connection route landowners.

459
00:27:21,714 --> 00:27:25,574
If it doesn't, it's in line with the industry practice when it

460
00:27:25,634 --> 00:27:27,394
comes to such linear projects.

461
00:27:28,054 --> 00:27:31,454
Okay, but negotiations will continue with them till the close of

462
00:27:31,514 --> 00:27:32,594
examination in respect

463
00:27:32,593 --> 00:27:34,134
to- Yes, that's correct, and to beyond.

464
00:27:34,954 --> 00:27:35,514
Thank you.

465
00:27:36,314 --> 00:27:39,194
I do have a question.

466
00:27:40,674 --> 00:27:44,294
As a result of the response by Lincolnshire County Council to

467
00:27:44,374 --> 00:27:46,754
EXQ 6017,

468
00:27:47,974 --> 00:27:51,794
the council has questioned the necessity for the CA of

469
00:27:51,874 --> 00:27:55,814
highway lands on the basis that the proposed highway works could

470
00:27:56,214 --> 00:28:00,034
be potentially authorized and undertaken through other statutory

471
00:28:00,074 --> 00:28:00,994
mechanisms.

472
00:28:03,254 --> 00:28:07,114
What consideration has the applicant given to whether the necessary works could be

473
00:28:07,154 --> 00:28:07,674
delivered

474
00:28:08,554 --> 00:28:12,374
through the relevant highway works or street works powers without the need

475
00:28:12,454 --> 00:28:15,074
to CA land or interests, please?

476
00:28:15,974 --> 00:28:17,474
Yes. Taylor Powell for the applicant.

477
00:28:18,374 --> 00:28:21,954
Yeah. So once the applicant saw the county council's

478
00:28:22,014 --> 00:28:25,814
comments on the acquisition of such land, we went away and had a look again at the

479
00:28:25,854 --> 00:28:29,194
land plans in respect to the land that this might relate to.

480
00:28:30,354 --> 00:28:33,214
And this is in respect to four plots.

481
00:28:33,794 --> 00:28:34,194
So,

482
00:28:35,894 --> 00:28:38,314
let me just pull up the names of those plots.

483
00:28:39,694 --> 00:28:40,154
But in

484
00:28:41,534 --> 00:28:45,214
short, where this arose from is

485
00:28:45,274 --> 00:28:49,234
that when compiling the extent of highways for

486
00:28:49,274 --> 00:28:53,214
the scheme, the applicant liaised with Lincolnshire

487
00:28:53,274 --> 00:28:56,853
County Council as local highways authority to provide a series

488
00:28:56,913 --> 00:28:59,794
of plots as to what it considered its highway boundaries.

489
00:29:00,774 --> 00:29:04,494
Two of the four plots that this relates to fell outside of that

490
00:29:04,554 --> 00:29:07,334
shapefile that was provided by Lincolnshire County Council.

491
00:29:07,694 --> 00:29:11,414
So the applicant, in understanding from that communication with the council,

492
00:29:12,294 --> 00:29:15,654
by virtue of the shapefile, didn't understand those plots to fall within the

493
00:29:15,694 --> 00:29:19,554
highway boundary. And so then because those plots were within the solar

494
00:29:19,594 --> 00:29:23,474
development area, sought to apply compulsory acquisition over

495
00:29:23,494 --> 00:29:24,154
those plots,

496
00:29:25,774 --> 00:29:27,274

because they were unregistered land and the

497
00:29:28,094 --> 00:29:32,074
applicant didn't know otherwise whether they were highway land or not based on

498
00:29:32,114 --> 00:29:34,254
what the council had confirmed to it.

499
00:29:34,974 --> 00:29:38,914
But based on the further engagement from the council now, the applicant

500
00:29:38,954 --> 00:29:42,494
is happy to discuss in respect to those plots if they are in fact part of the

501
00:29:42,534 --> 00:29:45,414
highway boundary, adjusting the compulsory acquisition

502
00:29:46,974 --> 00:29:48,654
powers that apply over those plots.

503
00:29:49,594 --> 00:29:53,174
In respect to the other two plots which sit within the grid connection route,

504
00:29:53,774 --> 00:29:57,314
they relate to subsoil interests sought by the applicant to

505
00:29:57,974 --> 00:30:00,534
allow drainage coming out of access roads into the

506
00:30:01,514 --> 00:30:04,774
cable ceiling and compounds to cross underneath the highway

507
00:30:05,354 --> 00:30:05,714
and

508
00:30:07,994 --> 00:30:11,654
filter out water into the drain on the other side of the highway from where the

509
00:30:11,734 --> 00:30:15,534
access enters into. So the intention was for the acquisition to be of

510
00:30:15,574 --> 00:30:19,554
subsoil interest. But again, the applicant's happy to discuss with

511
00:30:19,574 --> 00:30:21,994
the highway whether those powers could be

512
00:30:23,014 --> 00:30:26,534
essentially scaled down to easements or other rights.

513
00:30:26,654 --> 00:30:30,554
So, what the applicant would suggest is that the land referencing

514
00:30:30,594 --> 00:30:33,894
teams from the applicant and the council speak further as to the nature of the

515
00:30:33,974 --> 00:30:35,614
council's interest in those plots and,

516
00:30:36,594 --> 00:30:40,534
if necessary, the applicant can adjust its land plans and Schedule 9 accordingly.

517
00:30:41,982 --> 00:30:44,962
Thank you. Could we take that as an action point for both parties?

518
00:30:45,502 --> 00:30:49,262
Is that acceptable? I know maybe you can't comment on the technicalities of that,

519
00:30:49,322 --> 00:30:51,142
but do you have any comments?

520
00:30:51,262 --> 00:30:53,922
Yes. Yeah, Andrew Ron, Lincolnshire County Council. Yes, certainly.

521

00:30:53,962 --> 00:30:55,682
That sounds like a sensible way forward.

522
00:30:55,762 --> 00:30:58,062
So, I'll take that back and we can-

523
00:30:58,062 --> 00:30:58,442
Excellent

524
00:30:58,481 --> 00:31:00,602
... continue dialogue with the applicant. Yeah. Thank you.

525
00:31:00,622 --> 00:31:01,022
Thank you both.

526
00:31:01,842 --> 00:31:05,482
Ms. Tetley Jones, I think you've got your hand up online.

527
00:31:05,642 --> 00:31:06,422
Is there something you

528
00:31:07,282 --> 00:31:07,882
wish to add?

529
00:31:09,682 --> 00:31:13,202
Yes. Emily Tetley Jones acting for InterGen.

530
00:31:13,742 --> 00:31:17,342
I wanted to speak to the bullet points that

531
00:31:17,422 --> 00:31:20,862
have just been covered by Ms. Power,

532
00:31:21,282 --> 00:31:23,022
or I can leave the points till-

533
00:31:23,562 --> 00:31:23,662
Nope

534
00:31:24,161 --> 00:31:26,342
... later on, whichever you would prefer.

535
00:31:27,102 --> 00:31:29,082
That was fine. There is a

536
00:31:30,122 --> 00:31:34,062
couple of other bullet points in item three.

537
00:31:35,402 --> 00:31:37,342
Do you have comments on

538
00:31:38,222 --> 00:31:42,122
those which relate to the land rights tracker,

539
00:31:42,762 --> 00:31:44,422
or do you wish to make your points now?

540
00:31:44,482 --> 00:31:47,922
Because I was going to do a general at the end of item three if
anybody had any

541
00:31:47,962 --> 00:31:50,782
comments. But I'm more than happy to hear your comments now.

542
00:31:52,362 --> 00:31:55,962
In that case, Madam Inspector, I would propose leaving

543
00:31:56,502 --> 00:31:59,442
my comments until the end and pulling them all together.

544
00:32:00,062 --> 00:32:01,202
That's fine. Thank you.

545
00:32:01,822 --> 00:32:02,402
Thank you so much.

546
00:32:05,782 --> 00:32:07,862
Moving to the land rights... Oh.

547
00:32:10,142 --> 00:32:12,462
Mr. Bassford's got his hand up as well. Sorry? Mr.

548
00:32:12,622 --> 00:32:13,922
Bassford's got his hand up as well. Oh, sorry, Mr. Bassford. I didn't see you.

549
00:32:15,242 --> 00:32:17,562
Bassford on behalf of National Grid Electricity Transmission.

550
00:32:17,602 --> 00:32:19,182
Just to say, madam, that

551
00:32:20,222 --> 00:32:22,922
needless to say, National Grid does not accept that

552
00:32:23,042 --> 00:32:27,022
the applicant has properly exhausted

553
00:32:27,762 --> 00:32:31,662
its duty to consider alternatives in relation to

554
00:32:31,702 --> 00:32:33,102
the grid connection in particular.

555
00:32:37,642 --> 00:32:38,282
As there is a

556
00:32:40,482 --> 00:32:44,002
solution being promoted by the applicant which is

557
00:32:44,042 --> 00:32:46,922
unworkable, it ought to look again.

558
00:32:48,222 --> 00:32:49,202
It's as simple as that.

559
00:32:50,802 --> 00:32:53,102
We'll flesh that out in terms of the

560
00:32:54,282 --> 00:32:56,462
submission more fully in writing.

561

00:32:57,622 --> 00:33:01,542
We do obviously have on tomorrow's agenda as well grid

562
00:33:01,582 --> 00:33:04,822
matters to be discussed. Okay. Thank you, Mr. Bassford.

563
00:33:07,302 --> 00:33:10,582
Are there any updates to the land rights tracker?

564
00:33:10,642 --> 00:33:13,382
We obviously saw your submission at deadline three.

565
00:33:13,442 --> 00:33:16,622
Are there any substantive changes between then and now?

566
00:33:18,342 --> 00:33:19,722
Yes. Taylor Power for the applicant.

567
00:33:19,942 --> 00:33:21,422
I will pass over to

568
00:33:22,362 --> 00:33:26,242
my colleague, Annette McNally, who's an associate director at WSP,

569
00:33:26,442 --> 00:33:28,842
and she can provide an update in respective...

570
00:33:29,402 --> 00:33:33,382
So is it correct that the examining authority is looking for changes since deadline

571
00:33:33,402 --> 00:33:36,042
three, or an explanation of the changes that occurred at deadline three?

572
00:33:36,102 --> 00:33:38,402
Just any changes since deadline three.

573
00:33:38,582 --> 00:33:40,222
Just any significant

574

00:33:41,102 --> 00:33:41,702
changes.

575
00:33:41,762 --> 00:33:43,902
Not a full line-by-line read through.

576
00:33:43,962 --> 00:33:46,682
Yeah, because I'm assuming you will be submitting

577
00:33:47,522 --> 00:33:51,462
updated land rights tracker. Anything significant that has changed between then

578
00:33:51,482 --> 00:33:52,162
and now, please.

579
00:33:53,841 --> 00:33:55,582
Okay. Annette McNally for the applicant.

580
00:33:56,122 --> 00:34:00,042
The applicant has written to all affected parties and land agents requesting an

581
00:34:00,082 --> 00:34:03,742
in-person site meeting to review the site-specific plans for their

582
00:34:04,362 --> 00:34:08,303
land. The applicant met with the LIG in person on the 26th

583
00:34:08,362 --> 00:34:11,482
of October to review the heads of terms and update

584
00:34:12,422 --> 00:34:16,342
on the progress of the scheme. The heads of terms are being reviewed in

585
00:34:16,402 --> 00:34:20,283
line with discussions and will be sent to the LIG members early next week

586
00:34:20,342 --> 00:34:24,243
for their review. The applicant and our agents have scheduled and

587
00:34:24,283 --> 00:34:28,182
undertook several meetings on site to discuss the practicalities

588
00:34:28,203 --> 00:34:31,842
and delivery of the scheme directly with the landowner and their

589
00:34:31,962 --> 00:34:35,862
agents. The applicant continues to seek further

590
00:34:35,902 --> 00:34:39,562
engagement with parties who do not wish to engage

591
00:34:40,502 --> 00:34:43,562
to date or have had very little engagement.

592
00:34:43,763 --> 00:34:47,442
The applicant has sought clarity from landowners to confirm their

593
00:34:47,482 --> 00:34:50,283
position regarding engagement with the scheme.

594
00:34:50,783 --> 00:34:54,243
The applicant is also awaiting responses to matters raised to

595
00:34:54,322 --> 00:34:57,801
affected persons and their agents in relation to

596
00:34:58,582 --> 00:35:02,501
tenancies, contract, licenses on their

597
00:35:02,561 --> 00:35:05,402
land, to inform voluntary arrangements.

598
00:35:07,842 --> 00:35:11,702
Thank you. I do have a specific question about the land rights

599
00:35:11,762 --> 00:35:13,342
tracker, which perhaps you could help me with.

600

00:35:13,502 --> 00:35:17,262
It's the blue shading issue. We did ask a

601
00:35:17,342 --> 00:35:18,042
question

602
00:35:18,902 --> 00:35:22,722
on this in the first round of ExQs,

603
00:35:23,102 --> 00:35:25,342
and we note your response to ExQ

604
00:35:25,782 --> 00:35:27,722
6.0.29.

605
00:35:31,122 --> 00:35:34,802
I just would like you to talk me through your response just to ensure I

606
00:35:34,842 --> 00:35:36,942
understand what you were saying, because to me,

607
00:35:38,602 --> 00:35:39,942
I'm not 100% clear.

608
00:35:43,801 --> 00:35:47,562
I don't know whether it's possible, can we have the land rights tracker on the

609
00:35:47,682 --> 00:35:49,002
screen, please?

610
00:35:50,362 --> 00:35:52,342
Is that possible for your colleague to share?

611
00:36:11,682 --> 00:36:15,142
Thank you. If we look at row four in

612
00:36:15,722 --> 00:36:18,462
the category one table, which starts with plot

613

00:36:19,042 --> 00:36:22,722
B2177, I think it is.

614
00:36:23,742 --> 00:36:25,322
So if we scroll to row four.

615
00:36:41,602 --> 00:36:41,822
Okay

616
00:36:48,206 --> 00:36:50,086
And you're not going to be able to see it in

617
00:36:51,186 --> 00:36:53,646
that scale. So I will explain what it says.

618
00:36:57,366 --> 00:36:58,946
I think it is that first one, actually.

619
00:36:59,086 --> 00:37:02,386
In the heads of term column, it's shaded blue, which

620
00:37:03,046 --> 00:37:05,926
indicates that HOTs are not agreed

621
00:37:07,506 --> 00:37:08,786
and not required.

622
00:37:10,246 --> 00:37:14,206
But in the summary of negotiation column, reference is made to the issuing

623
00:37:14,266 --> 00:37:15,146
of heads of terms.

624
00:37:18,686 --> 00:37:20,526
Taylor Power for the applicant. I'll pass over-

625
00:37:20,546 --> 00:37:20,625
Yeah

626
00:37:20,624 --> 00:37:22,846

... to Mr. Adama, who can speak to

627
00:37:23,766 --> 00:37:25,846
the drafting of the land rights tracker on this row.

628
00:37:26,046 --> 00:37:29,746
It might just be that I'm misinterpreting it, but if you could just

629
00:37:29,806 --> 00:37:31,006
explain it to me, please.

630
00:37:32,886 --> 00:37:34,526
Shireef Adama on behalf of the applicant.

631
00:37:36,006 --> 00:37:37,466
In regards to the land rights tracker,

632
00:37:39,206 --> 00:37:39,826
for your query,

633
00:37:40,786 --> 00:37:44,246
the intention is for the third column or the columns with the

634
00:37:44,286 --> 00:37:46,166
highlighted shaded blue, as you've referenced,

635
00:37:47,046 --> 00:37:49,126
for blue to signify not required.

636
00:37:50,186 --> 00:37:54,066
Some of the confusion may draw from the fact that there is overlap

637
00:37:54,126 --> 00:37:56,346
where we have some parties whose

638
00:37:57,246 --> 00:38:01,106
heads of terms are not required due to the nature of infrastructure

639
00:38:01,166 --> 00:38:02,386
on their land, as in

640
00:38:03,226 --> 00:38:07,066
temporary accesses. But because they form, or

641
00:38:07,086 --> 00:38:10,766
their agent forms part of the LIG, those updates are captured within that.

642
00:38:12,086 --> 00:38:13,066
The applicant notes that

643
00:38:14,346 --> 00:38:17,926
yourself, madam, or the examining authority has asked for changes to the document

644
00:38:17,966 --> 00:38:21,906
for deadline four. As part of the updates to the land rights tracker, we'll look

645
00:38:21,986 --> 00:38:25,866
to simplify or clarify that matter, as well as update with

646
00:38:25,906 --> 00:38:29,686
the requested changes for deadline four to hopefully make it clearer and to

647
00:38:29,726 --> 00:38:30,486
avoid this confusion.

648
00:38:31,466 --> 00:38:33,026
That would be useful. Thank you.

649
00:38:34,206 --> 00:38:38,086
Does anybody have anything just on the land rights

650
00:38:38,146 --> 00:38:40,946
tracker to add? I will come back and do kind of like a general

651
00:38:41,846 --> 00:38:45,426
sweep up, Ms. Tetley Jones, to receive your comments as well.

652
00:38:47,006 --> 00:38:49,346

No. The final bullet point,

653
00:38:50,706 --> 00:38:51,166
if the

654
00:38:52,406 --> 00:38:56,326
applicant could provide a high-level summary of the likely main outstanding matters

655
00:38:56,366 --> 00:38:56,906
you foresee

656
00:38:58,306 --> 00:39:02,226
by the close of the examination and confirm what efforts are being made to resolve

657
00:39:02,286 --> 00:39:02,866
these, please.

658
00:39:08,126 --> 00:39:09,426
Taylor Power for the applicant.

659
00:39:10,606 --> 00:39:13,866
So as already explained, the applicant is working to resolve all outstanding

660
00:39:13,906 --> 00:39:17,886
matters so far as is practicable before the close of examination, and continues

661
00:39:17,926 --> 00:39:21,446
to engage actively with affected persons and statutory undertakers.

662
00:39:22,726 --> 00:39:26,046
I don't propose to get into the detail of the status of negotiations with statutory

663
00:39:26,086 --> 00:39:29,426
undertakers because I'm aware that we're addressing that in detail at item five.

664
00:39:30,206 --> 00:39:31,946

But in relation to land agreements,

665
00:39:32,926 --> 00:39:35,346
the applicant continues to pursue the voluntary agreement.

666
00:39:36,026 --> 00:39:39,746
As already noted, there's just two of the seven option agreements outstanding for

667
00:39:39,786 --> 00:39:42,906
the solar development area, and the applicant's confident that those will be

668
00:39:42,966 --> 00:39:45,346
resolved within the examination period.

669
00:39:46,426 --> 00:39:50,126
And as previously noted, 97% of the land area for the solar

670
00:39:50,186 --> 00:39:51,546
development area has already

671
00:39:52,386 --> 00:39:54,426
been placed under agreed options.

672
00:39:56,546 --> 00:39:58,986
For the grid connection route, as already discussed,

673
00:40:00,366 --> 00:40:04,046
while negotiations are progressing, I can't provide a promise as to the exact

674
00:40:04,086 --> 00:40:08,026
extent that will be agreed by the end of examination, but it's the applicant's

675
00:40:08,066 --> 00:40:09,226
intention and

676
00:40:10,206 --> 00:40:12,886
efforts are to try to agree as many as it can.

677
00:40:13,586 --> 00:40:17,366
It considers the fact that the common heads of terms with the LIG are on their

678
00:40:17,386 --> 00:40:18,526
third iteration,

679
00:40:19,946 --> 00:40:23,386
good sign of progress with the LIG and their representatives,

680
00:40:24,546 --> 00:40:28,006
that applicant expects those negotiations to continue to progress

681
00:40:28,046 --> 00:40:30,346
materially during the remainder of the examination.

682
00:40:32,546 --> 00:40:36,446
And I think I've already expressed the rest of the kind of status when

683
00:40:36,466 --> 00:40:40,446
it comes to the grid connection route landowners, but it is very much

684
00:40:40,486 --> 00:40:41,166
the intention

685
00:40:42,166 --> 00:40:44,166
that it closes out as many of those as it can.

686
00:40:45,826 --> 00:40:49,506
Thank you very much. Ms. Tetley Jones, would you like to provide the

687
00:40:49,546 --> 00:40:50,206
comments now?

688
00:41:01,946 --> 00:41:04,405
Emily Tetley Jones for InterGen.

689
00:41:05,386 --> 00:41:08,866
Thank you very much. I would like to speak to

690
00:41:10,126 --> 00:41:13,726
the second, the third, and the fourth bullet

691
00:41:13,846 --> 00:41:16,966
point of agenda item three.

692
00:41:19,166 --> 00:41:22,646
And I wonder if for context, it would be possible

693
00:41:23,986 --> 00:41:27,806
for the works plan sheet

694
00:41:28,086 --> 00:41:28,726
five,

695
00:41:29,286 --> 00:41:32,306
APP-010

696
00:41:33,166 --> 00:41:33,806
to be shared.

697
00:41:37,006 --> 00:41:38,606
Is the applicant able to share that,

698
00:41:39,926 --> 00:41:40,266
please?

699
00:41:42,026 --> 00:41:45,786
Yes. Taylor Power for the applicant. Mr. Davies, would you be able to share?

700
00:41:45,866 --> 00:41:46,246
Thank you.

701
00:41:48,446 --> 00:41:49,146
Thank you very much.

702
00:41:52,666 --> 00:41:53,006
There we go.

703
00:41:53,806 --> 00:41:53,886
Mr.

704
00:41:58,146 --> 00:41:58,586
Davies.

705
00:42:00,786 --> 00:42:04,766
I will be brief. I realize there are lots of agenda

706
00:42:04,846 --> 00:42:07,106
items for us to cover.

707
00:42:09,386 --> 00:42:11,186
In respect of

708
00:42:12,806 --> 00:42:14,266
bullet point two,

709
00:42:16,106 --> 00:42:20,006
comments on whether the land proposed to be acquired is

710
00:42:20,186 --> 00:42:23,206
no more than is reasonably necessary.

711
00:42:24,486 --> 00:42:27,286
My client's gas pipeline

712
00:42:29,486 --> 00:42:33,406
runs, broadly speaking, from the right-hand

713
00:42:33,586 --> 00:42:37,406
top corner, just underneath where it says works numbers

714
00:42:37,506 --> 00:42:40,026
14 and 15 in the blue hatched area.

715
00:42:41,506 --> 00:42:44,766
It runs diagonally down to the bottom

716
00:42:45,026 --> 00:42:46,166

left-hand corner

717
00:42:47,006 --> 00:42:49,426
to below where it says The Chase

718
00:42:50,910 --> 00:42:52,250
On the left-hand side.

719
00:42:53,590 --> 00:42:54,590
And importantly,

720
00:42:55,610 --> 00:42:59,490
this pressurized gas pipeline runs incredibly

721
00:42:59,550 --> 00:43:03,330
close to the pylon in the

722
00:43:03,710 --> 00:43:06,989
middle of the yellow, with reference

723
00:43:07,690 --> 00:43:10,950
45V42.

724
00:43:13,890 --> 00:43:17,630
So that is setting the context in terms of

725
00:43:18,370 --> 00:43:22,250
how my client's pipeline is potentially

726
00:43:23,090 --> 00:43:26,750
affected by this. Now, there hasn't been any

727
00:43:26,790 --> 00:43:30,410
exclusion of the pipeline land or

728
00:43:30,550 --> 00:43:34,290
indeed any land necessary to access, repair, or

729
00:43:34,330 --> 00:43:35,550
maintain it from

730
00:43:37,090 --> 00:43:39,690
the wording of the draft order.

731
00:43:40,550 --> 00:43:44,510
Neither has there been any consultation to that effect.

732
00:43:46,310 --> 00:43:49,610
I would echo Mr. Basford's comments

733
00:43:51,730 --> 00:43:54,130
speaking for National Grid,

734
00:43:55,229 --> 00:43:58,590
in respect of bullet point three, in terms

735
00:43:58,850 --> 00:44:01,890
of the fact that we do not agree that all reasonable

736
00:44:01,930 --> 00:44:03,950
alternatives have been

737
00:44:04,790 --> 00:44:08,430
discussed. Certainly, there's been no consultation on potentially

738
00:44:08,490 --> 00:44:10,750
changing either the route or

739
00:44:11,830 --> 00:44:15,670
the angle of the crossing, for instance, of the

740
00:44:15,830 --> 00:44:19,550
overhead cable, or indeed the positioning of the pylon that is so

741
00:44:20,190 --> 00:44:21,630
close to us.

742
00:44:23,750 --> 00:44:27,430
In terms of the fourth bullet point, the

743
00:44:27,470 --> 00:44:29,010

overview of whether,

744
00:44:29,930 --> 00:44:30,990
in respect of Section

745
00:44:31,630 --> 00:44:34,730
1223 of The Planning Act

746
00:44:34,890 --> 00:44:36,770
2008, there is a compelling

747
00:44:38,530 --> 00:44:42,370
case to be acquired compulsorily with the

748
00:44:42,410 --> 00:44:45,850
public benefit outweighing the private

749
00:44:46,210 --> 00:44:46,630
loss.

750
00:44:48,150 --> 00:44:51,530
We can address the point later, but my client's

751
00:44:52,570 --> 00:44:56,490
infrastructure is key to supplying the

752
00:44:57,110 --> 00:44:58,290
National Grid with

753
00:44:59,270 --> 00:45:01,130
emergency power.

754
00:45:02,630 --> 00:45:06,310
And as such, our argument is that the applicant has

755
00:45:06,390 --> 00:45:10,350
not made out the proportionality of its case in respect of the
pipeline

756
00:45:10,410 --> 00:45:14,390
land specifically, especially when considering the length of the

757
00:45:14,470 --> 00:45:17,730
pipeline affected and the potential for

758
00:45:18,190 --> 00:45:21,570
serious damage to the pipeline, both in the

759
00:45:22,290 --> 00:45:26,090
long and short term. And one point

760
00:45:26,550 --> 00:45:27,770
that we can pick up

761
00:45:28,730 --> 00:45:29,270
later,

762
00:45:30,130 --> 00:45:34,010
InterGen has been treated as a statutory operator,

763
00:45:34,910 --> 00:45:38,330
or statutory undertaker, pardon me, in respect of some of the

764
00:45:41,830 --> 00:45:45,670
literature in the order, including the Rule 6

765
00:45:45,770 --> 00:45:49,670
letter at PD-006

766
00:45:49,830 --> 00:45:53,550
at Annex F, paragraph two, which

767
00:45:53,590 --> 00:45:57,550
refers to SECL and SEEL as

768
00:45:57,790 --> 00:45:59,470
statutory undertakings.

769
00:46:00,970 --> 00:46:04,690
And whilst those entities are electricity generation

770

00:46:04,810 --> 00:46:08,610
license holders under Section 6 of The Electricity

771
00:46:08,710 --> 00:46:11,970
Act in respect of electricity apparatus, they are not

772
00:46:12,510 --> 00:46:14,270
license holders under Section

773
00:46:15,210 --> 00:46:18,890
7 of The Gas Act 1986, and therefore

774
00:46:19,050 --> 00:46:22,570
not a statutory undertaker in respect of the gas

775
00:46:22,690 --> 00:46:26,530
pipeline that we are referring to today, which is affected by

776
00:46:26,590 --> 00:46:30,370
the draft order. This, of course, means that the

777
00:46:30,410 --> 00:46:34,230
generic protective provisions currently included on the face of the order

778
00:46:34,710 --> 00:46:38,050
do not, as they stand, protect my client's

779
00:46:38,110 --> 00:46:41,510
infrastructure, nor are there any private

780
00:46:41,590 --> 00:46:44,190
protective provisions in place.

781
00:46:45,010 --> 00:46:45,270
So

782
00:46:46,390 --> 00:46:47,430
to that end,

783
00:46:48,610 --> 00:46:50,510

our case would be that the

784
00:46:51,430 --> 00:46:51,910
tests

785
00:46:52,930 --> 00:46:55,650
in 1223

786
00:46:56,470 --> 00:46:59,350
have not been met. Thank you very much.

787
00:47:01,110 --> 00:47:04,530
Thank you, and obviously you will have further opportunity to

788
00:47:04,950 --> 00:47:08,530
discuss your case. I think there are two other places in the agenda.

789
00:47:08,970 --> 00:47:12,930
I'll turn to the applicant if you wish to make any comment on what InterGen have

790
00:47:12,990 --> 00:47:13,350
just said.

791
00:47:14,410 --> 00:47:17,130
Yes. Taylor Powell for the applicant, and thank you very much,

792
00:47:18,330 --> 00:47:19,370
Ms. Tetley-Jones.

793
00:47:20,350 --> 00:47:24,150
In respect of some of the points raised, I did want to

794
00:47:24,170 --> 00:47:27,930
provide a few areas of clarification, and I might also pass to my colleague, Mr.

795
00:47:28,130 --> 00:47:31,530
Adama, who can speak to the previous engagement with

796
00:47:33,010 --> 00:47:36,930

Ms. Tetley-Jones' client. In respect of the section of

797
00:47:36,990 --> 00:47:40,910
works plans that were showing up and the pylon that was showing on the screen, I

798
00:47:40,950 --> 00:47:44,450
do just want to clarify that the pylon locations are

799
00:47:44,490 --> 00:47:48,210
indicative, and the intention of the applicant is that

800
00:47:48,270 --> 00:47:52,210
at detailed design it would be micro-siting pylons, taking

801
00:47:52,270 --> 00:47:53,010
into account

802
00:47:54,390 --> 00:47:55,130
existing

803
00:47:56,250 --> 00:48:00,150
assets and other ground conditions in place, such that it

804
00:48:00,170 --> 00:48:03,030
wouldn't be placing pylons immediately next to a gas pipeline

805
00:48:03,070 --> 00:48:07,010
if that's considered inappropriate at detailed design.

806
00:48:07,870 --> 00:48:11,590
The intention from the applicant is to continue to negotiate protective

807
00:48:11,630 --> 00:48:12,270
provisions

808
00:48:13,210 --> 00:48:16,890
with Ms. Tetley-Jones' client, and

809
00:48:17,670 --> 00:48:21,470

the applicant notes that it received the first draft of comments

810
00:48:21,510 --> 00:48:25,430
back from InterGen on Friday last week in respect of those

811
00:48:25,470 --> 00:48:29,370
protective provisions, so is reviewing those and continuing to consider them.

812
00:48:31,110 --> 00:48:32,970
I would also note that the

813
00:48:34,570 --> 00:48:38,270
applicant has sought to confirm the land interests

814
00:48:38,450 --> 00:48:39,730
and the interests of

815
00:48:41,610 --> 00:48:45,470
InterGen since mid-2025, and has been reaching

816
00:48:45,530 --> 00:48:48,730
out to them at various points for those requests and hasn't had responses back

817
00:48:49,350 --> 00:48:52,650
other than the engagement on protective provisions, but is very much

818
00:48:54,130 --> 00:48:57,710
willing and able to continue discussions further to the-

819
00:48:58,762 --> 00:49:01,102
The receipt of the protective provisions and also the receipt

820
00:49:02,182 --> 00:49:04,262
earlier today of the letter from InterGen.

821
00:49:05,022 --> 00:49:08,082
So the intention from the applicant is that these matters can be resolved by a

822

00:49:08,102 --> 00:49:12,082
protective provision such that the concerns raised today by InterGen can

823
00:49:12,122 --> 00:49:13,382
be completely addressed.

824
00:49:16,162 --> 00:49:16,542
And

825
00:49:17,742 --> 00:49:21,202
I think that was everything on my list in terms of the issues raised, but very

826
00:49:21,242 --> 00:49:24,682
happy to discuss any further specifics as they arise throughout the rest of the

827
00:49:24,722 --> 00:49:24,982
hearing.

828
00:49:26,062 --> 00:49:29,262
Thank you. Again, if I could just request that both parties do

829
00:49:29,562 --> 00:49:32,142
continue to communicate, that would be very useful.

830
00:49:32,982 --> 00:49:36,562
Does anybody else have anything on item three of the

831
00:49:36,602 --> 00:49:37,042
agenda?

832
00:49:39,042 --> 00:49:39,162
No.

833
00:49:40,202 --> 00:49:42,762
If not, we'll move on to item four.

834
00:49:45,502 --> 00:49:49,242
To the applicant initially, could you confirm whether any

835
00:49:49,322 --> 00:49:53,102
additional quality impacts have been identified since the

836
00:49:53,162 --> 00:49:54,622
submission of the application

837
00:49:55,522 --> 00:49:59,502
and whether any further mitigation is considered necessary, and how

838
00:49:59,542 --> 00:50:03,442
the information provided to date will assist the EXA and the Secretary of

839
00:50:03,522 --> 00:50:07,442
State in discharging their respective duties under Section 149 of

840
00:50:07,482 --> 00:50:09,462
the Equality Act 2010, please?

841
00:50:11,182 --> 00:50:12,422
Taylor Power for the applicant.

842
00:50:13,282 --> 00:50:16,762
Yes. So I know in the first instance that the applicant addressed a number of

843
00:50:17,002 --> 00:50:20,562
comments in respect of the examining

844
00:50:20,602 --> 00:50:24,202
authority's duties under Section 149 of the Equalities Act and its response to the

845
00:50:24,222 --> 00:50:28,042
written questions. And just to confirm, the applicant's not aware of any

846
00:50:28,062 --> 00:50:31,782
new information arising during the examination, or since

847
00:50:31,802 --> 00:50:35,222

those responses, which changes the position that was reported in those

848
00:50:35,262 --> 00:50:35,982
responses.

849
00:50:37,082 --> 00:50:40,802
The applicant hasn't specifically sought through its land referencing process to

850
00:50:40,862 --> 00:50:44,542
try to identify persons with protected characteristics.

851
00:50:45,222 --> 00:50:48,722
The land referencing process is principally concerned with identifying interest in

852
00:50:48,762 --> 00:50:52,022
land, does not seek private information about individuals and their

853
00:50:52,462 --> 00:50:56,122
personal characteristics, except where offered by the relevant individual.

854
00:50:57,082 --> 00:50:57,382
So no

855
00:50:58,902 --> 00:51:02,722
affected persons have self-identified themselves to the scheme as having

856
00:51:02,802 --> 00:51:06,482
such protected characteristics and as such, requiring additional

857
00:51:06,522 --> 00:51:10,062
accommodations in accordance with the framework under Section 149 of the

858
00:51:10,122 --> 00:51:13,502
Equalities Act 2010. But nevertheless,

859
00:51:14,082 --> 00:51:17,542

equalities considerations have been taken into account throughout

860
00:51:17,602 --> 00:51:20,942
consultation and engagement, including through accessible

861
00:51:20,982 --> 00:51:24,322
consultation arrangements, alternative formats, and engagement with

862
00:51:24,382 --> 00:51:28,182
seldom-heard groups. The applicant has generally sought to take an

863
00:51:28,242 --> 00:51:31,382
inclusive and accommodating approach to landowner engagement.

864
00:51:31,842 --> 00:51:35,302
Looking to provide additional information or support wherever requested.

865
00:51:35,922 --> 00:51:39,602
And as such is confident that it has acted in

866
00:51:39,662 --> 00:51:41,962
accordance with the framework under Section 149.

867
00:51:43,362 --> 00:51:47,162
Thank you. I was going to go on and ask about

868
00:51:47,302 --> 00:51:51,062
specifics such as whether construction traffic noise, does

869
00:51:51,122 --> 00:51:53,462
temporary access restrictions have been considered.

870
00:51:54,022 --> 00:51:56,942
But if you don't have anybody that has shared any

871
00:51:58,642 --> 00:52:02,382
relevant protective characteristics, you will not be able to answer

872
00:52:02,982 --> 00:52:04,182
such questions, I'm assuming.

873
00:52:05,362 --> 00:52:06,562
Yes. Taylor Power for the applicant.

874
00:52:06,622 --> 00:52:10,262
No, I wouldn't be able to answer them in respect of specific individuals, no.

875
00:52:11,162 --> 00:52:11,322
Yeah.

876
00:52:11,622 --> 00:52:14,602
Thank you. Does anybody else have any

877
00:52:16,042 --> 00:52:19,162
other items to discuss in terms of this item on the agenda?

878
00:52:22,722 --> 00:52:26,142
No. In that case, I will hand over to Mrs.

879
00:52:26,202 --> 00:52:29,562
Murphy to look at item five on the agenda.

880
00:52:30,682 --> 00:52:31,242
Thank you.

881
00:52:32,462 --> 00:52:36,282
So we're now going to turn to sections 127 and 138 with

882
00:52:36,322 --> 00:52:38,402
regarding to statutory undertakers.

883
00:52:39,242 --> 00:52:42,962
So to the applicant, as with agenda item

884
00:52:43,042 --> 00:52:46,562
three and in respect to statutory undertakers, could you give

885
00:52:46,982 --> 00:52:48,062
any further

886
00:52:50,082 --> 00:52:52,682
significant updates that have happened to the land

887
00:52:52,762 --> 00:52:56,502
rights tracker since its submission at

888
00:52:56,542 --> 00:53:00,282
deadline three? So we're only again looking at any significant

889
00:53:00,362 --> 00:53:03,682
updates to any protected provisions since deadline three.

890
00:53:05,242 --> 00:53:06,642
Taylor Power for the applicant.

891
00:53:08,862 --> 00:53:09,062
I

892
00:53:09,942 --> 00:53:13,322
can confirm that there have been no updates in respect to property
agreements when

893
00:53:13,362 --> 00:53:17,082
it comes to statutory undertakers to the land rights tracker

894
00:53:17,162 --> 00:53:18,622
since deadline three.

895
00:53:19,582 --> 00:53:23,402
In respect of a brief overview of where protected provisions

896
00:53:23,502 --> 00:53:27,182
are, protected provisions have now been agreed with NGed and it's

897
00:53:27,242 --> 00:53:30,082
withdrawn its objection, which has happened since deadline three.

898
00:53:32,122 --> 00:53:35,662
The land rights tracker at deadline three also reported the
protected

899
00:53:35,702 --> 00:53:38,862
provisions and associated site agreement with Cadent as under

900
00:53:39,362 --> 00:53:43,082
discussion. Since then the terms of the protected provisions with

901
00:53:43,142 --> 00:53:45,842
Cadent have been agreed between the parties.

902
00:53:46,382 --> 00:53:50,202
There is still a matter outstanding in respect of the side agreement.

903
00:53:50,782 --> 00:53:53,562
So that can, is awaiting Cadent's response

904
00:53:54,422 --> 00:53:58,182
on those matters. But it will be updating the draft ECO at deadline

905
00:53:58,262 --> 00:54:00,662
four to reflect the agreed protected provisions.

906
00:54:02,082 --> 00:54:05,942
In respect of National Grid Electricity Transmission, the

907
00:54:05,982 --> 00:54:08,902
land rights tracker at deadline three reported the protected provisions and

908
00:54:08,942 --> 00:54:11,422
associated agreement as remaining under discussion.

909
00:54:11,922 --> 00:54:15,842
I can confirm that the applicant received comments back from National Grid

910
00:54:15,922 --> 00:54:19,862
Electricity Transmission last Friday, the 6th of November.

911
00:54:20,142 --> 00:54:23,922
And those are currently being reviewed by the applicant and it hopes

to provide an

912
00:54:24,002 --> 00:54:27,982
update as to the progress of those negotiations and the land rights tracker

913
00:54:28,022 --> 00:54:29,242
at deadline four.

914
00:54:30,182 --> 00:54:33,802
As already noted by Ms. Chetley-Jones, and

915
00:54:33,842 --> 00:54:37,342
myself, the applicant received the first round of

916
00:54:37,382 --> 00:54:41,342
comments from InterGen on their protected provisions last Friday as well

917
00:54:41,382 --> 00:54:44,042
and the applicant is also in the process of reviewing those.

918
00:54:46,142 --> 00:54:49,902
In respect of South Holland Internal Drainage Board, the

919
00:54:49,982 --> 00:54:53,442
applicant returned further comments to South Holland Internal Drainage Board on

920
00:54:53,502 --> 00:54:55,202
their protected provisions last week.

921
00:54:55,242 --> 00:54:58,942
And while they aren't agreed, those protected provisions have considerably

922
00:54:59,002 --> 00:55:02,622
narrowed so the applicant is hopeful they can be agreed, if not by

923
00:55:02,722 --> 00:55:04,422
deadline four, then by deadline five.

924
00:55:05,954 --> 00:55:09,674
And just to close out in respect of Environment Agency, the EA has now

925
00:55:09,694 --> 00:55:13,334
confirmed that the protective provisions were no longer required, so those have

926
00:55:13,374 --> 00:55:15,094
been removed from Schedule 14

927
00:55:16,074 --> 00:55:17,994
of the draft DCO at deadline three.

928
00:55:24,754 --> 00:55:27,614
Thank you very much. And so do you

929
00:55:27,674 --> 00:55:31,334
anticipate any further provisions will need to be

930
00:55:31,354 --> 00:55:34,994
included within Schedule 14 to the draft DCO?

931
00:55:36,954 --> 00:55:38,874
Taylor Power for the applicant. Yes.

932
00:55:38,934 --> 00:55:42,414
So there will need to be further parts added, either

933
00:55:42,474 --> 00:55:46,354
amendments to reflect those further agreed protective provisions as just

934
00:55:46,394 --> 00:55:47,334
discussed, or

935
00:55:48,454 --> 00:55:52,034
to reflect the ongoing negotiation of protective provisions between the

936
00:55:52,114 --> 00:55:53,134

applicant and

937
00:55:54,094 --> 00:55:57,834
undertakers like InterGen or in the Spalding kind of

938
00:55:57,894 --> 00:56:01,874
sub-companies within it. So that will require an additional set

939
00:56:01,914 --> 00:56:03,894
of protective provisions to be added to

940
00:56:04,714 --> 00:56:08,334
the DCO. The

941
00:56:08,394 --> 00:56:11,174
applicant's intention is to

942
00:56:12,054 --> 00:56:15,534
add the latest position of those InterGen protective

943
00:56:15,574 --> 00:56:19,114
provisions as they stand from the applicant's perspective or

944
00:56:19,154 --> 00:56:23,014
preferred form at deadline four, noting that

945
00:56:23,054 --> 00:56:26,174
particularly in respect of those InterGen protective provisions and
the National

946
00:56:26,254 --> 00:56:30,154
Grid Electricity Transmission protective provisions, the parties
still have some

947
00:56:30,194 --> 00:56:33,714
way to go in respect of resolving the comments between themselves.

948
00:56:33,714 --> 00:56:33,994
So then

949
00:56:34,914 --> 00:56:38,134

I can't confirm that they'll be fully agreed by deadline four, but

950
00:56:38,754 --> 00:56:42,454
we'll look to provide the examining authority with the latest position by deadline

951
00:56:42,514 --> 00:56:42,734
four.

952
00:56:45,274 --> 00:56:48,254
And sorry, I think I do need to pass to Mr.

953
00:56:48,314 --> 00:56:49,874
Adamu in respect of property updates.

954
00:56:49,914 --> 00:56:53,754
There may be some additional property updates added to the land rights

955
00:56:53,794 --> 00:56:56,114
tracker for statutory undertakings for deadline four that

956
00:56:57,794 --> 00:56:58,894
are new since deadline three.

957
00:57:01,174 --> 00:57:02,714
Sharif Adamu on behalf of the applicant.

958
00:57:04,134 --> 00:57:07,974
As Ms. Powers has stated, the applicant has a meeting with

959
00:57:08,054 --> 00:57:11,914
Anglian Water scheduled for this week, to discuss matters

960
00:57:11,954 --> 00:57:13,634
around land requirements as well as

961
00:57:15,854 --> 00:57:19,114
understand their concerns as raised in their response to

962
00:57:19,214 --> 00:57:20,334

ExQ1.

963
00:57:21,354 --> 00:57:24,754
And the applicant will look to capture that update in the deadline four submission

964
00:57:24,794 --> 00:57:25,934
for the land rights tracker.

965
00:57:27,474 --> 00:57:29,534
In regards to InterGen Spalding, as Ms.

966
00:57:29,614 --> 00:57:32,074
Powers highlighted through the protective provisions work stream,

967
00:57:33,474 --> 00:57:37,114
we'll also be looking to seek confirmation on their land interests to

968
00:57:37,634 --> 00:57:41,154
reflect and update the book of reference and the land rights tracker accordingly.

969
00:57:42,474 --> 00:57:46,174
And those will be the two updates regarding property matters for

970
00:57:46,694 --> 00:57:48,094
deadline four for the land rights tracker.

971
00:57:52,394 --> 00:57:52,834
Thank you.

972
00:57:53,994 --> 00:57:56,834
So I did have a list, and you've actually covered off most of

973
00:57:57,794 --> 00:57:59,974
the ones I was going to ask, so I would just check.

974
00:58:00,694 --> 00:58:03,274
You mentioned South Holland Internal Drainage Board.

975

00:58:03,734 --> 00:58:07,354
Is there anything with North Levels Internal Drainage Board at all?

976
00:58:07,354 --> 00:58:09,934
Because I know that, again, you might be waiting comments.

977
00:58:10,534 --> 00:58:11,774
They're going through things.

978
00:58:13,194 --> 00:58:13,374
Yes.

979
00:58:14,374 --> 00:58:17,854
Taylor Power for the applicant. Yes, so we're progressing

980
00:58:18,354 --> 00:58:20,154
protective provision with South Holland.

981
00:58:20,454 --> 00:58:23,254
We haven't received comment from North Levels yet.

982
00:58:24,074 --> 00:58:27,694
But the latest engagement with South Holland is looking

983
00:58:27,774 --> 00:58:28,294
to

984
00:58:29,994 --> 00:58:33,954
essentially see if we can find another avenue for that engagement
with North

985
00:58:33,994 --> 00:58:35,854
Levels. So we're continuing to try

986
00:58:37,754 --> 00:58:40,114
to engage with them where we haven't heard back yet.

987
00:58:45,634 --> 00:58:46,874
Thank you. And

988
00:58:48,014 --> 00:58:51,654

the other two that weren't mentioned, I just want to cover off are Network Rail,

989
00:58:53,093 --> 00:58:56,634
I understand they still may have a general issue with Article 33, but also

990
00:58:56,674 --> 00:58:58,994
Lincolnshire Fire and Rescue Service.

991
00:59:01,154 --> 00:59:02,514
Yes. Taylor Power for the applicant.

992
00:59:02,634 --> 00:59:06,454
So, in respect of Lincolnshire Fire and Rescue Service, the protective

993
00:59:06,494 --> 00:59:09,694
provisions with them are agreed and are included in

994
00:59:10,514 --> 00:59:14,354
Schedule 14 of the DCO. So those are resolved from the applicant's perspective.

995
00:59:15,294 --> 00:59:19,134
In respect of Network Rail, so the applicant has been seeking clarification

996
00:59:19,174 --> 00:59:22,914
from Network Rail as to the nature of its assets within the scheme since

997
00:59:23,414 --> 00:59:24,714
about December last year.

998
00:59:25,554 --> 00:59:29,314
The understanding from the applicant is that there are historic rights,

999
00:59:30,374 --> 00:59:30,834
so not

1000

00:59:32,314 --> 00:59:36,214
full freehold title of land held by Network Rail, but

1001
00:59:36,254 --> 00:59:38,734
historic rights which cross through part of the

1002
00:59:40,294 --> 00:59:42,614
solar development area. So the applicant

1003
00:59:43,834 --> 00:59:47,714
doesn't have sufficient information on the nature of those rights, such that

1004
00:59:47,794 --> 00:59:51,674
it's been seeking to confirm the nature of those rights with Network Rail

1005
00:59:51,774 --> 00:59:55,674
over the past year and confirm therefore whether there are any matters that

1006
00:59:55,714 --> 00:59:58,214
need to be managed through protective provisions.

1007
00:59:59,634 --> 01:00:02,314
The position from Network Rail has been that there are matters, but

1008
01:00:03,174 --> 01:00:04,934
the applicant hasn't had any success in

1009
01:00:06,494 --> 01:00:09,194
discussions with them as to the nature of those matters.

1010
01:00:09,634 --> 01:00:13,574
We continue to try to follow up with them and with their lawyers, but we

1011
01:00:13,634 --> 01:00:17,454
still haven't heard back. So I will update you as soon as we do hear back.

1012
01:00:17,814 --> 01:00:18,234

But

1013
01:00:19,374 --> 01:00:23,354
there is not expected to be an update for deadline four at this stage unless

1014
01:00:23,394 --> 01:00:23,674
we do.

1015
01:00:28,354 --> 01:00:29,874
Thank you. So,

1016
01:00:31,194 --> 01:00:35,114
I'm aware then turning to InterGen, that they requested to speak

1017
01:00:35,174 --> 01:00:39,134
under this item, and so I would like to ask

1018
01:00:39,174 --> 01:00:41,634
for them if they'd like to come in with any comments or

1019
01:00:42,654 --> 01:00:44,874
points they wish to raise with regards to protective provisions.

1020
01:00:49,174 --> 01:00:51,334
I was planning to raise that under item seven.

1021
01:00:51,994 --> 01:00:53,934
Emily, do you have any comment on this?

1022
01:01:01,514 --> 01:01:04,274
Yes, Madam Inspectors. We could

1023
01:01:04,894 --> 01:01:06,074
ring-fence all our

1024
01:01:06,550 --> 01:01:10,490
comments together, or we could speak now separately on just

1025
01:01:10,570 --> 01:01:14,429
the protective provisions, whichever would be most efficient

1026
01:01:14,509 --> 01:01:15,870
in the use of time.

1027
01:01:19,390 --> 01:01:22,290
We're happy for that to be ring-fenced then if you want to leave those to item

1028
01:01:22,510 --> 01:01:22,769
seven.

1029
01:01:24,290 --> 01:01:25,170
Yeah. Thank you.

1030
01:01:25,290 --> 01:01:25,390
Thanks.

1031
01:01:27,330 --> 01:01:27,810
And so,

1032
01:01:28,710 --> 01:01:31,950
I was wanting to turn to National Grid Electricity

1033
01:01:32,030 --> 01:01:32,730
Transmission,

1034
01:01:33,770 --> 01:01:34,990
whose comments we've read

1035
01:01:36,730 --> 01:01:39,149
at deadline in response to ExQ

1036
01:01:40,130 --> 01:01:43,630
responses. You'll reference Rep 3087,

1037
01:01:44,730 --> 01:01:48,610
Mr Basford. And so we were wondering if you had any particular matters you wish to

1038
01:01:48,690 --> 01:01:52,450
also raise further to the comments made in your response to

1039
01:01:52,630 --> 01:01:53,230
ExQ

1040
01:01:54,350 --> 01:01:54,590
one.

1041
01:01:57,490 --> 01:02:00,510
Madam, thank you. Howard Basford on behalf of National Grid Electricity

1042
01:02:00,610 --> 01:02:01,390
Transmission.

1043
01:02:02,390 --> 01:02:06,250
I think we can probably leave things resting on the

1044
01:02:06,650 --> 01:02:10,470
written submission. The point is that the

1045
01:02:10,590 --> 01:02:14,250
exercise, and very much turns on the

1046
01:02:14,290 --> 01:02:17,890
prospective exercise of compulsory powers

1047
01:02:18,470 --> 01:02:22,050
by the applicant, which might frustrate the

1048
01:02:22,090 --> 01:02:25,850
delivery of projects such as Grimsby to Walpole

1049
01:02:25,970 --> 01:02:26,310
and

1050
01:02:27,230 --> 01:02:29,990
Weston Marsh to East Leicestershire.

1051
01:02:30,710 --> 01:02:31,650
And were

1052
01:02:32,670 --> 01:02:36,230
the applicant to exercise its powers without

1053
01:02:36,630 --> 01:02:40,170
National Grid being able to approve that exercise,

1054
01:02:40,570 --> 01:02:42,750
then that would potentially frustrate

1055
01:02:43,970 --> 01:02:47,870
critical national infrastructure which is required inter alia

1056
01:02:48,750 --> 01:02:51,910
for the applicant. So that

1057
01:02:53,290 --> 01:02:57,230
is the justification for the protective provision sought in a nutshell, but

1058
01:02:57,510 --> 01:02:58,930
you have our written submissions also.

1059
01:02:58,990 --> 01:03:02,290
We're happy to expand on those in due course. Thank you, Madam.

1060
01:03:05,490 --> 01:03:09,110
Sorry, Mr Basford, can I just check, the concerns that were raised

1061
01:03:09,150 --> 01:03:13,070
within the written representation was referring to certain

1062
01:03:13,670 --> 01:03:15,910
language as set out, and I just wanted to check

1063
01:03:16,710 --> 01:03:18,590
that that concern still remains.

1064
01:03:19,970 --> 01:03:23,030
As I read it, you were concerned that the protective provision as written relates

1065
01:03:23,070 --> 01:03:26,170
to existing infrastructure rather than proposed.

1066
01:03:28,110 --> 01:03:28,490
There

1067
01:03:30,490 --> 01:03:34,270
is concern in relation to existing infrastructure provision, but also

1068
01:03:34,310 --> 01:03:35,450
prospective infrastructure.

1069
01:03:41,790 --> 01:03:42,270
Thank you.

1070
01:03:45,190 --> 01:03:49,050
Just to add to that, Madam, our preferred wording has recently been

1071
01:03:50,370 --> 01:03:53,930
accepted by the Secretary of State in the Great North Road

1072
01:03:54,090 --> 01:03:57,990
DCO. So it is industry standard now for the protection

1073
01:03:58,090 --> 01:04:00,830
of both our existing and prospective projects.

1074
01:04:02,430 --> 01:04:02,990
Thank you.

1075
01:04:04,810 --> 01:04:07,850
Does the applicant wish to respond back to anything they've heard at all?

1076
01:04:09,530 --> 01:04:11,230
Yes. Taylor Powell for the applicant.

1077
01:04:12,750 --> 01:04:14,690
I expect that we can move on,

1078
01:04:15,550 --> 01:04:19,350
or I can address in more detail the interaction of

1079
01:04:19,450 --> 01:04:23,310
the statutory undertaker section, the sections relating to statutory

1080
01:04:23,370 --> 01:04:26,750
undertakers and protections for their assets in the next item on the agenda.

1081
01:04:26,790 --> 01:04:30,550
And perhaps I do that in respect of explaining

1082
01:04:30,630 --> 01:04:34,570
the differences in respect of the protection of existing assets as opposed to

1083
01:04:34,630 --> 01:04:35,530
future assets.

1084
01:04:37,150 --> 01:04:40,930
But very much the intention of the applicant is to ensure that the

1085
01:04:40,970 --> 01:04:44,430
protective provisions agreed between the parties do manage both the

1086
01:04:44,490 --> 01:04:48,410
existing and future asset interactions between the

1087
01:04:48,470 --> 01:04:52,370
parties. Where there is disagreement is the extent to which they manage

1088
01:04:52,430 --> 01:04:53,190
or control,

1089
01:04:54,550 --> 01:04:58,370
by National Grid, the use of compulsory acquisition powers

1090
01:04:58,430 --> 01:04:59,390
by the applicant

1091
01:05:00,290 --> 01:05:04,030
in respect of interactions with future land that

1092
01:05:04,070 --> 01:05:06,010
National Grid does not currently hold.

1093
01:05:07,030 --> 01:05:10,630
But I suggest maybe if I speak to that in a more of a step-through

1094
01:05:10,690 --> 01:05:14,330
way on a general manner when it comes to the application of Section 127 and

1095
01:05:14,490 --> 01:05:18,310
138, and then we could revisit that if Mr Basford had any further

1096
01:05:18,350 --> 01:05:20,190
notes or if you had any further questions.

1097
01:05:25,490 --> 01:05:26,710
Thank you. So

1098
01:05:30,810 --> 01:05:34,390
that answers all the points I had to raise with the protective provisions so far.

1099
01:05:34,590 --> 01:05:38,330
Do we have anybody else in the room who wishes to make any further comments with

1100
01:05:38,370 --> 01:05:39,590
regards to this section?

1101
01:05:41,570 --> 01:05:41,650
No.

1102
01:05:43,610 --> 01:05:47,470
Can we just-- I just ask, in the event that any agreement is not reached with

1103

01:05:47,530 --> 01:05:49,390
any statutory undertakers,

1104
01:05:50,590 --> 01:05:54,350
would the relevant test for the exercise of powers

1105
01:05:54,390 --> 01:05:58,050
pursuant to Sections 127 and 138 then be met?

1106
01:06:00,210 --> 01:06:01,430
Taylor Powell for the applicant.

1107
01:06:02,270 --> 01:06:06,210
Yes. So I'll run through those tests and why the applicant considers they would

1108
01:06:06,250 --> 01:06:10,030
be met. So Section 138 applies where land proposed to be

1109
01:06:10,070 --> 01:06:14,030
compulsorily acquired includes statutory undertaker's apparatus or

1110
01:06:14,090 --> 01:06:16,450
rights relating to such apparatus.

1111
01:06:17,270 --> 01:06:21,030
The DCO may only include provision for the extinguishment of the relevant right or

1112
01:06:21,070 --> 01:06:24,650
the removal of the apparatus where the Secretary of State is satisfied that this is

1113
01:06:24,710 --> 01:06:28,430
necessary for the purpose of carrying out the development to which the DCO

1114
01:06:28,470 --> 01:06:28,970
relates.

1115
01:06:29,890 --> 01:06:33,330
As explained earlier in the hearing, the applicant has set out the

key purpose for

1116
01:06:33,370 --> 01:06:37,210
the land required within the book of reference and land rights trackers, and in the

1117
01:06:37,250 --> 01:06:41,130
works and land plans. At this stage, the applicant is not certain

1118
01:06:41,170 --> 01:06:44,470
whether interference with the apparatus and/or rights will be required, as that

1119
01:06:44,510 --> 01:06:46,470
depends on the final design of the scheme.

1120
01:06:47,390 --> 01:06:51,010
That interference would only be undertaken to the extent necessary to

1121
01:06:51,030 --> 01:06:54,370
construct and deliver the authorized development and would be subject to the

1122
01:06:54,410 --> 01:06:58,290
applicable protective provisions in the DCO and still

1123
01:06:58,350 --> 01:07:02,290
being negotiated between the parties, but intended to be included at the DCO at the

1124
01:07:02,310 --> 01:07:03,330
end of examination.

1125
01:07:04,590 --> 01:07:08,130
However, it's necessary to have the ability to do so, otherwise the

1126
01:07:08,170 --> 01:07:10,670
implementation of the authorized development may be thwarted.

1127
01:07:11,370 --> 01:07:14,830
So all of the plots identified are therefore, from the applicant's

perspective,

1128
01:07:14,910 --> 01:07:18,770
required and so satisfy the test under Section 138 of the Planning Act

1129
01:07:18,970 --> 01:07:19,670
2008.

1130
01:07:21,046 --> 01:07:24,546
Section 127 of the Planning Act 2008 applies in relation to

1131
01:07:24,586 --> 01:07:28,486
statutory undertakers' land. So where an objection has been made by the relevant

1132
01:07:28,586 --> 01:07:32,386
statutory undertaker, compulsory acquisition powers may only be granted

1133
01:07:32,426 --> 01:07:35,686
over such land where the Secretary of State is satisfied that the acquisition can

1134
01:07:35,746 --> 01:07:39,346
take place without serious detriment to the carrying on of the undertaking,

1135
01:07:39,926 --> 01:07:43,646
or that any detriment can be made good by the statutory undertaker by the use of

1136
01:07:43,706 --> 01:07:45,106
other land available to it.

1137
01:07:47,006 --> 01:07:50,886
What I do want to clarify, and this returns back to the matter raised

1138
01:07:50,946 --> 01:07:54,906
with Mr. Bassford, is that Sections 127 and 138 do not

1139

01:07:54,946 --> 01:07:58,846
apply special protections to land or rights anticipated to be held

1140
01:07:58,926 --> 01:08:02,786
by a statutory undertaker subject to the consenting and acquisition of

1141
01:08:02,846 --> 01:08:06,486
land under a future project. Where two prospective DCO

1142
01:08:06,526 --> 01:08:10,326
projects overlap, it's in effect the project which is first in

1143
01:08:10,386 --> 01:08:14,306
time and therefore obtains compulsory acquisition powers first, which would attain

1144
01:08:14,346 --> 01:08:18,326
the protections of Section 127 and 138 in respect of any powers

1145
01:08:18,366 --> 01:08:20,087
then sought by the second project.

1146
01:08:20,967 --> 01:08:24,806
The most common approach, though, because obviously the intention of the applicant

1147
01:08:24,865 --> 01:08:28,566
is not to thwart Grimsby to Walpole, given it relies on it and

1148
01:08:28,866 --> 01:08:31,026
needs to interact with it in a positive way.

1149
01:08:31,746 --> 01:08:35,606
The most common approach adopted in DCO is to manage the overlap

1150
01:08:36,547 --> 01:08:38,967
of competing statutory undertaker interests,

1151
01:08:39,846 --> 01:08:43,726
and the use of compulsory acquisition powers for future interests,

1152
01:08:44,526 --> 01:08:46,286
is to agree protected provisions.

1153
01:08:46,746 --> 01:08:50,666
So in the circumstance where two or more simultaneous applications overlap, parties

1154
01:08:50,686 --> 01:08:54,286
will seek to agree protected provisions be included into each of their DCOs.

1155
01:08:54,746 --> 01:08:58,106
And these protected provisions would agree how the physical interactions and

1156
01:08:58,206 --> 01:09:02,087
compulsory acquisition powers under each DCO would be used in respect of the area

1157
01:09:02,146 --> 01:09:05,626
of overlap. And I would point the examining

1158
01:09:05,686 --> 01:09:09,626
authority to, for example, the overlapping grid connection

1159
01:09:09,906 --> 01:09:13,887
routes of the recent Tilbridge, Gateburton,

1160
01:09:14,007 --> 01:09:17,526
Cottam, Westburton solar farms in Lincolnshire that had an

1161
01:09:17,646 --> 01:09:21,226
overlapping grid connection, and then had reciprocal protective

1162
01:09:21,286 --> 01:09:23,346
provisions, which enabled each of them to

1163
01:09:24,166 --> 01:09:27,906
use their compulsory acquisition powers as necessary to deliver their scheme.

1164

01:09:28,686 --> 01:09:31,226
And so it's that nature of compulsory acquisition

1165
01:09:32,666 --> 01:09:36,286
management and protective provisions that the applicant is seeking to

1166
01:09:36,346 --> 01:09:39,826
agree with National Grid in respect of Grimsby to Walpole.

1167
01:09:41,186 --> 01:09:45,066
By comparison, what National Grid is seeking in its preferred terms of protective

1168
01:09:45,106 --> 01:09:48,507
provisions is essentially an outright veto on the use of

1169
01:09:48,927 --> 01:09:52,846
compulsory acquisition powers by the applicant and a preference of Grimsby

1170
01:09:52,887 --> 01:09:53,507
to Walpole

1171
01:09:56,306 --> 01:09:58,926
over and above the applicant's interests.

1172
01:10:01,306 --> 01:10:04,706
It's the applicant's position that this is not appropriate or supported by the

1173
01:10:04,746 --> 01:10:08,526
Planning Act 2008, so National Grid must establish its

1174
01:10:08,566 --> 01:10:12,426
own compulsory acquisition case through the future Grimsby to Walpole

1175
01:10:12,506 --> 01:10:16,246
DCO examination to benefit from the rights in respect of the

1176
01:10:16,306 --> 01:10:19,866

land for its scheme and benefit from Section 127 and 138.

1177
01:10:20,646 --> 01:10:24,146
It's also noted that the protection of future rights is unreasonably

1178
01:10:24,186 --> 01:10:27,906
restrictive and unenforceable on the basis that design

1179
01:10:27,966 --> 01:10:31,866
naturally changes through a pre-application process, and as such,

1180
01:10:32,246 --> 01:10:35,686
it's very unclear on the basis of the current drafting put forward by

1181
01:10:36,246 --> 01:10:40,186
National Grid what exactly the future rights are it's looking to protect

1182
01:10:40,246 --> 01:10:42,486
or the future land it applies

1183
01:10:43,926 --> 01:10:47,906
this restriction over the applicant's use of its compulsory acquisition powers to.

1184
01:10:49,866 --> 01:10:53,446
So that's to cover the future point, but I'll now also just

1185
01:10:53,486 --> 01:10:54,566
briefly run through,

1186
01:10:56,426 --> 01:10:59,906
in a collated approach, the statutory undertakings for which land or assets have

1187
01:10:59,926 --> 01:11:01,426
been identified and explain

1188
01:11:02,946 --> 01:11:06,666
where Section 127 and 138 are met in respect of those

1189
01:11:06,726 --> 01:11:09,346
statutory undertakings from the applicant's perspective.

1190
01:11:11,786 --> 01:11:12,086
So

1191
01:11:13,046 --> 01:11:16,986
for those statutory undertakings where both Section 127

1192
01:11:17,026 --> 01:11:20,966
and 138 are considered engaged, the applicant has considered that

1193
01:11:21,306 --> 01:11:24,906
for Anglian Water Services, Enjed, Enjet, and

1194
01:11:25,026 --> 01:11:28,526
Cadent, those have been engaged, and has also considered that for
the

1195
01:11:28,626 --> 01:11:30,886
Spalding Energy companies. Although I do note Ms.

1196
01:11:31,226 --> 01:11:34,486
Tetley-Jones' comments today, so the applicant will discuss further

1197
01:11:35,086 --> 01:11:38,666
with Spalding in respect of its interest as a

1198
01:11:39,346 --> 01:11:42,806
statutory undertaker or not, and how best this should be
accommodated and

1199
01:11:42,866 --> 01:11:46,826
considered by the applicant and then by the examining

1200
01:11:46,866 --> 01:11:48,586
authority and Secretary of State.

1201
01:11:50,306 --> 01:11:53,546
So the applicant has agreed bespoke protective provisions with
Anglian Water,

1202
01:11:53,646 --> 01:11:54,606
Enjet, and Cadent,

1203
01:11:55,826 --> 01:11:59,766
and it's therefore considered clear that the test for 127 is met for those

1204
01:11:59,806 --> 01:12:03,406
three parties. The applicant is still negotiating protective

1205
01:12:03,446 --> 01:12:05,086
provisions with Enjet and Spalding.

1206
01:12:06,706 --> 01:12:07,546
If those

1207
01:12:09,366 --> 01:12:13,066
protective provisions aren't agreed by the timeframes of the

1208
01:12:13,106 --> 01:12:16,946
examination, as noted, the applicant has included its preferred terms

1209
01:12:17,586 --> 01:12:20,926
of the bespoke protective provisions with Enjet within the draft DCO,

1210
01:12:21,906 --> 01:12:25,266
and it intends to do the same for Spalding's protective provisions at deadline

1211
01:12:25,346 --> 01:12:29,146
four. And it's the applicant's position that these terms appropriately

1212
01:12:29,166 --> 01:12:32,826
protect the existing land and assets, which is what is protected by the

1213
01:12:32,866 --> 01:12:33,786
statutory tests,

1214
01:12:34,886 --> 01:12:38,766
and is held by Enjet and Spalding such that Section 127

1215
01:12:38,806 --> 01:12:42,266
is met and any acquisition can take place without serious detriment to their

1216
01:12:42,326 --> 01:12:43,026
undertaking.

1217
01:12:46,686 --> 01:12:50,426
In respect of the remaining statutory undertakings, so where

1218
01:12:51,446 --> 01:12:55,186
either 127 or 138 is engaged but not the other, or where neither are engaged,

1219
01:12:56,026 --> 01:12:59,426
I note that for the Environment Agency, compulsory acquisition powers are no longer

1220
01:12:59,546 --> 01:13:01,506
sought over Environment Agency land.

1221
01:13:02,366 --> 01:13:06,086
And so the protective provisions previously included for its

1222
01:13:06,126 --> 01:13:08,026
benefit were removed from the draft DCO.

1223
01:13:08,906 --> 01:13:12,606
And the Environment Agency has also confirmed that no flood risk activity permits

1224
01:13:12,646 --> 01:13:16,046
are required, and on that basis, those protective provisions have been removed.

1225
01:13:17,966 --> 01:13:21,166
For BT Group PLC, which Section

1226
01:13:21,606 --> 01:13:25,286
127 is not engaged because BT is not a statutory undertaker for the

1227
01:13:25,346 --> 01:13:29,086
purposes of that section. Section 138 is engaged

1228
01:13:29,166 --> 01:13:32,686
because they hold relevant rights under the Electronic
Communications Code.

1229
01:13:33,946 --> 01:13:37,686
But BT has confirmed that the General Communications

1230
01:13:37,766 --> 01:13:41,326
Code protective provisions in Part 2 of Schedule 14 are

1231
01:13:41,686 --> 01:13:45,186
sufficient for their concerns, and in that extent 138

1232
01:13:45,266 --> 01:13:49,225
is resolved

1233
01:13:49,245 --> 01:13:50,566
in respect to BT Group.

1234
01:13:51,626 --> 01:13:54,466
For South Holland Internal Drainage Board and North Level District

1235
01:13:55,746 --> 01:13:59,506
Internal Drainage Board, neither Sections 127 and 138 are

1236
01:13:59,546 --> 01:14:01,646
engaged because the IDBs don't

1237
01:14:01,706 --> 01:14:05,446
constitute statutory undertakings as

1238
01:14:05,506 --> 01:14:07,526
defined for the purposes of those sections.

1239

01:14:08,406 --> 01:14:12,306
However, the applicant is still agreeing protective provisions with South

1240
01:14:12,326 --> 01:14:15,946
Holland Internal Drainage Board and still has the general protective

1241
01:14:16,006 --> 01:14:19,746
provisions for North Level's Internal Drainage Board to manage their interests

1242
01:14:19,806 --> 01:14:20,446
regardless.

1243
01:14:22,086 --> 01:14:25,786
And finally, in respect of Network Rail Infrastructure Limited, the applicant's

1244
01:14:25,826 --> 01:14:28,926
position is that 127 is not engaged,

1245
01:14:30,026 --> 01:14:33,946
because while Network Rail holds historical rights over land within the

1246
01:14:34,026 --> 01:14:37,846
order, there's no operational Network Rail land within the

1247
01:14:37,905 --> 01:14:38,606
order limits.

1248
01:14:39,486 --> 01:14:43,386
And Section 138 is not engaged because Network Rail has not outlined the nature

1249
01:14:43,426 --> 01:14:45,666
of those historic rights and whether they

1250
01:14:46,506 --> 01:14:50,226
would interact with or be impacted in any way with the rights under the order.

1251

01:14:50,786 --> 01:14:54,426
But like I said, the applicant continues to try to engage with Network Rail to

1252
01:14:54,506 --> 01:14:58,486
understand those rights. If Network Rail does provide examples

1253
01:14:58,526 --> 01:15:02,386
of how Section 138 is engaged for those rights, the applicant would

1254
01:15:02,426 --> 01:15:06,006
proceed to agree protective provisions with Network Rail if needed.

1255
01:15:06,106 --> 01:15:07,906
But at this stage,

1256
01:15:08,826 --> 01:15:10,966
it's still trying to identify that interest.

1257
01:15:12,346 --> 01:15:16,186
So that's the applicant's understanding of how 127 and 138 are

1258
01:15:16,226 --> 01:15:19,606
engaged and apply in respect of all of the statutory undertakings for the scheme.

1259
01:15:22,626 --> 01:15:23,486
Thank you very much.

1260
01:15:24,886 --> 01:15:27,506
Mr Bassford, I notice your hand has gone up.

1261
01:15:29,186 --> 01:15:29,986
Do you wish to come in?

1262
01:15:31,826 --> 01:15:35,706
Yes. Thank you, Madam. Howard Bassford on behalf of National Grid Electricity

1263
01:15:35,806 --> 01:15:36,546
Transmission.

1264
01:15:38,026 --> 01:15:40,486
I'm grateful to Ms Power for her

1265
01:15:41,886 --> 01:15:44,626
run-through of Sections 127 and 138.

1266
01:15:45,206 --> 01:15:48,646
We reserve our position in relation to the applicability or otherwise of those

1267
01:15:48,686 --> 01:15:50,666
provisions. However,

1268
01:15:51,606 --> 01:15:55,466
what I would draw to your attention is you must not rely upon the submission

1269
01:15:55,566 --> 01:15:55,966
that

1270
01:15:58,546 --> 01:16:01,566
the position of National Grid is not appropriate or supported by the Planning Act

1271
01:16:01,726 --> 01:16:05,666
2008. That's simply wrong. It is entirely open to you

1272
01:16:05,726 --> 01:16:09,666
to find that the harms to the undertaking of National Grid

1273
01:16:10,166 --> 01:16:13,386
and its prospective delivery of critical national infrastructure

1274
01:16:14,006 --> 01:16:17,646
outweighs the need for compulsory powers for the applicant.

1275
01:16:18,446 --> 01:16:22,006
You need to conclude, in terms of a compelling case

1276
01:16:23,606 --> 01:16:25,526
in the public interest under Section 122,

1277
01:16:26,326 --> 01:16:29,866
that it is necessary for the applicant to

1278
01:16:29,946 --> 01:16:30,326
have

1279
01:16:31,286 --> 01:16:34,906
a grid connection to a location where it has no

1280
01:16:34,946 --> 01:16:35,686
connection offer,

1281
01:16:36,866 --> 01:16:39,306
where the route would be unsafe,

1282
01:16:40,386 --> 01:16:44,146
and where National Grid is telling you that it

1283
01:16:44,306 --> 01:16:47,106
has no provision to accommodate the applicant.

1284
01:16:47,906 --> 01:16:48,806
Those are not

1285
01:16:49,706 --> 01:16:50,126
terms

1286
01:16:51,566 --> 01:16:55,546
on which it is appropriate to find a compelling case and to grant

1287
01:16:55,586 --> 01:16:57,866
development consent to the applicant.

1288
01:16:58,826 --> 01:17:02,606
It's also important to recognize that the example given by Ms Power
for the

1289
01:17:02,926 --> 01:17:06,666
collaboration between applicants with overlapping grid connections

1290
01:17:07,086 --> 01:17:10,246
is different to the circumstances which apply here.

1291
01:17:11,106 --> 01:17:13,206
In this case, you have

1292
01:17:14,466 --> 01:17:18,026
the national transmission owner telling you that this is not an

1293
01:17:18,066 --> 01:17:21,926
appropriate solution in engineering terms, and that

1294
01:17:22,026 --> 01:17:25,606
the transmission owner does not agree that this is

1295
01:17:26,186 --> 01:17:28,106
an appropriate way to deliver this project.

1296
01:17:29,146 --> 01:17:29,366
So

1297
01:17:30,306 --> 01:17:33,886
regardless of the applicability of Section 127 or Section 138,

1298
01:17:34,306 --> 01:17:37,826
there is a problem with the grant of compulsory powers in the

1299
01:17:37,946 --> 01:17:40,646
area that Ms Power has identified.

1300
01:17:41,786 --> 01:17:43,706
She points out that the first-in-time

1301
01:17:44,966 --> 01:17:45,566
promoter

1302
01:17:46,546 --> 01:17:48,526
benefits from the protection afforded

1303
01:17:49,326 --> 01:17:50,406

by those sections,

1304
01:17:51,266 --> 01:17:55,206
and that in itself is a reason not to grant that protection to the

1305
01:17:55,266 --> 01:17:55,866
applicant.

1306
01:17:57,026 --> 01:18:00,586
Because if that were to happen, then the circumstance could arise,

1307
01:18:02,146 --> 01:18:02,806
assuming that

1308
01:18:03,786 --> 01:18:06,486
the solution was acceptable, which we say it is not,

1309
01:18:07,266 --> 01:18:11,026
where the applicant could, unless National Grid was

1310
01:18:11,066 --> 01:18:14,786
properly protected, exercise powers over the land required for Grimsby to

1311
01:18:14,846 --> 01:18:15,426
Walpole or

1312
01:18:16,486 --> 01:18:17,646
Western Marsh to East Leicestershire,

1313
01:18:18,546 --> 01:18:22,426
and thereby frustrate delivery of those projects for so long as it was delivering

1314
01:18:22,486 --> 01:18:24,546
its own project on necessary land.

1315
01:18:25,366 --> 01:18:27,786
And this is the problem that we face here.

1316
01:18:27,846 --> 01:18:30,506

The National Grid projects are the spine,

1317
01:18:31,386 --> 01:18:33,826
and this project is not part of the spine.

1318
01:18:35,106 --> 01:18:38,906
It is performing a different role to the National Grid projects.

1319
01:18:39,526 --> 01:18:43,306
We do appreciate Ms Power's assurances that she would

1320
01:18:43,346 --> 01:18:46,906
like to work with National Grid in order to resolve this, but at present, that is

1321
01:18:46,986 --> 01:18:50,866
not the case. And although protective provisions are offered,

1322
01:18:51,926 --> 01:18:55,906
unless they do provide that veto, which Ms Power has

1323
01:18:56,446 --> 01:18:59,786
correctly characterized as the position of National Grid,

1324
01:19:00,666 --> 01:19:03,846
then the protection of the transmission system and its future development is not

1325
01:19:03,966 --> 01:19:04,326
achieved.

1326
01:19:08,926 --> 01:19:12,746
Thank you very much, Mr Bassford. Would the applicant like to respond to that at

1327
01:19:12,826 --> 01:19:13,046
all?

1328
01:19:14,466 --> 01:19:18,306
Taylor Power for the applicant. I don't propose to respond to that in detail

1329
01:19:18,366 --> 01:19:22,066
because I know that tomorrow, in the issue-specific hearing, there's going to

1330
01:19:22,126 --> 01:19:24,746
be discussion on the grid connection.

1331
01:19:24,866 --> 01:19:28,286
And so I suggest the matters raised in respect of

1332
01:19:29,766 --> 01:19:33,126
the feasibility of the engineering of the routing through here and

1333
01:19:33,666 --> 01:19:37,026
how that can be accommodated in line with National Grid are more appropriately

1334
01:19:37,086 --> 01:19:40,606
addressed there. I just wanted to confirm that by no

1335
01:19:41,966 --> 01:19:45,226
intention of the applicant would it want to frustrate

1336
01:19:45,946 --> 01:19:49,886
Grimsby to Walpole proceeding within this area, given it does rely on Grimsby to

1337
01:19:49,926 --> 01:19:53,786
Walpole. And so the position of the applicant has always been to create a workable

1338
01:19:53,886 --> 01:19:57,786
solution for both projects that provide sufficient certainty for both of them

1339
01:19:57,846 --> 01:19:58,786
that they can deliver.

1340
01:19:59,726 --> 01:20:03,326
And so that's what the applicant continues to seek through protective provisions

1341
01:20:03,946 --> 01:20:07,546
and will cover in more detail tomorrow in terms of establishing why it

1342
01:20:07,586 --> 01:20:11,186
considers it can meet all of the technical requirements that National Grid has set

1343
01:20:11,266 --> 01:20:13,626
out in its written submissions to date.

1344
01:20:13,726 --> 01:20:17,546
So I'll leave that to the discussion of the engineers

1345
01:20:17,606 --> 01:20:17,906
tomorrow.

1346
01:20:19,046 --> 01:20:21,986
Thank you. Mr Bassford, I notice you've still got your hand.

1347
01:20:22,046 --> 01:20:24,806
Is it relevant to protective provisions?

1348
01:20:26,646 --> 01:20:30,406
I think, Madam, it's probably better to defer the matter

1349
01:20:30,706 --> 01:20:34,526
to tomorrow. I'm grateful for Ms Power's reminder on that. Thank you.

1350
01:20:34,806 --> 01:20:36,566
Yes. Thank you very much for confirming that.

1351
01:20:37,126 --> 01:20:40,346
And is your hand a remnant hand

1352
01:20:41,106 --> 01:20:42,366
remaining? Thank you.

1353
01:20:44,806 --> 01:20:46,446
Does anyone else wish to raise anything?

1354
01:20:47,785 --> 01:20:51,666
I appreciate we've overran by 20 minutes, so I propose that

1355
01:20:51,706 --> 01:20:52,346
we have our

1356
01:20:53,286 --> 01:20:57,086
20-minute comfort break now. And so we will adjourn back

1357
01:20:57,166 --> 01:21:00,286
here at 10 past 4. Thank you very much