Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Meridian Solar Farm
Hearing:	Compulsory Acquisition Hearing (CAH1) – Part 2
Date:	10 November 2026

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

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1
00:00:18,480 --> 00:00:22,160
It's now 10 past 4:00 and time to reconvene the compulsory

2
00:00:22,200 --> 00:00:25,800
acquisition hearing. So we're looking at item six on the

3
00:00:25,840 --> 00:00:26,360
agenda,

4
00:00:27,580 --> 00:00:30,180
with respect of Crown land. So we note the response

5
00:00:31,120 --> 00:00:35,020
from the applicant to EXQ.633, and that you've removed

6
00:00:35,080 --> 00:00:38,480
any powers to enable the compulsory acquisition of Crown rights within plot

7
00:00:38,640 --> 00:00:41,880
A12.9, and as such, there's no longer the need

8
00:00:42,000 --> 00:00:44,640
to obtain Crown consent. Is that correct?

9
00:00:45,680 --> 00:00:48,120
Yes. Taylor Power for the applicant. That's correct.

10
00:00:49,480 --> 00:00:52,480
Can I just confirm whether that approach has been agreed with the Crown?

11
00:00:53,860 --> 00:00:56,980
Taylor Power for the applicant. No, at this point.

12
00:00:58,100 --> 00:00:58,260
So,

13
00:00:59,220 --> 00:01:00,500

I suppose, provide a bit of background.

14
00:01:00,520 --> 00:01:04,220
The applicant's been engaging with the Crown on this matter for some months over

15
00:01:04,240 --> 00:01:07,800
the last year to confirm the nature of these interests, and therefore, whether we

16
00:01:07,840 --> 00:01:09,220
would need powers over them.

17
00:01:10,840 --> 00:01:14,700
The Crown was unable to confirm whether their interests,

18
00:01:14,820 --> 00:01:18,660
which are on the land adjacent to the highway, extend

19
00:01:18,760 --> 00:01:20,460
ad medium filum to the center line.

20
00:01:20,800 --> 00:01:23,120
But they were also unwilling to concede that they did not,

21
00:01:24,260 --> 00:01:27,840
or confirm explicitly whether it considered the works would interfere with those

22
00:01:27,880 --> 00:01:28,740
interests. So

23
00:01:29,560 --> 00:01:32,460
to take a precautionary approach, we've considered the works.

24
00:01:32,600 --> 00:01:36,240
We've made sure that the works that we're looking at would only be in the top spit

25
00:01:36,280 --> 00:01:39,440
of the highway, so it wouldn't, from the applicant's perspective, interact with

26
00:01:39,460 --> 00:01:42,980
those interests. We've made those amendments as described in the written

27
00:01:43,020 --> 00:01:46,500
question, and we've made the amendments to the book of reference and the Crown land

28
00:01:46,680 --> 00:01:47,160
plans.

29
00:01:48,460 --> 00:01:52,360
So it reflected the discussions between the applicant and the Crown

30
00:01:52,400 --> 00:01:55,840
to date, as in they suggested you could just remove all of

31
00:01:56,600 --> 00:01:58,920
the powers you seek from the Crown. We've done that.

32
00:01:58,960 --> 00:02:02,040
We've sent that to the Crown and asked for them to confirm whether that resolves

33
00:02:02,080 --> 00:02:06,020
their interests. We heard back from them yesterday confirming that they're looking

34
00:02:06,060 --> 00:02:07,580
at it, and they'll confirm in writing.

35
00:02:07,700 --> 00:02:10,741
So we'll pass on that confirmation as soon as we do.

36
00:02:10,820 --> 00:02:10,980
But

37
00:02:12,240 --> 00:02:16,060
given the approach taken aligns with the discussions between the

38

00:02:16,120 --> 00:02:19,820
applicant and the Crown to date, we hope that it should just be a matter of

39
00:02:19,860 --> 00:02:22,800
confirmation. But we'll confirm as soon as we hear otherwise from the Crown.

40
00:02:23,820 --> 00:02:27,660
Thank you. Yeah, if you could just submit into the examination if and when you get

41
00:02:27,700 --> 00:02:29,260
that, that would be useful. Thank you.

42
00:02:29,540 --> 00:02:33,080
Does anybody have any other comments on item six on the

43
00:02:33,120 --> 00:02:34,380
agenda before we move on?

44
00:02:37,220 --> 00:02:39,740
Okay, we'll move on to item seven.

45
00:02:41,340 --> 00:02:45,000
So this is where InterGen, Ms. Tetley Jones, if you'd like to

46
00:02:46,520 --> 00:02:48,060
make your representations now.

47
00:02:55,100 --> 00:02:56,980
Thank you very much, Madam Inspector.

48
00:02:58,600 --> 00:02:59,160
As I said,

49
00:03:00,080 --> 00:03:01,220
I would like to

50
00:03:02,320 --> 00:03:03,220
run through

51
00:03:04,100 --> 00:03:07,360
my points and then hand over to Edward

52
00:03:07,940 --> 00:03:11,420
Daniels, who wishes to address issues of

53
00:03:12,340 --> 00:03:15,220
safety and operational requirements.

54
00:03:17,560 --> 00:03:17,940
So,

55
00:03:19,860 --> 00:03:23,600
we have, of course, set scene in terms of looking at

56
00:03:24,460 --> 00:03:28,160
the works plan and in specifically page five of

57
00:03:28,240 --> 00:03:31,500
APP.010.

58
00:03:37,220 --> 00:03:40,700
The issue that our clients face is

59
00:03:42,180 --> 00:03:45,200
basically a detailed understanding

60
00:03:46,160 --> 00:03:48,300
of exactly what is proposed

61
00:03:49,420 --> 00:03:53,380
and where, and what the risk of the proposed works

62
00:03:53,500 --> 00:03:57,240
are to the pipeline, both in the long term and the

63
00:03:57,280 --> 00:03:58,080
short term,

64
00:04:00,500 --> 00:04:04,160

and how the applicant will address issues, for instance, such as

65
00:04:04,180 --> 00:04:07,900
compliance with the various pipeline specific statutes and

66
00:04:08,420 --> 00:04:09,480
legislation.

67
00:04:10,680 --> 00:04:12,980
Also, to pick up

68
00:04:13,820 --> 00:04:17,180
a point raised by Mr. Basford earlier,

69
00:04:19,640 --> 00:04:22,980
the issue of potential frustration of our existing

70
00:04:23,220 --> 00:04:23,680
rights

71
00:04:25,660 --> 00:04:29,560
to use, operate, and access the pipeline

72
00:04:29,920 --> 00:04:30,460
safely,

73
00:04:31,540 --> 00:04:35,500
in terms of developing an understanding of

74
00:04:35,560 --> 00:04:38,600
what the rights are that are proposed to be

75
00:04:39,720 --> 00:04:43,160
taken in respect to the pipeline land, and specifically what

76
00:04:43,300 --> 00:04:46,720
restrictive covenants will be imposed in respect

77
00:04:47,080 --> 00:04:50,460
of the pipeline land, given that if you look at the

78
00:04:50,500 --> 00:04:52,800
detail of Schedule

79
00:04:53,620 --> 00:04:55,280
9, if exercised,

80
00:04:56,200 --> 00:04:59,600
they would or could indeed frustrate InterGen's

81
00:04:59,680 --> 00:05:02,260
ability to deal with its pipeline.

82
00:05:03,580 --> 00:05:06,620
The next issue is the issue of

83
00:05:06,880 --> 00:05:10,800
mitigation, in terms of ensuring that

84
00:05:10,860 --> 00:05:11,160
the

85
00:05:12,880 --> 00:05:16,700
project can be delivered safely, not only in terms of the
installation,

86
00:05:16,800 --> 00:05:18,740
but the long-term energization

87
00:05:19,920 --> 00:05:20,320
and

88
00:05:21,120 --> 00:05:23,480
use of the new utility.

89
00:05:26,180 --> 00:05:30,060
There needs to be detailed engagement and risk assessment

90
00:05:30,240 --> 00:05:31,020
carried out

91

00:05:32,220 --> 00:05:35,800
in terms of whether mitigation is required,

92
00:05:37,140 --> 00:05:40,600
either in respect of just damage generally or AC

93
00:05:40,660 --> 00:05:44,160
interference more specifically, and how,

94
00:05:44,480 --> 00:05:47,860
if that mitigation is required, the land

95
00:05:48,000 --> 00:05:51,380
rights needed to deliver that mitigation

96
00:05:51,740 --> 00:05:55,140
will be provided, bearing in mind that

97
00:05:55,320 --> 00:05:57,000
InterGen does not have

98
00:05:59,180 --> 00:06:01,640
compulsory rights of its own

99
00:06:02,760 --> 00:06:06,140
And therefore, such rights would need to be

100
00:06:06,180 --> 00:06:07,020
provided

101
00:06:08,120 --> 00:06:11,780
within the order limits. Now, typically,

102
00:06:11,860 --> 00:06:15,400
mitigation works can be delivered by order

103
00:06:15,660 --> 00:06:19,280
limits. But in the case of pipelines specifically,

104
00:06:20,220 --> 00:06:24,180
mitigation generally requires the installation of zinc

105
00:06:24,360 --> 00:06:27,880
strips underground parallel to the

106
00:06:27,920 --> 00:06:28,580
pipeline,

107
00:06:29,800 --> 00:06:33,280
and monitoring equipment. And in some cases, these

108
00:06:33,320 --> 00:06:35,380
extend for a very long way.

109
00:06:37,060 --> 00:06:39,020
By way of reference, I would refer

110
00:06:39,960 --> 00:06:42,980
the inspectors to the Norwich Tolbury DCO,

111
00:06:43,700 --> 00:06:47,720
EN020027.

112
00:06:48,420 --> 00:06:52,160
In which case, it was decided that the crossing

113
00:06:52,680 --> 00:06:56,500
of the underground steel pipeline by a

114
00:06:56,560 --> 00:06:59,020
high voltage electricity cable

115
00:07:00,320 --> 00:07:03,620
would result in the need for this

116
00:07:03,660 --> 00:07:06,140
mitigation in parallel with the pipeline,

117
00:07:07,240 --> 00:07:10,740
for over two kilometers, which obviously took it well

118

00:07:10,800 --> 00:07:14,720
outside the order limits and required a change

119
00:07:14,860 --> 00:07:17,680
application to be made to the order to

120
00:07:19,480 --> 00:07:21,700
enable the provision of those rights.

121
00:07:22,880 --> 00:07:26,240
To date, however, we haven't had any engagement

122
00:07:26,920 --> 00:07:30,580
by the applicant on these issues.

123
00:07:31,759 --> 00:07:35,460
I appreciate Ms. Power has, on a number of occasions,

124
00:07:36,080 --> 00:07:39,720
raised the issue of timing in respect of our

125
00:07:39,760 --> 00:07:41,640
clients in terms of

126
00:07:42,500 --> 00:07:46,420
dealing with protections, but I would point out that

127
00:07:46,780 --> 00:07:50,720
our clients did provide draft protective provisions

128
00:07:50,740 --> 00:07:53,760
as early as February 2026,

129
00:07:54,500 --> 00:07:57,700
and no response was heard until July

130
00:07:58,080 --> 00:08:01,840
2026. And it is the lack of

131
00:08:02,180 --> 00:08:05,320
specific information that they have

132
00:08:05,360 --> 00:08:06,200
requested

133
00:08:07,420 --> 00:08:11,360
that is holding issues up. Because in order

134
00:08:11,420 --> 00:08:14,940
to agree protective provisions and

135
00:08:14,980 --> 00:08:18,900
ensure that the project can be delivered safely,

136
00:08:19,020 --> 00:08:22,620
bearing in mind that InterJet is not a statutory operator,

137
00:08:23,020 --> 00:08:26,020
we do have to be able to ascertain

138
00:08:26,780 --> 00:08:27,180
that

139
00:08:28,440 --> 00:08:31,900
if mitigation is required, that that can be

140
00:08:31,940 --> 00:08:35,760
delivered by the project, because the alternative

141
00:08:36,560 --> 00:08:37,540
is that

142
00:08:39,280 --> 00:08:41,380
energization is permitted,

143
00:08:42,760 --> 00:08:43,140
but

144
00:08:44,160 --> 00:08:47,360
could potentially end in a catastrophic failure

145

00:08:48,200 --> 00:08:52,120
in respect of my client's pipeline.

146
00:08:52,440 --> 00:08:56,020
And my clients did ask me to point out that most of the

147
00:08:56,060 --> 00:09:00,020
correspondence received by InterGen to date has been in the category

148
00:09:00,120 --> 00:09:00,340
of

149
00:09:01,440 --> 00:09:05,200
standard statutory consultation letters.

150
00:09:05,780 --> 00:09:07,820
And whilst we recognize that the statutory

151
00:09:07,960 --> 00:09:11,340
pre-application consultation regime

152
00:09:11,760 --> 00:09:15,740
has recently changed, the government's guidance and the Planning Inspectorate's

153
00:09:15,800 --> 00:09:19,040
advice on preparing applications for linear projects,

154
00:09:19,720 --> 00:09:23,400
originally published in February 25 and most recently updated on the 2nd of

155
00:09:23,440 --> 00:09:26,940
November, continues to encourage the meaningful and proportionate

156
00:09:27,400 --> 00:09:30,220
engagement on such issues.

157
00:09:31,620 --> 00:09:34,920
And in circumstances where the applicant is aware of an existing

158

00:09:35,040 --> 00:09:35,660
pipeline,

159
00:09:36,860 --> 00:09:40,820
and bearing in mind that we've been communicating on

160
00:09:40,840 --> 00:09:43,960
this since the 13th of May 2025,

161
00:09:46,180 --> 00:09:50,120
generic project correspondence and referring the operator to public

162
00:09:50,160 --> 00:09:51,660
consultation material

163
00:09:52,560 --> 00:09:56,200
arguably falls short of that good practice requirement.

164
00:09:57,060 --> 00:10:00,540
In particular, it places the burden on the pipeline operator to

165
00:10:00,600 --> 00:10:04,420
identify and investigate an interface which the promoter

166
00:10:04,480 --> 00:10:07,660
is best placed to identify in the first instance.

167
00:10:08,200 --> 00:10:10,320
And early bilateral engagement on

168
00:10:11,140 --> 00:10:14,940
specifics, let me say, would have better enabled the

169
00:10:14,960 --> 00:10:18,760
potential effects on the pipeline and its operations to be

170
00:10:18,819 --> 00:10:22,439
identified and addressed prior to examination.

171
00:10:22,480 --> 00:10:26,280
And we're very happy to address the issues of timings in later

172
00:10:26,320 --> 00:10:28,580
submissions, should that be required.

173
00:10:29,380 --> 00:10:33,260
Moving on to safety, and I don't intend to address this in any

174
00:10:33,660 --> 00:10:37,120
great detail. I know my client is keen to

175
00:10:37,460 --> 00:10:40,920
address this point also. I would just say as an overarching

176
00:10:41,080 --> 00:10:44,680
statement that the risk to the pipeline falls in two broad

177
00:10:44,780 --> 00:10:45,340
categories.

178
00:10:47,180 --> 00:10:48,720
There is the construction

179
00:10:49,720 --> 00:10:50,200
risk

180
00:10:51,040 --> 00:10:54,560
of installing, operating, and repairing a new utility

181
00:10:55,920 --> 00:10:59,860
over an operational gas line, and the long-term risk of

182
00:10:59,900 --> 00:11:01,640
looking after that asset in the future.

183
00:11:02,780 --> 00:11:06,540
But there is also the corrosion and integrity damage risk caused

184
00:11:06,580 --> 00:11:10,520
by AC interference over and above what the British

185

00:11:10,620 --> 00:11:12,480
Standards deem to be safe.

186
00:11:14,080 --> 00:11:17,740
Especially given this is one of many projects in the vicinity which will increase

187
00:11:17,780 --> 00:11:18,960
the AC load

188
00:11:20,160 --> 00:11:22,980
on the pipeline at installation, but also

189
00:11:24,600 --> 00:11:28,440
subsequently at any upgrade. Any mitigation therefore

190
00:11:28,480 --> 00:11:32,080
needs to build in tolerance to address not only the cumulative AC

191
00:11:32,100 --> 00:11:35,840
interference on the pipeline by the project in

192
00:11:35,900 --> 00:11:39,840
this area, but also be the adequate tolerance to deal with

193
00:11:39,880 --> 00:11:43,740
any future upgrades. And we should add that this

194
00:11:43,860 --> 00:11:44,160
is

195
00:11:45,460 --> 00:11:45,760
in...

196
00:11:47,200 --> 00:11:49,780
Sorry, we would refer the examiners to our submission

197
00:11:50,820 --> 00:11:53,400
at AS037

198
00:11:54,440 --> 00:11:56,720

and our client's representation at

199
00:11:57,000 --> 00:12:00,820
RR184 on the issue of safety.

200
00:12:04,456 --> 00:12:04,856
The

201
00:12:05,716 --> 00:12:09,376
specific risks have been outlined in those documents and will be

202
00:12:09,436 --> 00:12:13,136
addressed at greater detail at ISH3,

203
00:12:14,336 --> 00:12:18,256
and are addressed in the technical bundle that was submitted by

204
00:12:18,316 --> 00:12:22,236
email today, but we understand will not be published until

205
00:12:22,296 --> 00:12:23,016
deadline four.

206
00:12:23,836 --> 00:12:27,656
The examining authority queried in its questions published on the

207
00:12:27,696 --> 00:12:30,356
13th of October, 2026 at

208
00:12:30,616 --> 00:12:34,356
Q3.04, when the

209
00:12:34,416 --> 00:12:38,156
applicant proposed to undertake the detailed interference studies,
and in

210
00:12:38,196 --> 00:12:42,036
the absence of those studies, on what basis the

211
00:12:42,116 --> 00:12:45,976
applicant could conclude whether or not alternating

212
00:12:46,096 --> 00:12:49,376
current interference would or would not be experienced.

213
00:12:50,036 --> 00:12:53,276
We would point out that the applicant has not

214
00:12:53,856 --> 00:12:57,836
engaged with us or satisfied our clients on this

215
00:12:57,896 --> 00:12:58,256
point.

216
00:12:59,696 --> 00:13:01,456
Protective provisions.

217
00:13:04,256 --> 00:13:08,096
I would echo Mr. Basford's comments on

218
00:13:08,756 --> 00:13:09,616
frustration.

219
00:13:12,516 --> 00:13:12,736
In

220
00:13:13,696 --> 00:13:14,196
summary,

221
00:13:15,396 --> 00:13:19,356
given that InterGen are not statutory operators, this

222
00:13:19,396 --> 00:13:23,216
project cannot be delivered safely without

223
00:13:23,276 --> 00:13:26,616
sufficient PPs being in place.

224
00:13:28,156 --> 00:13:31,916
Added to which, there is the point that I made earlier about the
fact that

225
00:13:32,036 --> 00:13:35,936
protective provisions on their own, without further risk

226
00:13:35,976 --> 00:13:39,616
assessment, may not even be sufficient if it

227
00:13:39,676 --> 00:13:43,396
transpires that the mitigation works required to

228
00:13:43,456 --> 00:13:46,676
keep our client's pipeline safe

229
00:13:47,636 --> 00:13:49,916
cannot be delivered within the order limits.

230
00:13:52,876 --> 00:13:56,816
Currently, we would also point out there's been no consultation as to how

231
00:13:56,856 --> 00:14:00,316
these works will feed into the wider power station

232
00:14:00,556 --> 00:14:03,076
site works, and clearly,

233
00:14:04,736 --> 00:14:07,556
InterGen is in a difficult position here because

234
00:14:08,636 --> 00:14:12,335
there is no joined-up consultation as to how its rights to access and

235
00:14:12,376 --> 00:14:16,136
repair the pipeline will be safeguarded

236
00:14:16,296 --> 00:14:20,216
across all of these projects. And there is a real and

237
00:14:20,256 --> 00:14:24,156
present danger that if this matter is dealt with in a piecemeal fashion, the

238
00:14:24,196 --> 00:14:27,636
combined effect of the project is to

239
00:14:27,676 --> 00:14:31,236
materially erode InterGen's ability to deal with its

240
00:14:31,316 --> 00:14:34,796
asset, which, as my client will point out, is critical to

241
00:14:35,776 --> 00:14:35,976
the

242
00:14:37,916 --> 00:14:39,876
national power production.

243
00:14:41,976 --> 00:14:45,856
The draft order should therefore not be put forward for acceptance,
in our

244
00:14:45,976 --> 00:14:49,096
view, until acceptable protective provisions have been agreed

245
00:14:49,996 --> 00:14:53,756
to ensure that the project can be delivered safely, and we

246
00:14:53,796 --> 00:14:57,496
would want those provisions to include indemnities for damage

247
00:14:57,756 --> 00:15:01,656
caused, and provisions dealing with not only

248
00:15:01,716 --> 00:15:03,776
the assessment and mitigation

249
00:15:04,756 --> 00:15:07,736
against damage, including AC interference,

250
00:15:08,616 --> 00:15:12,276
but also the issue of ensuring that adequate

251
00:15:12,516 --> 00:15:13,596
land rights,

252
00:15:14,856 --> 00:15:17,916
long-term land rights, which would need to sit

253
00:15:17,996 --> 00:15:21,256
alongside our client's 999-year

254
00:15:21,756 --> 00:15:24,516
leases, would be obtained.

255
00:15:26,576 --> 00:15:27,176
Moving on.

256
00:15:30,996 --> 00:15:34,856
InterGen therefore urge urgent engagement on the

257
00:15:34,896 --> 00:15:38,276
following issues: protective provisions

258
00:15:38,836 --> 00:15:39,936
on the face of the order,

259
00:15:40,956 --> 00:15:44,596
which would need to include guarantees to

260
00:15:44,636 --> 00:15:48,596
ensure that the order works cannot be energized unless the

261
00:15:48,636 --> 00:15:51,096
pipeline has been adequately

262
00:15:51,556 --> 00:15:55,416
safeguarded. And by that, we would

263
00:15:55,456 --> 00:15:57,416
want to ensure that

264
00:15:58,736 --> 00:16:01,156

energization doesn't happen unless

265
00:16:02,076 --> 00:16:03,596
we can be sure that,

266
00:16:05,316 --> 00:16:08,756
in so doing, the level of AC interference

267
00:16:09,036 --> 00:16:10,276
on the pipeline

268
00:16:11,196 --> 00:16:15,116
risking potentially catastrophic failure does not exceed what

269
00:16:15,156 --> 00:16:17,536
British Standards deem to be safe.

270
00:16:19,176 --> 00:16:23,136
To that end, we would want to see detailed plans, details

271
00:16:23,156 --> 00:16:26,996
on how the order rights and specifically the restrictive covenants
being imposed

272
00:16:27,036 --> 00:16:30,736
under the class two rights would affect our land, the

273
00:16:30,976 --> 00:16:34,516
detailed risk assessments, the mitigation proposals,

274
00:16:35,016 --> 00:16:35,676
and how

275
00:16:38,076 --> 00:16:39,996
compliance with the pipeline-specific

276
00:16:40,796 --> 00:16:43,436
regulation would be delivered.

277
00:16:45,436 --> 00:16:46,756
And we would also,

278
00:16:48,076 --> 00:16:50,996
one point that I forgot to mention earlier, for which apologies,

279
00:16:52,276 --> 00:16:55,196
mitigation works of this kind,

280
00:16:56,016 --> 00:16:58,316
if there is significant AC interference,

281
00:16:59,596 --> 00:17:03,156
is a costly endeavor, and there would need to be

282
00:17:03,216 --> 00:17:04,336
clarity on

283
00:17:05,257 --> 00:17:05,916
how the

284
00:17:07,696 --> 00:17:11,277
forward funding of those costs and those works would be

285
00:17:11,316 --> 00:17:14,257
facilitated. I'm not sure whether that is an issue.

286
00:17:14,376 --> 00:17:16,896
I believe it has not been addressed in the funding statement

287
00:17:17,716 --> 00:17:19,997
of the applicants, but one that is worth mentioning.

288
00:17:21,396 --> 00:17:24,977
Therefore, in conclusion, whilst InterGen see the

289
00:17:25,356 --> 00:17:28,816
need for projects of this nature,

290
00:17:29,576 --> 00:17:31,036
it cannot support the scheme

291

00:17:32,516 --> 00:17:36,296
as drafted until its concerns are met.

292
00:17:36,356 --> 00:17:39,336
And as a result, it continues to reserve the right to make further

293
00:17:39,736 --> 00:17:41,096
representations

294
00:17:41,976 --> 00:17:45,876
during the examination process. And at this point, I would like to hand it

295
00:17:45,956 --> 00:17:49,276
over to Mr. Edward Daniels. Thank you very much.

296
00:17:50,396 --> 00:17:53,776
Thank you. Mr. Daniels, obviously I'm going to hear what your

297
00:17:53,816 --> 00:17:57,776
representations are. Could you also answer a question

298
00:17:57,836 --> 00:18:01,736
about the AC concerns that have been raised, in so far

299
00:18:01,796 --> 00:18:01,916
as,

300
00:18:02,776 --> 00:18:05,996
do those concerns relate to undergrounding

301
00:18:06,796 --> 00:18:09,016
or overhead lines, or both?

302
00:18:10,420 --> 00:18:14,240
I'm not an expert in this field, but my understanding is it

303
00:18:14,260 --> 00:18:16,880
relates primarily to overhead transmission lines.

304
00:18:19,440 --> 00:18:21,580

Thank you. That's really useful. Please proceed.

305
00:18:21,800 --> 00:18:24,900
Okay. Thank you, Madam Inspector. Edward Daniels for InterGen.

306
00:18:25,080 --> 00:18:28,780
So, as stated earlier, I'm the plant manager of Spalding

307
00:18:28,840 --> 00:18:29,160
Energy,

308
00:18:29,980 --> 00:18:33,500
which is a gas-fired power station, which generates up to

309
00:18:33,640 --> 00:18:36,800
1,250 megawatts of electricity,

310
00:18:37,540 --> 00:18:41,340
which it exports directly onto the National Grid electricity

311
00:18:41,460 --> 00:18:42,500
transmission network.

312
00:18:43,780 --> 00:18:47,120
The sole fuel supply for the power station

313
00:18:47,780 --> 00:18:51,680
is via this gas pipeline, which is a 7.2-kilometer long,

314
00:18:52,200 --> 00:18:56,020
buried, 16-inch diameter, high-pressure natural

315
00:18:56,060 --> 00:18:56,900
gas pipeline.

316
00:18:58,860 --> 00:19:02,500
Although InterGen is not a statutory undertaker in relation to its
gas

317
00:19:02,600 --> 00:19:06,320
apparatus, nonetheless, this pipeline is owned and

318
00:19:06,400 --> 00:19:07,720
operated by InterGen,

319
00:19:09,020 --> 00:19:10,080
and its protection

320
00:19:11,300 --> 00:19:13,380
matters beyond our own business

321
00:19:14,480 --> 00:19:16,040
for three principal reasons.

322
00:19:17,660 --> 00:19:19,840
Firstly, in relation to safety.

323
00:19:21,640 --> 00:19:24,900
The pipeline has a maximum operating pressure of 75 bar,

324
00:19:25,880 --> 00:19:29,120
which classifies it as a major accident hazard pipeline

325
00:19:30,040 --> 00:19:33,180
under the Pipeline Safety Regulations 1996.

326
00:19:35,000 --> 00:19:38,920
As such, it is subject to a major accident prevention

327
00:19:38,980 --> 00:19:40,860
document, or MAPD,

328
00:19:41,920 --> 00:19:43,440
which is maintained by InterGen,

329
00:19:45,060 --> 00:19:48,860
and a pipeline emergency plan, which is maintained by

330
00:19:48,900 --> 00:19:50,160
Lincolnshire County Council

331

00:19:51,020 --> 00:19:54,860
to coordinate a multi-agency response to a pipeline

332
00:19:54,900 --> 00:19:55,600
emergency.

333
00:19:57,720 --> 00:20:01,120
The MAPD identifies external third-party

334
00:20:01,180 --> 00:20:04,060
interference, such as construction works,

335
00:20:04,980 --> 00:20:06,060
as the leading hazard.

336
00:20:07,900 --> 00:20:11,380
The MAPD also identifies accelerated corrosion

337
00:20:12,040 --> 00:20:15,360
from induced alternating currents from overhead power lines

338
00:20:15,980 --> 00:20:16,860
as a further risk.

339
00:20:18,820 --> 00:20:22,400
Both of these risks are increased by the applicant's works

340
00:20:23,180 --> 00:20:26,420
and could therefore undermine the integrity of the pipeline.

341
00:20:28,540 --> 00:20:32,340
This has the potential to cause serious harm along the pipeline

342
00:20:32,400 --> 00:20:32,680
route,

343
00:20:33,780 --> 00:20:36,800
resulting from catastrophic release of pressure energy

344
00:20:38,920 --> 00:20:39,820
or thermal energy,

345
00:20:40,700 --> 00:20:44,120
especially in the event of ignition of a natural gas release.

346
00:20:46,500 --> 00:20:48,820
Other associated risks include noise,

347
00:20:49,940 --> 00:20:50,660
debris throw,

348
00:20:52,040 --> 00:20:55,420
a significant release of natural gas into the environment,

349
00:20:56,540 --> 00:20:57,960
as well as damage to property.

350
00:21:00,200 --> 00:21:00,960
Those at risk

351
00:21:01,840 --> 00:21:03,440
would include members of the public,

352
00:21:04,840 --> 00:21:07,300
as well as anyone working in the area

353
00:21:08,480 --> 00:21:12,260
with a hazard range of up to 290 meters from the

354
00:21:12,320 --> 00:21:12,900
pipeline.

355
00:21:16,200 --> 00:21:20,180
Secondly, in relation to security of supply of electricity

356
00:21:20,920 --> 00:21:21,780
to the National Grid,

357
00:21:22,760 --> 00:21:24,440
and thus to households nationally.

358

00:21:26,380 --> 00:21:29,900
Spalding Energy provides balancing and emergency

359
00:21:29,980 --> 00:21:31,140
electricity supply

360
00:21:32,120 --> 00:21:33,720
to the operator of the National Grid.

361
00:21:36,100 --> 00:21:39,640
Any interruption to the gas supply through the pipeline would

362
00:21:39,700 --> 00:21:42,980
prevent Spalding Energy from fulfilling this vital role,

363
00:21:44,080 --> 00:21:47,400
including at the times that the National Grid needs it most.

364
00:21:50,120 --> 00:21:52,220
Thirdly, in relation to our operations,

365
00:21:53,480 --> 00:21:57,040
InterGen needs access to maintain

366
00:21:57,560 --> 00:22:01,080
and inspect the pipeline, repair if necessary, on a

367
00:22:01,440 --> 00:22:02,340
24 hours a day,

368
00:22:03,260 --> 00:22:05,420
365 days per year basis

369
00:22:06,340 --> 00:22:09,620
in order to meet our safety and regulatory obligations,

370
00:22:10,260 --> 00:22:13,760
including under the Pipeline Safety Regulations 1996.

371
00:22:16,220 --> 00:22:19,860
Our legal and technical representatives will take the examining

authority through

372
00:22:19,900 --> 00:22:23,680
the detail of the pipeline integrity issues, including the

373
00:22:23,760 --> 00:22:27,580
alternating AC current interference risk at the

374
00:22:27,659 --> 00:22:30,240
Issue Specific Hearing Three tomorrow.

375
00:22:33,200 --> 00:22:36,640
I reiterate that as InterGen is not a statutory

376
00:22:36,720 --> 00:22:40,680
undertaker in relation to its gas apparatus, there

377
00:22:40,720 --> 00:22:44,240
is currently nothing in the order as it stands to protect our gas

378
00:22:44,320 --> 00:22:45,000
apparatus.

379
00:22:46,760 --> 00:22:50,340
So as outlined by Ms. Tetley-Jones, it is simply not safe to

380
00:22:50,380 --> 00:22:53,240
proceed without further protective provisions being agreed

381
00:22:54,240 --> 00:22:58,140
to ensure the short, medium, and long-term risks to both the safety

382
00:22:59,220 --> 00:23:00,520
and security of supply

383
00:23:01,460 --> 00:23:04,220
will be suitably mitigated and managed.

384
00:23:06,000 --> 00:23:08,780
So we acknowledge constructive dialogue is currently ongoing.

385
00:23:10,060 --> 00:23:12,580
We are requesting that agreement is reached with InterGen

386
00:23:13,380 --> 00:23:17,020
as to the acceptability of these protective provisions prior to

387
00:23:17,060 --> 00:23:17,760
deadline four.

388
00:23:18,760 --> 00:23:19,120
Thank you.

389
00:23:20,840 --> 00:23:23,780
Thank you. I'll turn to the applicant for a comment, please.

390
00:23:25,140 --> 00:23:26,760
Yes. Taylor Power for the applicant.

391
00:23:27,420 --> 00:23:30,820
For the most part, I think the representations made by Ms.

392
00:23:30,900 --> 00:23:31,720
Tetley-Jones and

393
00:23:34,220 --> 00:23:34,280
Mr.

394
00:23:35,820 --> 00:23:36,340
Daniels,

395
00:23:38,040 --> 00:23:41,760
I think, will mainly be dealt with tomorrow in respect of the engineering elements

396
00:23:41,800 --> 00:23:42,960
and the safety matters

397
00:23:43,980 --> 00:23:44,500
raised.

398

00:23:45,340 --> 00:23:49,260
Otherwise, they'll also largely be addressed through the ongoing engagement

399
00:23:49,300 --> 00:23:53,140
between the parties in respect of protected provisions, and the applicant is very

400
00:23:53,640 --> 00:23:55,640
ready and willing to have further conversations

401
00:23:56,480 --> 00:23:59,760
with InterGen, including since we received the

402
00:24:00,600 --> 00:24:00,960
letter-

403
00:24:01,824 --> 00:24:04,204
put into examining authority earlier this morning.

404
00:24:04,804 --> 00:24:08,444
We're willing to talk through the matters in that letter and also the documentation

405
00:24:08,524 --> 00:24:12,384
that Ms. Tetley Jones raised that would be submitted at

406
00:24:12,424 --> 00:24:15,904
deadline four. The applicant would be happy to engage on that further

407
00:24:16,464 --> 00:24:20,344
in advance of deadline four to ensure that these matters are addressed as soon as

408
00:24:20,384 --> 00:24:24,224
possible for InterGen. I would just note in respect of the

409
00:24:24,844 --> 00:24:28,324
comments about InterGen not being a statutory undertaker for the purposes

410

00:24:28,924 --> 00:24:32,504
of the Planning Act, this is the first that the applicant has heard of it in the

411
00:24:32,564 --> 00:24:34,464
letter received this morning. And

412
00:24:35,624 --> 00:24:39,504
it doesn't align necessarily with the applicant's understanding of how those

413
00:24:39,544 --> 00:24:42,804
provisions work, and so it's something that the applicant would also like to talk

414
00:24:42,824 --> 00:24:44,264
through further with InterGen,

415
00:24:45,644 --> 00:24:49,284
in respect of how those interactions work for the purposes of

416
00:24:49,644 --> 00:24:51,904
this DCO and the Planning Act. But

417
00:24:53,104 --> 00:24:56,504
like I said, I think those are best addressed in ongoing negotiations between the

418
00:24:56,544 --> 00:24:57,084
parties.

419
00:24:58,324 --> 00:25:00,484
Thank you. I will just draw the fact that InterGen

420
00:25:00,544 --> 00:25:03,784
have submitted a number of

421
00:25:03,824 --> 00:25:07,724
representations into the examination, from the opening.

422
00:25:07,844 --> 00:25:11,504
So I do have some concerns that we're now coming up to deadline

423
00:25:11,584 --> 00:25:11,844
four

424
00:25:12,884 --> 00:25:16,484
and communications seem to have halted or maybe not progressed.

425
00:25:16,764 --> 00:25:20,024
But I take the point that both parties will hopefully

426
00:25:20,584 --> 00:25:22,664
continue to communicate. So thank you.

427
00:25:22,964 --> 00:25:26,104
Does anybody else have anything on item seven?

428
00:25:26,764 --> 00:25:28,104
Any other affected parties?

429
00:25:30,044 --> 00:25:33,704
No. Okay, moving on to item

430
00:25:34,864 --> 00:25:35,084
eight.

431
00:25:36,564 --> 00:25:40,444
I said at the beginning that I have a few questions about the
subordinate

432
00:25:41,424 --> 00:25:42,024
approach.

433
00:25:43,224 --> 00:25:46,524
You're just going to have to bear with me because this is quite
wordy that I'm

434
00:25:46,684 --> 00:25:48,104
about to read.

435
00:25:49,264 --> 00:25:52,224
I do have a couple of questions about this, so

436
00:25:53,544 --> 00:25:54,284
I'll read it

437
00:25:55,264 --> 00:25:58,824
to you, and then if we need to revisit what I'm asking, because there are a couple

438
00:25:58,864 --> 00:26:01,224
of questions, that's fine. So

439
00:26:02,764 --> 00:26:06,684
paragraph 4.3, the statement of reasons, explains that the

440
00:26:06,744 --> 00:26:10,484
draft DCO identifies a principal class of compulsory acquisition

441
00:26:10,524 --> 00:26:14,144
rights sought for each plot, but as you said, also seeks

442
00:26:14,224 --> 00:26:18,044
powers for subordinate classes of rights associated with that principal right.

443
00:26:20,384 --> 00:26:24,004
Correct me if I'm wrong, but the intention here appears to give some flexibility to

444
00:26:24,064 --> 00:26:27,864
take less extensive rights or interests where appropriate.

445
00:26:28,124 --> 00:26:30,164
For example, I think you said using temporary

446
00:26:31,344 --> 00:26:32,184
possession powers,

447
00:26:33,124 --> 00:26:36,924
easements, restrictive covenants, rather than acquiring the land outright.

448

00:26:37,844 --> 00:26:41,444
And I notice that this is also explained in the book of reference at paragraph

449
00:26:41,684 --> 00:26:44,584
2.1.5 in table 2.17.

450
00:26:45,624 --> 00:26:49,304
I understand the principle behind the approach, but I'm not entirely

451
00:26:49,384 --> 00:26:50,564
clear how it's going to work

452
00:26:51,384 --> 00:26:55,344
in practice. So if we go back to work number

453
00:26:55,384 --> 00:26:59,044
14, the donut, as we seem to be calling it now.

454
00:26:59,404 --> 00:27:01,684
This is currently shaded light green,

455
00:27:02,684 --> 00:27:06,664
which indicates class two rights are being sought for the overhead lines and

456
00:27:06,724 --> 00:27:08,204
associated infrastructure.

457
00:27:09,084 --> 00:27:12,624
But we're aware you're seeking obviously, flexibility in this particular

458
00:27:12,624 --> 00:27:16,364
location and may consider, for example, an option to underground

459
00:27:17,044 --> 00:27:20,804
in that location, which would potentially require class three rights.

460
00:27:21,924 --> 00:27:24,904
But you've only colored the plots light green.

461
00:27:25,924 --> 00:27:28,084
If you went with class three,

462
00:27:29,224 --> 00:27:30,504
they would be dark green.

463
00:27:33,404 --> 00:27:37,384
Could that be seen as misleading, as currently the land plans don't

464
00:27:37,484 --> 00:27:41,384
actually make clear what other rights could ultimately be exercised over the land?

465
00:27:42,504 --> 00:27:46,124
So if you do underground in works number 14, how would that be

466
00:27:46,164 --> 00:27:46,944
reflected,

467
00:27:48,004 --> 00:27:51,624
and how would affected landowners know what rights could be taken over their

468
00:27:51,684 --> 00:27:55,404
land? I just think, for example, the interplay between class two

469
00:27:55,864 --> 00:27:58,144
and class three has the potential to be somewhat

470
00:27:58,964 --> 00:28:02,644
confusing. So just using works 14 as an

471
00:28:02,704 --> 00:28:06,464
example, I'm sure there are other locations where we could look, but

472
00:28:06,544 --> 00:28:10,264
using that one, can you explain to me how in practice that would work, please?

473
00:28:11,424 --> 00:28:13,544

Yes. Taylor Power for the applicant.

474
00:28:13,584 --> 00:28:15,664
So in effect, that is how it would work.

475
00:28:15,784 --> 00:28:19,443
So where class two is shown on work number 14,

476
00:28:19,864 --> 00:28:23,123
classes three, four, and five could be

477
00:28:23,584 --> 00:28:24,804
utilized over those plots-

478
00:28:24,944 --> 00:28:25,024
Yeah

479
00:28:25,243 --> 00:28:29,164
... of land. And rather than that being shown on the

480
00:28:29,224 --> 00:28:32,844
land plans because it was considered that would result in it essentially...

481
00:28:34,124 --> 00:28:37,944
And for example, everywhere there was class one, you would have shading

482
00:28:38,104 --> 00:28:42,024
of four other classes then set on, so you'd have to have five different forms of

483
00:28:42,064 --> 00:28:45,744
shading shown on the land plans in a way that it was

484
00:28:45,784 --> 00:28:47,924
considered that that would be unreadable.

485
00:28:48,904 --> 00:28:51,864
We took the same approach that National Grid has taken in its

486

00:28:52,924 --> 00:28:56,064
land and crown land plans when it shows the classes of rights.

487
00:28:56,864 --> 00:29:00,824
And instead, we capture the subordinate classes of rights first within the

488
00:29:00,864 --> 00:29:04,264
book of reference by making it clear for each plot,

489
00:29:05,904 --> 00:29:08,784
which subordinate classes of rights may also be applied

490
00:29:10,244 --> 00:29:13,264
within that table. And now that sits within Schedule 9.

491
00:29:13,324 --> 00:29:17,164
So if you turn to Schedule 9 and column four of Schedule

492
00:29:17,444 --> 00:29:20,084
9. So in the first column, and perhaps Mr.

493
00:29:20,264 --> 00:29:22,724
Davies, it might be helpful if you could please share up on screen

494
00:29:22,784 --> 00:29:26,264
the latest version of the draft DCO,

495
00:29:27,284 --> 00:29:28,824
which is Rep...

496
00:29:30,144 --> 00:29:30,624
Sorry.

497
00:29:34,824 --> 00:29:35,504
It is

498
00:29:36,424 --> 00:29:39,244
Rep 3-008.

499
00:29:44,084 --> 00:29:45,524

And then if... Yeah, perfect.

500
00:29:46,344 --> 00:29:50,124
So if we look at the class one row, in the

501
00:29:50,204 --> 00:29:54,184
first column it describes class one applies, and

502
00:29:54,224 --> 00:29:57,684
then in the second column it describes those plot references

503
00:29:58,424 --> 00:30:01,924
that class one is applied to, and that aligns with the plot references that are

504
00:30:01,984 --> 00:30:04,924
colored the brown shading on the land plans.

505
00:30:05,632 --> 00:30:09,172
And then column three, it describes

506
00:30:09,292 --> 00:30:12,852
class one rights. And then column four, it describes those

507
00:30:12,892 --> 00:30:16,712
subordinate rights which may also be applied to the identified plots in

508
00:30:16,772 --> 00:30:20,592
column two. So the intention is that you would be

509
00:30:20,672 --> 00:30:24,332
able to look at the... If you're reading the land plans with the

510
00:30:24,392 --> 00:30:25,832
DCO, which

511
00:30:26,712 --> 00:30:28,692
we would hope that landowners are doing, and

512
00:30:29,852 --> 00:30:30,932

because it's the DCO

513
00:30:31,872 --> 00:30:35,252
and the book of reference that explains the nature of the rights that are applying

514
00:30:35,272 --> 00:30:39,092
within those land plans, then you would see

515
00:30:39,152 --> 00:30:42,912
both in the book of reference table that looks identical to this table

516
00:30:43,012 --> 00:30:44,032
and within the

517
00:30:45,032 --> 00:30:48,912
Schedule 9 table, where it's now been pulled across, that classes two, three,

518
00:30:48,952 --> 00:30:52,752
and four, and five could be applied to the areas that are shaded as class one

519
00:30:52,872 --> 00:30:54,332
and those plots listed there.

520
00:30:55,312 --> 00:30:56,932
We've tried to make it as clear as we can.

521
00:30:56,972 --> 00:30:58,772
We've followed the National Grid approach.

522
00:30:58,812 --> 00:31:02,732
But I do understand the concern. The alternative would

523
00:31:02,792 --> 00:31:06,312
be to take some sort of multilevel shading

524
00:31:07,152 --> 00:31:08,192
within the land plans if

525
00:31:09,052 --> 00:31:11,712
the preference would be to show everything within the land plans.

526
00:31:11,752 --> 00:31:15,592
But on the basis that this approach had been accepted for National Grid

527
00:31:15,672 --> 00:31:19,432
schemes in the past, the applicant followed the National Grid

528
00:31:19,472 --> 00:31:19,872
approach.

529
00:31:21,212 --> 00:31:24,912
Thank you. I understand that. But if I was to look at that

530
00:31:24,972 --> 00:31:25,432
table,

531
00:31:27,692 --> 00:31:30,352
if I looked at class one, the first row,

532
00:31:31,532 --> 00:31:35,112
how would I know of all those plots in column

533
00:31:35,192 --> 00:31:35,532
two

534
00:31:36,412 --> 00:31:38,772
whether it was class one, two, three, four, or five?

535
00:31:39,292 --> 00:31:43,692
That's

536
00:31:43,732 --> 00:31:47,492
my issue. And the other issue is, could this be seen

537
00:31:47,592 --> 00:31:51,432
as you seeking powers that go beyond what is actually needed?

538

00:31:51,872 --> 00:31:52,232
Because

539
00:31:53,632 --> 00:31:56,692
it does feel like that this approach gives quite a lot of flexibility.

540
00:31:56,732 --> 00:32:00,692
Now, I know what you're saying about National Grid, but we look at projects

541
00:32:00,772 --> 00:32:02,292
in isolation.

542
00:32:04,572 --> 00:32:08,052
It does feel like you are having quite a lot of flexibility in how you could

543
00:32:08,092 --> 00:32:11,892
potentially exercise your CA powers, and I just think it

544
00:32:11,972 --> 00:32:14,172
could be open to some ambiguity.

545
00:32:16,072 --> 00:32:18,272
I don't know whether you have an answer to that now

546
00:32:19,432 --> 00:32:19,612
or

547
00:32:20,632 --> 00:32:21,532
you want to come back

548
00:32:23,352 --> 00:32:25,253
in writing or later in the week. Yeah.

549
00:32:25,251 --> 00:32:26,412
Taylor Power for the applicant.

550
00:32:26,532 --> 00:32:26,712
Yeah.

551
00:32:27,772 --> 00:32:30,752
I take the point. I think we could come back in writing because

552
00:32:31,692 --> 00:32:34,452
while I take the point that this could perhaps be seen

553
00:32:35,572 --> 00:32:37,072
to provide ambiguity,

554
00:32:38,612 --> 00:32:40,252
from the other perspective, having

555
00:32:41,772 --> 00:32:45,672
overly general rights, which, for example, in most

556
00:32:45,732 --> 00:32:49,212
solar schemes might only have two different types of rights that they apply to all

557
00:32:49,272 --> 00:32:50,492
of the plots within

558
00:32:52,252 --> 00:32:56,052
their grid corridors, and then the purpose and description of

559
00:32:56,092 --> 00:32:59,692
those rights is very general. And so by a

560
00:32:59,732 --> 00:33:03,272
different form, you might end up with just as general an extent of rights that

561
00:33:03,312 --> 00:33:07,152
apply to particular plots. So the intention

562
00:33:07,212 --> 00:33:11,152
from the applicant has been to be more specific where it can,

563
00:33:11,712 --> 00:33:15,472
and that was seen as the benefit of following the National Grid approach as well

564
00:33:15,552 --> 00:33:15,752
as

565
00:33:17,432 --> 00:33:21,032
reflecting the thinking that had been done by National Grid for these types of

566
00:33:21,072 --> 00:33:21,912
infrastructure.

567
00:33:23,072 --> 00:33:25,172
But I think it is correct that the

568
00:33:26,112 --> 00:33:29,872
applicant will go away and write up a further response to this in writing and

569
00:33:30,952 --> 00:33:34,692
consider the different pros and cons of the ways in which you can

570
00:33:35,872 --> 00:33:37,692
represent these rights and these plans.

571
00:33:39,292 --> 00:33:42,212
I'm grateful. Thank you. I'm just going to turn to Lincolnshire. Mr.

572
00:33:42,332 --> 00:33:43,772
Barton, I realize you may not have

573
00:33:45,172 --> 00:33:48,832
a response, but is this something that Lincolnshire County Council would

574
00:33:48,872 --> 00:33:51,312
respond on, or would you like to take it away?

575
00:33:53,452 --> 00:33:57,232
Andrew Barton, Lincolnshire County Council. If I may, I'll take that away.

576

00:33:57,412 --> 00:34:01,292
I've jotted some notes down. I can't give you an immediate answer, but

577
00:34:01,632 --> 00:34:04,632
I'll take on board the points that have been raised and I'll take them away, if

578
00:34:04,652 --> 00:34:04,852
that's okay.

579
00:34:04,872 --> 00:34:08,553
Thank you. Yeah, that's fine. Does anybody have any other comments on that

580
00:34:08,592 --> 00:34:11,232
particular point in the agenda?

581
00:34:12,033 --> 00:34:13,533
No. Okay. I've got a

582
00:34:14,973 --> 00:34:17,072
question about funding for the applicant.

583
00:34:17,872 --> 00:34:21,513
Your response to EXQ 6.0.18 to

584
00:34:21,772 --> 00:34:24,632
6.0.24 in respect of funding

585
00:34:25,493 --> 00:34:28,912
is noted. So as I know you're aware, the EXA and

586
00:34:28,973 --> 00:34:32,332
ultimately Secretary of State need to be satisfied that the applicant will have

587
00:34:32,412 --> 00:34:34,852
adequate funds available for the proposed development.

588
00:34:36,412 --> 00:34:40,332
In your response to EXQ 6.0.18,

589
00:34:40,412 --> 00:34:44,132
you advised that the scheme currently benefits from sufficient

590
00:34:44,192 --> 00:34:47,892
funding to progress the DCO application and to meet

591
00:34:47,973 --> 00:34:50,973
any early acquisition costs that may arise at this stage.

592
00:34:51,712 --> 00:34:55,553
It may be that at a future stage of scheme delivery,

593
00:34:55,672 --> 00:34:59,632
Bagnall Energy Limited could need to seek additional funding from

594
00:34:59,672 --> 00:35:03,392
the private sector, but the specific details of any such additional

595
00:35:03,452 --> 00:35:05,172
funding have not yet been confirmed.

596
00:35:06,812 --> 00:35:10,712
It's then further stated this would be progressed at the appropriate time, well

597
00:35:10,772 --> 00:35:14,632
ahead of the need for those funds arising, in order to ensure

598
00:35:14,672 --> 00:35:17,672
that the scheme can be delivered by the applicant as intended.

599
00:35:18,312 --> 00:35:22,252
Is there any risk that such funding wouldn't be secured and monies

600
00:35:22,272 --> 00:35:25,632
wouldn't be available for compensation payments or acquisition costs?

601
00:35:27,652 --> 00:35:30,272
Taylor Power for the applicant. I might pass to Mr.

602
00:35:30,532 --> 00:35:32,232
Vernon on this matter.

603
00:35:33,992 --> 00:35:36,292
Afternoon. David Vernon for the applicant.

604
00:35:38,452 --> 00:35:38,532
No,

605
00:35:39,832 --> 00:35:42,312
we will obviously have the final investment decision,

606
00:35:43,232 --> 00:35:47,152
which will take account of the consent and the grid connection as well.

607
00:35:48,612 --> 00:35:52,432
So obviously up until that point, no final decision has been made

608
00:35:52,512 --> 00:35:53,592
on total funding

609
00:35:54,492 --> 00:35:57,712
as to what we will be doing. But up until that point,

610
00:35:58,372 --> 00:36:01,592
there are monies identified and pots identified that will

611
00:36:02,032 --> 00:36:05,672
cover reasonable early acquisition, early mitigation,

612
00:36:06,452 --> 00:36:10,192
that we may need to proceed with. So we don't envisage any problem with

613
00:36:10,232 --> 00:36:11,132
securing that funding.

614
00:36:12,864 --> 00:36:15,844
Thank you very much. Does anybody have any comments on funding?

615
00:36:19,144 --> 00:36:19,204
No.

616
00:36:21,104 --> 00:36:24,824
I said at the beginning that we do have some questions on plots.

617
00:36:25,384 --> 00:36:28,484
It is, as you would expect, quite a detailed list.

618
00:36:28,604 --> 00:36:31,004
I'm not going to go through all of them.

619
00:36:31,144 --> 00:36:33,104
I will put them in writing.

620
00:36:34,704 --> 00:36:37,784
I think I'm going to concentrate on the habitat management

621
00:36:38,444 --> 00:36:39,344
areas, if I may,

622
00:36:40,284 --> 00:36:44,064
particularly habitat management areas one, two, five,

623
00:36:44,204 --> 00:36:44,923
and seven.

624
00:36:46,644 --> 00:36:50,444
Do you have the correct people available to talk

625
00:36:50,504 --> 00:36:54,164
about basically why... I would like to understand why they're
habitat

626
00:36:54,204 --> 00:36:57,944
management areas and why it's necessary to CA.

627
00:37:00,404 --> 00:37:01,744
Taylor Power for the applicant.

628
00:37:02,724 --> 00:37:05,784
No, I don't think I do have the correct people to speak to those, because it's a

629
00:37:05,844 --> 00:37:09,764
combination of our ecology and heritage experts in

630
00:37:09,824 --> 00:37:11,804
respect of why they've been set aside-

631
00:37:12,764 --> 00:37:13,084
Okay

632
00:37:13,243 --> 00:37:17,123
... for those particular areas. But I can confer with the team

633
00:37:17,144 --> 00:37:20,944
that's attending the issue-specific hearings, and if it would assist, we

634
00:37:20,984 --> 00:37:24,564
could pick up in respect of that justification there, or we could just

635
00:37:24,704 --> 00:37:25,544
respond in writing.

636
00:37:26,904 --> 00:37:29,644
We do obviously have a lot to get through in the following days.

637
00:37:29,764 --> 00:37:32,144
If we have time in the ecology

638
00:37:33,384 --> 00:37:36,444
section, let's pick up, but if not, I'll put it in writing.

639
00:37:36,744 --> 00:37:40,264
I'm just going to confer with my colleagues about the other plots.

640
00:38:04,584 --> 00:38:07,864
Thank you. There is one other,

641
00:38:09,364 --> 00:38:10,684
if you just bear with me.

642
00:38:11,324 --> 00:38:15,304
It's works

643
00:38:15,464 --> 00:38:19,304
plan section B, sheet two,

644
00:38:19,844 --> 00:38:23,624
if that can be displayed, and it relates to works

645
00:38:23,684 --> 00:38:24,704
number six.

646
00:38:28,104 --> 00:38:28,764
So that's

647
00:38:30,144 --> 00:38:33,624
works plan section B, sheet two, which is the grid connection route.

648
00:38:35,064 --> 00:38:35,324
And you

649
00:38:37,864 --> 00:38:39,904
may not be able to see...

650
00:38:52,284 --> 00:38:55,064
I think I may have given you the wrong reference there.

651
00:39:02,704 --> 00:39:06,504
I'll pause the question while we potentially look for the correct sheet.

652
00:39:07,524 --> 00:39:10,024
It's work number six, and it's Osler Cottage.

653
00:39:13,384 --> 00:39:16,364
There appears to be a third-party center line

654
00:39:17,864 --> 00:39:21,704
going to the cottage, and I understand you said you're not acquiring

655
00:39:21,764 --> 00:39:23,364
any rights for residential

656
00:39:24,264 --> 00:39:26,024
properties. I just want to

657
00:39:27,184 --> 00:39:30,864
check, are you just acquiring rights for overhead lines and
associated

658
00:39:31,004 --> 00:39:34,844
infrastructure? Is there any actual land take associated with the
cottage?

659
00:39:35,704 --> 00:39:36,744
Do we have the correct...

660
00:39:43,984 --> 00:39:47,444
I think we did give you the correct sheet, actually.

661
00:39:47,504 --> 00:39:50,164
If you could have that plan back up, please.

662
00:39:59,544 --> 00:40:02,664
Is this in respect of that kind of blue section?

663
00:40:06,524 --> 00:40:08,304
There's something that says the cottage there.

664
00:40:08,364 --> 00:40:08,864
I'm not sure if-

665
00:40:10,304 --> 00:40:12,684
Is it further down? If we move further down,

666
00:40:17,404 --> 00:40:18,684
right down to the bottom.

667
00:40:19,904 --> 00:40:22,144
There. It's where Delgate Bank...

668
00:40:23,864 --> 00:40:25,704
You see where it says for continuation,

669
00:40:26,524 --> 00:40:27,364
see sheet one?

670
00:40:29,144 --> 00:40:30,324
It's that cottage.

671
00:40:31,943 --> 00:40:32,544
Is that correct?

672
00:40:36,204 --> 00:40:36,324
Yeah.

673
00:40:36,543 --> 00:40:37,024
Yeah. Thank you.

674
00:41:08,444 --> 00:41:09,684
Taylor Power for the applicant.

675
00:41:11,304 --> 00:41:14,044
I think we need to come back to you on writing in this because I've
got

676
00:41:14,964 --> 00:41:18,664
Mr. Adama here who can speak to it from the land rights

677
00:41:18,704 --> 00:41:19,544
perspective.

678
00:41:21,304 --> 00:41:22,984
Our overhead line

679
00:41:24,024 --> 00:41:25,324
engineering design team

680

00:41:26,244 --> 00:41:29,124
is attending tomorrow instead, and so

681
00:41:30,204 --> 00:41:34,084
they will be able to speak in terms of the justifications in this area,

682
00:41:34,204 --> 00:41:37,804
and I think we need to confer with him further just in terms of

683
00:41:37,844 --> 00:41:40,184
explaining exactly what's happening in this location.

684
00:41:41,384 --> 00:41:45,224
That's absolutely fine. While we're on this plan, could you scroll back

685
00:41:45,424 --> 00:41:49,244
to the top? There is a blue hashed section, sorry for my

686
00:41:49,304 --> 00:41:53,244
technical descriptions here, on the right-hand side, which we're not clicked...

687
00:41:53,404 --> 00:41:57,304
There, where it states works number six, the

688
00:41:57,364 --> 00:41:58,824
large blue hash.

689
00:42:00,324 --> 00:42:01,384
Can you explain to us

690
00:42:02,344 --> 00:42:06,104
why that amount is required, or is that something you need to

691
00:42:06,144 --> 00:42:06,744
take away?

692
00:42:08,144 --> 00:42:11,904
Taylor Power for the applicant. I might just have a look quickly at the

693
00:42:12,084 --> 00:42:15,596
illustrative ... plan in this area, because that might explain it.

694
00:42:15,636 --> 00:42:19,616
But again, I think if you want a full explanation from the design

695
00:42:19,696 --> 00:42:23,596
team that has worked up the overhead line design in this area,
they'll be

696
00:42:24,136 --> 00:42:26,736
at the hearings tomorrow, and so they could speak to

697
00:42:27,616 --> 00:42:28,636
the justification for

698
00:42:29,436 --> 00:42:31,396
the area of access off the road here.

699
00:42:31,436 --> 00:42:32,336
But it might be

700
00:42:34,156 --> 00:42:37,736
in some ways related to this access and the requirement off that

701
00:42:37,796 --> 00:42:38,336
existing.

702
00:42:38,396 --> 00:42:41,676
It just seems, on the face of it, quite excessive.

703
00:42:42,496 --> 00:42:45,676
Obviously, if you can provide a justification for it.

704
00:42:46,336 --> 00:42:49,496
These are the type of questions we have, which may be

705
00:42:50,296 --> 00:42:54,076
easier to put in writing as long as they're not lost in translation.

706
00:42:54,216 --> 00:42:57,496
But what we'll do is, if it's not clear, we'll provide you with screenshots of

707
00:42:58,596 --> 00:43:02,496
what we're asking about, so you know exactly. Mrs.

708
00:43:02,636 --> 00:43:04,496
Murphy, did you have one final?

709
00:43:06,036 --> 00:43:09,816
Yes. In relation to Wycombe Chapel, in the response to

710
00:43:09,836 --> 00:43:13,756
the examination at EX1 questions, you

711
00:43:13,796 --> 00:43:17,735
said the field immediately next to Wycombe Chapel is now removed as part of the

712
00:43:17,776 --> 00:43:21,496
mitigation to protect the asset, but it's not been

713
00:43:21,536 --> 00:43:25,136
removed from the works plan, so it's still within the works plans and still within

714
00:43:25,156 --> 00:43:29,036
the limits of deviation, and I wanted to check why that was the case.

715
00:43:30,456 --> 00:43:32,016
Yes. Taylor Power for the applicant.

716
00:43:33,016 --> 00:43:36,896
This might have been poor drafting in respect of referring to it

717
00:43:36,936 --> 00:43:37,816
being removed.

718
00:43:38,896 --> 00:43:42,576

Instead, the approach that has been taken is that an additional design

719
00:43:42,636 --> 00:43:46,476
parameter has been added to the design parameters document, and that

720
00:43:46,556 --> 00:43:50,096
restricts the routing of overhead or

721
00:43:50,176 --> 00:43:54,056
underground cabling through that section in the field immediately adjacent to

722
00:43:54,136 --> 00:43:57,036
the chapel to avoid those setting impacts.

723
00:43:57,356 --> 00:44:00,896
So the control is in the design parameters document rather than in the works plans.

724
00:44:03,796 --> 00:44:07,696
Thank you. That's useful. If we do have time tomorrow to address those three items,

725
00:44:07,756 --> 00:44:08,996
that would be useful. If not,

726
00:44:09,876 --> 00:44:12,936
if you can respond in writing, that would be great.

727
00:44:12,996 --> 00:44:13,656
Yes, of course.

728
00:44:14,416 --> 00:44:15,216
I don't have

729
00:44:16,436 --> 00:44:18,676
anything else on that agenda item.

730
00:44:18,736 --> 00:44:21,596
Does anybody have anything they wish to add before we move

731
00:44:22,416 --> 00:44:24,076
on to item nine?

732
00:44:26,476 --> 00:44:26,696
No.

733
00:44:28,156 --> 00:44:31,416
So we're moving on to item nine. We haven't been notified that anyone wishes to

734
00:44:31,456 --> 00:44:35,336
raise any other matters. Can I just check that is the case? Mr.

735
00:44:35,556 --> 00:44:35,916
Daniels?

736
00:44:37,156 --> 00:44:39,536
Thank you, Madam Inspector. Edward Daniels for InterGen.

737
00:44:40,196 --> 00:44:43,816
I'd just like to clarify the response I gave to your question in

738
00:44:43,856 --> 00:44:47,396
relation to the relative risk for induced AC corrosion posed by

739
00:44:47,456 --> 00:44:48,456
underground cables

740
00:44:49,276 --> 00:44:51,196
as opposed to overhead power cables.

741
00:44:52,116 --> 00:44:55,776
Please could I request that you address that question to our

742
00:44:55,856 --> 00:44:59,376
engineering consultant at the issue-specific hearing tomorrow,

743
00:45:00,216 --> 00:45:03,796
as they are a technical authority, and I defer to their opinion on that.

744
00:45:03,936 --> 00:45:05,776
That's absolutely fine. Thank you for clarifying.

745
00:45:05,976 --> 00:45:06,376
Thank you.

746
00:45:09,216 --> 00:45:13,016
Nobody else have anything? Before we move on to agenda item

747
00:45:13,116 --> 00:45:14,956
two, I do have a request for the applicant.

748
00:45:15,156 --> 00:45:16,136
So I'm aware that

749
00:45:16,996 --> 00:45:20,756
final version of the book of reference land right and land rights tracker will be

750
00:45:20,816 --> 00:45:22,256
submitted at deadline nine.

751
00:45:23,356 --> 00:45:27,336
It would be useful at deadline nine if you could also submit a status

752
00:45:27,396 --> 00:45:31,156
of negotiations document. I think that might already be in the

753
00:45:31,216 --> 00:45:31,916
timetable.

754
00:45:33,936 --> 00:45:37,716
It would be beneficial for us to have a general summary document which details a

755
00:45:37,796 --> 00:45:41,256
number of options agreements which have been signed and exchanged,

756
00:45:42,276 --> 00:45:46,096
another section which details a number of legal agreements which

have

757
00:45:46,116 --> 00:45:49,636
been finalized and exchanges expected

758
00:45:49,856 --> 00:45:53,496
shortly, right through to legal agreements started but little progress.

759
00:45:54,336 --> 00:45:57,976
In terms of what I'd like this to look like for statutory

760
00:45:58,016 --> 00:46:00,096
undertakings, I'd like you

761
00:46:00,996 --> 00:46:04,536
to give a list of those statutory undertakings where agreement has been

762
00:46:04,616 --> 00:46:06,936
reached in terms of protective provisions,

763
00:46:07,916 --> 00:46:11,816
whether using standard wording or where bespoke wording has been agreed.

764
00:46:12,736 --> 00:46:16,136
Where wording for bespoke protective provisions hasn't been

765
00:46:16,196 --> 00:46:16,736
agreed,

766
00:46:17,596 --> 00:46:20,756
I'd like the applicant to list out the outstanding issues,

767
00:46:21,236 --> 00:46:23,816
provide details of negotiations to date,

768
00:46:24,956 --> 00:46:28,676
and confirm the wording of the protective provision the applicant considers

769
00:46:28,756 --> 00:46:29,396
suitable.

770
00:46:30,516 --> 00:46:34,296
There does need to be some input from statutory undertakings.

771
00:46:35,116 --> 00:46:38,796
If they could provide two sets of wording, firstly, the wording that the

772
00:46:38,836 --> 00:46:42,456
statutory undertakings would find acceptable, and to also

773
00:46:42,516 --> 00:46:46,476
provide a track change version against the applicant's suggested wording so

774
00:46:46,516 --> 00:46:48,296
we could see where the changes would be.

775
00:46:49,876 --> 00:46:51,636
Could I ask that the applicant leads

776
00:46:52,536 --> 00:46:56,076
on the drafting of this document as you're in dialogue with statutory undertakings,

777
00:46:56,116 --> 00:46:59,036
so could you liaise with the statutory undertakings

778
00:46:59,976 --> 00:47:03,916
to whom this request applies? I realize that not all statutory undertakings,

779
00:47:04,056 --> 00:47:07,396
A, may respond or, B, be willing to, but if I could ask that you do

780
00:47:07,916 --> 00:47:08,676
contact them.

781
00:47:10,316 --> 00:47:14,056

In terms of format, if you look at the

782
00:47:14,496 --> 00:47:18,376
Botley West Solar Farm status of negotiations document

783
00:47:18,996 --> 00:47:22,676
and in the Botley West examination library, this has

784
00:47:22,736 --> 00:47:26,416
reference Rep 7048. But if you have

785
00:47:26,496 --> 00:47:26,876
any

786
00:47:27,836 --> 00:47:31,696
trouble accessing this, please speak to our case team in the first

787
00:47:31,776 --> 00:47:32,376
instance.

788
00:47:33,436 --> 00:47:35,196
Are there any queries on this request?

789
00:47:35,436 --> 00:47:39,176
I understand that it is almost like a duplication of what the book
of

790
00:47:39,216 --> 00:47:43,196
reference and land right tracker does, but it

791
00:47:43,236 --> 00:47:47,196
is really useful to have that in one place at the end of the
examination.

792
00:47:47,876 --> 00:47:48,856
Are there any queries?

793
00:47:51,036 --> 00:47:51,196
No?

794
00:47:53,456 --> 00:47:57,116

If we move on to item 10, which is a review

795
00:47:57,936 --> 00:48:00,796
of actions and close. And I'll hand over to Ms. Davies.

796
00:48:04,476 --> 00:48:08,236
Sorry, I apologize. Ms. Tetley Jones, you've raised your hand.

797
00:48:18,216 --> 00:48:20,476
Emily Tetley Jones for InterGen.

798
00:48:22,616 --> 00:48:26,156
I was just wondering whether the direction about

799
00:48:27,196 --> 00:48:28,076
including

800
00:48:28,976 --> 00:48:32,636
protective provisions and the difference

801
00:48:33,376 --> 00:48:36,176
in between the parties on what those protective provisions

802
00:48:36,676 --> 00:48:37,496
contain

803
00:48:38,376 --> 00:48:42,256
could also include InterGen, notwithstanding the fact

804
00:48:42,756 --> 00:48:46,116
that it is not a statutory undertaker.

805
00:48:46,156 --> 00:48:48,376
Of course, Ms. Tetley Jones. That is entirely my fault.

806
00:48:48,436 --> 00:48:52,296
I should have made that clear. It will obviously include InterGen,
but that is

807
00:48:52,336 --> 00:48:55,516
my mistake for not being transparent on that.

808
00:48:55,576 --> 00:48:58,376
So please could the applicant also include InterGen?

809
00:48:59,656 --> 00:48:59,936
Thank you.

810
00:48:59,956 --> 00:49:01,456
Lovely. Thank you very much, Madam Inspector.

811
00:49:04,176 --> 00:49:06,936
So moving on to the action points that we've recorded.

812
00:49:06,996 --> 00:49:10,636
We've got five action points. The first one is between the applicant

813
00:49:11,456 --> 00:49:15,416
and Lincolnshire County Council to continue discussions regarding whether the CA

814
00:49:15,456 --> 00:49:18,716
of highways land is required, and can you please provide an update on that at

815
00:49:18,776 --> 00:49:19,656
deadline four.

816
00:49:20,476 --> 00:49:24,196
Second one is for the applicant and InterGen to continue their discussions

817
00:49:24,236 --> 00:49:27,996
regarding protective provisions in relation to InterGen's assets, and again,

818
00:49:28,056 --> 00:49:30,236
please provide an update on that at deadline four.

819
00:49:32,356 --> 00:49:36,096
Third one is for the applicant to provide further explanation of the application of

820
00:49:36,196 --> 00:49:39,136
overlapping rights and consider how these are best presented

821
00:49:40,036 --> 00:49:40,936
by deadline four.

822
00:49:42,576 --> 00:49:46,256
And then action four is by deadline nine,

823
00:49:46,636 --> 00:49:49,196
and that's the status of negotiation documents.

824
00:49:49,336 --> 00:49:53,056
And I won't repeat the detail of what we're requiring in

825
00:49:53,116 --> 00:49:56,956
that, because it was quite a long list, but I will include that as part of the

826
00:49:57,036 --> 00:49:59,156
action points so it's all set out for you.

827
00:50:00,116 --> 00:50:03,616
So that's the applicant. And then at action point

828
00:50:03,716 --> 00:50:07,296
five, the same exercise for the statutory undertakings,

829
00:50:07,356 --> 00:50:09,996
including InterGen, to provide

830
00:50:11,396 --> 00:50:15,376
wording, including wording that the statutory undertakings and InterGen would find

831
00:50:15,436 --> 00:50:17,916
acceptable. That's at deadline nine.

832
00:50:20,736 --> 00:50:21,976
Those are all the action points that I've got.

833
00:50:21,996 --> 00:50:23,696
Has anybody got anything that they want to add?

834
00:50:28,836 --> 00:50:31,996
That brings us to the end of this compulsory acquisition hearing.

835
00:50:32,476 --> 00:50:36,456
Thank you to all those who have taken part today, and I remind you

836
00:50:36,496 --> 00:50:40,296
that written summaries from those who have spoken are invited for deadline four,

837
00:50:40,376 --> 00:50:42,536
which is on the 27th of November.

838
00:50:44,456 --> 00:50:47,936
We are having issue-specific hearing three

839
00:50:47,996 --> 00:50:51,836
tomorrow. It'll be held in this room, and it commences

840
00:50:51,876 --> 00:50:52,916
at 10 o'clock.

841
00:50:54,396 --> 00:50:58,276
Before we close, I'd just like to thank all of today's participants for their time

842
00:50:58,296 --> 00:51:01,876
and contributions. The time is now 5 o'clock

843
00:51:01,956 --> 00:51:02,736
exactly, and this

844
00:51:03,976 --> 00:51:07,676
compulsory acquisition hearing is now closed. Thank you, everyone.