



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Rosefield Solar Farm
Hearing:	Recording of Compulsory Acquisition Hearing 1 (CAH 1) - Part 1
Date:	28 July 2026

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

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

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

FULL TRANSCRIPT (with timecode)

00:00:10:00 - 00:00:26:12

Good afternoon everybody. It is now 2:00 in time for this hearing. To begin, I'd like to welcome you all to this compulsory acquisition hearing for the proposed Light Valley solar project. Can I just confirm that everybody can hear me clearly.

00:00:28:04 - 00:00:32:21

Can I also confirm that the live streaming and recording of this event has commenced?

00:00:35:16 - 00:01:04:22

My name is Jonathan Medlin. I have been appointed by the Secretary of State as an examining inspector, as part of the examining authority to examine this application. You will also hear us collectively referred to as the Examining Authority or WSA. We will be reporting to the Secretary of State for Energy Security and net zero, with a recommendation as to whether a development consent order should be made. We'll now allow the other members of the examining authority to introduce themselves.

00:01:06:00 - 00:01:16:02

Afternoon. My name is Mark Tandy, chartered water environmental manager, civil engineer. I've been appointed by the Secretary of State to be the lead member of the examining authority for the application.

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

Good afternoon, everybody. My name is Mark Willis. I'm a chartered town planner and planning inspector, and I've been appointed by the Secretary of State to be a member of the panel to examine this application.

00:01:30:07 - 00:02:04:27

Thank you. So, as I said, together we constitute the examining authority for this application. We are assisted by our case team, Mr. Spencer Berryman and Mr. Harrison Combs, as well as other case officers behind the scenes. Please approach them if you have any questions for those here in the room. They are to our left. Or if you're facing the examining authority, they are to your right. For those online, you'll need to email them at Light Valley Solar at Planning Inspectorate UK.

00:02:05:17 - 00:02:09:08

With like Valley Solar being a single word,

00:02:11:07 - 00:02:19:19

they deal with the managing of the application. If you have any queries as to process or procedure then they are your points of contact.

00:02:21:23 - 00:02:47:12

I'll now deal with a few housekeeping matters for those attending in person. Can everybody please set all mobile phones and devices to silent? There are toilets situated through the entrance where you arrived, which again is on my right, near where you registered. For those of you watching from the overspill room, there are toilets within the block. You exit the room and take a left.

00:02:49:14 - 00:03:14:22

There are no emergency alarms planned for this afternoon. Should an alarm sound, please make your way to the nearest fire doors. For those in this room, that is the doors again to my left. The fire evacuation assembly point is by the flagpoles at the front of the hotel. Anyone situated within the overspill room will need to use the fire doors in that room, and meet at the same assembly point.

00:03:16:10 - 00:03:42:15

For those people watching the live stream, can I also advise that should we at any point adjourn proceedings this afternoon, we will have to stop the live stream in order to give us clear recording files. As a result, at the point at which we recommence the hearing and restart the live stream. You will need to refresh your browser page to view the restarted stream. I will remind you of this again should we need to adjourn.

00:03:45:01 - 00:03:56:13

Can I check whether anyone here today has made a request, or requires any special measures or arrangements to enable participation in this meeting, for example, hearing aid loop system.

00:03:59:18 - 00:04:05:16

No. Okay. If that changes, please speak with Mr. Bowerman or Mr. Coleman's.

00:04:08:27 - 00:04:39:19

This is a hybrid event. Meaning some of you are present with us at the hearing venue. Some of you are joining us virtually using Microsoft Teams. For those people observing or participating through teams, can you please make sure that you stay muted unless you are speaking? If you are participating virtually and you wish to speak at the relevant point in the proceedings, please use the hand up function. Please be patient as we may not get to you immediately, but we will invite you to speak at the appropriate time.

00:04:39:27 - 00:04:49:06

We will make sure that however you have decided to attend today, you'll be given a fair opportunity to participate. Are there any questions so far?

00:04:51:17 - 00:05:19:04

No thank you. In that case, I'll move on. In addition to the live stream, a recording of today's hearing will be made available on the Light Valley Solar section of the National Infrastructure Planning website as soon as practicable after the hearing has finished. With this in mind, please ensure that you speak clearly into microphone, stating your name and who you are representing each time before you speak.

00:05:20:26 - 00:05:28:23

If you're not at a table with a microphone, there is a roving microphone. So please wait for one of these to be brought to you before you speak.

00:05:31:05 - 00:05:46:05

If you are attending virtually and don't want your image to be recorded, you can switch off your camera for those in the room who don't want to be recorded. There is an area at the very back of the room out of camera shot, so please use that area.

00:05:48:27 - 00:06:12:06

A link to the planning inspector. Its privacy notice was provided in the notification for this hearing. I would assume that everybody here today has familiarized themselves with this document. It establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to Mr. Berman or Mr. Collins if you have any questions about this.

00:06:13:25 - 00:06:46:27

This meeting will follow the agenda, which was published on the Light Valley Solar Project information page of the Planning Inspectorate website on 14th July 2026. That's examination library reference EV 3001. It would be helpful if you had a copy of this in front of you. But we've asked that the agenda be displayed on screen, and I can see that it is indeed up. The agenda is for guidance only. We may add or move items as we progress in terms of timings for the day.

00:06:46:29 - 00:07:20:05

We will aim to conclude the hearing by 5:30. There will be an opportunity for breaks during the afternoon. So quick overview A overview of the agenda. Item one is the current item. Malcolm. Introductions and arrangements. Item two will outline the purpose of the compulsory acquisition hearing. Item three will cover 3.1, the applicant's case for combustor acquisition and temporary possession. 3.2 site specific issues by affected persons.

00:07:21:02 - 00:07:52:10

3.3 the purpose for which land is sought. 3.4 demonstration of a compelling case in the public interest. 3.5 progress on negotiations with affected persons. Item four will be a review of issues and actions arising. Would be useful if the applicant could keep a list of actions, as the examining authority will be doing so at the same time. Item five will be any other matters, and item six will be the closure of the hearing.

00:07:53:03 - 00:07:56:06

There are any questions on what I've just set out before I move on?

00:08:00:10 - 00:08:33:28

Okay. So we're going to move on to introductions for today. I'm going to ask those of you who are participating in today's meeting to introduce yourself, and I state your organization's name. Could you introduce yourself stating your name and who you represent and which agenda item you wish to speak on? If you're not representing an organization, please confirm your name, summarize your interest, your interest in the application and confirm the agenda item upon which you wish to speak.

00:08:34:12 - 00:08:42:10

When doing so, please let everybody also state how you wish to be addressed, whether that's Mr. or Mrs. Smith, etc..

00:08:44:27 - 00:08:49:09

Can we start with the applicant and any of their advisors, please?

00:08:51:10 - 00:09:09:06

Good afternoon. My name is Alison Dublin. I am an associate at Pinsent Masons who are solicitors for the applicant. Um, we will be speaking on all of the agenda items, and I'm joined by a number of members of the applicants team who I will let introduce themselves now.

00:09:11:02 - 00:09:16:08

Thank you sir. Mr. Matt Fox, legal director at Pinsent Masons, acting for the applicant.

00:09:19:10 - 00:09:20:03

Um, Elizabeth.

00:09:20:05 - 00:09:22:18

Hall, consultant land agent for the applicant.

00:09:25:06 - 00:09:26:05

David Gabb.

00:09:28:15 - 00:09:30:10

Design coordination for the applicant.

00:09:33:18 - 00:09:47:16

Excuse me. Sorry. Can we have that again? And just bring the microphone slightly closer to to you when you introduce yourself? And can I just remind you to. It would help us if you do state how you wish to be addressed.

00:09:48:08 - 00:09:49:15

Mr. David Gabb.

00:09:50:04 - 00:09:53:20

I think it's not quite close enough to you. It might be my.

00:09:55:06 - 00:10:02:08

Mr. David Gavin design called coordination for the applicant. Associate director at Aecom.

00:10:06:09 - 00:10:09:26

That's everyone. Okay. Thank you. Good afternoon to you all.

00:10:14:00 - 00:10:26:26

Can we now move on to organizations and individuals that have given notice on their intention to speak? In the first instance, I will hear from those in the room then come to virtual attendees.

00:10:29:00 - 00:10:33:08

So I will start with North Yorkshire Council.

00:10:36:10 - 00:10:43:03

Do we have Diane Holgate either Dream on line.

00:10:52:16 - 00:10:59:25

Can't see presence of North Yorkshire Council on line at this moment. They may join us

00:11:01:16 - 00:11:03:08

later on on the agenda.

00:11:05:12 - 00:11:10:09

Moving through my list of those who notified us that they wish to speak.

00:11:12:12 - 00:11:19:13

Is Claire Hotchkiss either here or in the line?

00:11:23:10 - 00:11:24:04

Okay.

00:11:25:22 - 00:11:33:10

I also heard from Councillor Michael Jordan, a North Yorkshire Council councillor.

00:11:37:09 - 00:11:38:02

Okay.

00:11:42:01 - 00:11:45:25

Is Nicholas Osborn present?

00:11:53:18 - 00:12:02:18

Okay. And I have Sandra picking on behalf of Wendy Tomlinson. Ah, hello. Can you come forward and

00:12:04:11 - 00:12:06:00

introduce yourself, please?

00:12:07:00 - 00:12:14:03

Yeah. I'm Sandra Perkin and I'm speaking today on behalf of Wendy Tomlinson, who is the landowner of Fieldhouse Farm.

00:12:15:14 - 00:12:16:08

Thank you.

00:12:21:13 - 00:12:28:01

Thank you. Is there anyone else in the room today who wishes to speak? If they could let me know now.

00:12:29:17 - 00:12:31:14

Again. Introduce yourself.

00:12:33:26 - 00:12:34:11

My.

00:12:34:13 - 00:13:04:12

My name is Carrie Carter. Uh, I'm with Maria Ferris. were both from the parish councils. I'm representing South Milford Parish Council, but also 13 other parish councils that are directly, directly affected by the proposal, namely Birkin, Burton, Salmon Chapel, Hattersley, Eskridge, Hambleton, Helen, Monck, Friston, recall, Skipwith, Thorne Bay, Thorpe, Willoughby West, Hattersley and Wistow. We will be observing this afternoon.

00:13:04:14 - 00:13:08:15

Okay. I was going to check that. Okay. That's fine thank you.

00:13:11:05 - 00:13:26:10

So I'll now move on to virtual attendees. If you're with us on Microsoft Team today and wish to speak, please could you raise a virtual hand and again introduce yourself and let us know the agenda item on which you wish to speak?

00:13:33:18 - 00:13:39:12

Okay, I don't think we have anybody currently using Microsoft Teams.

00:13:42:22 - 00:14:15:16

So that concludes introductions. I will now move us on to item two of the agenda. As previously mentioned, this is the purpose of the hearing. And allow me to briefly explain the purpose of this compulsory acquisition hearing. So the application the application for the proposed development includes a request for an order granting development consent to authorize compulsory acquisition of land or compulsory acquisition of an interest in or right over land.

00:14:16:05 - 00:14:54:07

This hearing is to enable the examining authority to hear and probe the applicant's strategic case in respect of the application. In addition, the examining authority will also hear individual objections from affected persons who are interested parties with a legal interest in the land or rights over land, which the applicant is seeking powers of compulsory acquisition and or temporary possession. This hearing will help us to consider whether relevant legal and policy tests applicable to compulsory acquisition and temporary possession proposals have been met.

00:14:54:24 - 00:15:04:25

Those tests are set out in more detail in the agenda. The examining authority will also hear from any affected statutory undertakers and any concerns they may have.

00:15:06:24 - 00:15:43:27

The agenda for this meeting was published in advance of this hearing on the Light Valley Solar Project information page of the Planning Inspectorate website. Today's hearing will be a structured discussion led by the Examining Authority. Please be assured that we are familiar with what you have already submitted to us, so you don't have to repeat in length anything that you've already put to us in writing. Submissions carry equal weight, regardless of the format in which they are put. If you do refer to any documents this afternoon, it would be helpful if you could give us the correct examination library reference number.

00:15:44:07 - 00:16:18:18

Please do try to avoid using any acronyms as people who might be watching either in the room or online might not be as familiar with those terms as you are. As stated, the examining authority will be taking notes of actions arising may be helpful to cross-reference these with interested parties and the applicant at the appropriate agenda item. I'm going to ask the applicant to keep their own record for discussion at that relevant time later on. Are there any other comments anyone would like to make on item two of the agenda?

00:16:25:09 - 00:16:37:10

In that case, I will move us on to item three and hand over to Mr. Tandy beginning with 3.1. The applicants approach for compulsory acquisition and temporary possession.

00:16:38:27 - 00:17:10:28

Thank you, Mr. Medlin. In this and subsequent items today, I want to discuss the applicant's approach for compulsory acquisition and temporary possession, including the identification of the power sought and their purpose. The applicant's strategy and criteria for determining whether to seek powers for compulsory acquisition of land, compulsory acquisition of rights or temporary possession of land. Consideration of alternatives to compulsory acquisition and or temporary possession of land, including for the cable route and human rights considerations.

00:17:12:28 - 00:17:47:07

Section one, two two of the Planning Act 2008 states A Development Consent Order, which includes compulsory acquisition powers, may be granted only if the conditions in sections one, two, two, Subclause two and three of that 2008 act are met. The conditions to be met are that the land is either required for the development to which the development consent order relates, or is required to facilitate, or is incidental to the development, and there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the development Consent Order.

00:17:48:29 - 00:18:02:10

So to start, can the applicant please explain its strategy and criteria for determining whether to seek powers for compulsory acquisition of land, compulsory acquisition of rights and temporary possession of land.

00:18:05:01 - 00:18:42:23

Alison Devlin for the applicant, the Draft Development Consent Order, which is app 017, contains powers that enable the acquisition of land, the acquisition of new rights over land and the imposition of restrictions. These are required to construct, operate, maintain and then decommission the proposed development. In addition, the draft DCO contains powers that are for the temporary possession of land, which enables the use of that land on a temporary basis to facilitate the construction of the proposed development.

00:18:43:12 - 00:19:26:12

This is so that where the necessary land and rights over land cannot be acquired by agreement with the relevant landowners and occupiers. The draft DCO enables the acquisition of the land and rights necessary to implement the project. The powers that are in the draft DCO to permanently acquire land and rights relate to the order land only, which is on the land plans as the pink and the blue land. Whilst powers of temporary possession apply to all of that land, plus in addition, the yellow land, the applicant has been seeking to acquire the relevant land interests and other rights over land.

00:19:27:04 - 00:19:58:18

By agreement, and this approach of making the application for powers of compulsory acquisition in the application and in parallel conducting negotiations to acquire the land by agreement, accords with paragraph 26 of the Department for Communities and Local Government Planning Act, 2008. Guidance related to procedures for the compulsory acquisition of land. Where an agreement has been reached, it remains necessary for the applicant to be granted the compulsory acquisition powers included in the DCO.

00:19:58:26 - 00:20:29:06

This is in order to protect against a scenario whereby contracts are not adhered to. For example, if a landowner does not grant a lease when an option is called upon, or if a landowner owner dies, becomes insolvent or becomes subject to divorce proceedings. In these circumstances, it is considered that it would be in the public interest for the proposed development to proceed and the interests in question to be effectively converted into a claim for compensation through the compulsory acquisition of the land and rights required.

00:20:30:09 - 00:21:13:09

The applicant also requires powers to suspend rights and override easements and other rights within the order limits, to the extent that they would conflict to the proposed development, so that they do not impede the delivery of the project. The justification for these powers is set out in the Statement of Reasons, which is AIP 020. In summary, the compulsory acquisition powers included in the draft order will enable the applicant to construct, operate, maintain, protect and decommission the proposed development to mitigate the impacts of the proposed development where necessary, and to ensure that access can be taken to facilitate the construction, operation and maintenance of the of the proposed development.

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

The um powers of compulsory acquisition in broad terms are required for the the main components of the scheme being works number one the. The solar. Number two the best. The substation which has worked. Number three works number six and nine which are various ancillary works and green infrastructure and works. Number ten, which are the permissive paths. Outside of these core

components of the infrastructure. The applicant is seeking the acquisition of rights in relation to the cable corridor and for access with temporary possession powers sought, where only temporary use of land is required for construction.

00:21:57:09 - 00:22:01:24

Um, I will pause there and ask if you would like me to go into any further detail.

00:22:04:25 - 00:22:12:01

Thank you. I think just before I carry on, if we could take the agenda off the screen, it's probably not needed now for sharing. That'd be great.

00:22:14:21 - 00:22:41:26

So it's my understanding. Is my understanding correct that the applicant proposes to take temporary Possession of the order, land or order limits in its entirety for investigations and construction activities, whilst retaining the ability to subsequently exercise powers of compulsory acquisition of rights or freehold interests over the same land or limits. So through this process, you'd be able to identify only the land which is needed for compulsory acquisition.

00:22:43:08 - 00:23:18:24

Alison Dublin for the applicant. So the power of temporary possession can be exercised over the entire order limits. The whether or not temporary possession powers is actually taken in large part will depend on the outcome of surveys for which there is a power to carry out surveys included within the DCO. Essentially, the process would be that following the receipt of development consent, the applicant would carry out further survey works in order to inform the detailed design.

00:23:19:13 - 00:23:53:04

Temporary possession powers would then be taken over that part of the order limits that has been ascertained as being required for the construction. So taking the cable route corridor as an example, this is currently, um, typically a 50 meter wide strip within that. It's anticipated that following survey works, temporary possession would be taken over a 25 meter wide strip. And within that section, the cable would then be installed with the final permanent easement being taken over the final cable alignment.

00:23:53:06 - 00:24:05:20

And this approach is intended so that the effect of both the temporary possession and then the permanent rights can be minimized. Um, as far as practical.

00:24:17:28 - 00:24:18:24

Thank you.

00:24:22:27 - 00:24:39:09

So just building on this thing. Can the applicant explain how this approach is going to satisfy section one, two, two the test of necessity, given that the need and extent of permanent rights appears contingent upon information, it will only become available after temporary possession has occurred.

00:24:48:07 - 00:25:19:21

Alison Dublin for the applicant. So, as is typical with nationally significant infrastructure projects of this scale, um, you carry out the designers in essentially an outline form, um, under the Rochdale envelope principles you follow in the receipt of the consent. You then undertake further survey works. But because that survey work will inform whether the cable can be put in one location or another. You don't know what you were going to find.

00:25:19:25 - 00:25:40:18

The the standard approach is to utilise temporary possession powers whilst having the power to acquire a rights over a wider area, utilising the temporary possession powers, so that when the rights are actually taken it is over a much more refined um corridor.

00:25:48:06 - 00:26:04:15

Specifically for this case though, how is the approach going to satisfy the test of necessity in the need and extent for those permanent rights given we don't currently know, and that won't be available until after temporary position has occurred.

00:26:27:12 - 00:27:02:13

For the applicant. It's the first point I would note with that is that article 21 of the DCA, which is there to ensure that there essentially there is that second test that's applied at the point in time that the powers are exercised, so we can't actually exercise it, and the DVD would be able to be challenged or no district would be able to challenge. Sorry. General vesting declaration. Sorry, sir. Um, which is the kind of the instrument that is used to exercise compulsory acquisition powers would be able to challenge, would be able to be challenged if we couldn't, um, just justify that it was actually necessary for the scheme.

00:27:02:15 - 00:27:34:14

As per article 211 a um, and this is the that drafting um, and the approach that Mr. Upton just spoke to is the common approach to the, um, to, uh, Mr.. Spoke to um and there is nothing different about this scheme compared to any other um, whether or otherwise where you have, um, whether it's the solar development sites or the cable corridor, um, that you take the approach of because you don't know what, um, both known obstacles and obstacles that you might find.

00:27:34:22 - 00:27:55:22

Um, it is possible that whilst the, um, the corridors that Mr. Dublin just spoke to are the distances that we would expect, once you've done your investigations and found out the surveys, the extent, the exact extent of the easement is not not going to be known. Um, but that is common to every DTA project.

00:27:59:17 - 00:28:11:19

Just to confirm. Thank you Mister, if you just turn your microphone off. Mr. Fox, thank you. Just to confirm, the temporary position is also required for, uh, works order number one, if that is appropriate.

00:28:13:22 - 00:28:18:00

Mr. Fox, contact applicant. Yes. The same approach applies across the order limit, sir.

00:28:21:03 - 00:28:30:04

But this is in. Sorry I should say this is in the context that the applicant has agreed options with all of the landowners for the setting of development sites.

00:28:50:28 - 00:29:08:13

So just briefly looking at the draft development consent order and how order, land and order limits are defined. Can the applicant confirm that land colored yellow on the land plans has been purposefully excluded from the definition of order land.

00:29:10:18 - 00:29:29:14

Alyson Dublin for the applicant. Yes. That's correct. All the land is used in various locations within the DCO to refer specifically to the acquisition of permanent rights, or the permanent acquisition of the land itself, where it is temporary possession. Um,

00:29:31:07 - 00:29:52:23

that that being a slightly different, um, beast because it does not permanently acquire tests. Um, where that is referred to, it is generally done so specifically. But yes, it is intentionally omitted because there are various, um, provisions that only apply where it relates to the permanent acquisition.

00:29:52:25 - 00:30:16:21

Thank you. You mentioned previously that the approach had taken in terms of your strategy is consistent with other development consent orders and national significant infrastructure projects, and believe the drafting of the development Consent order in terms of defining order land is a little different in that case. And I just wondered if you could explain why that approach is being taken for Light Valley Solar.

00:30:22:11 - 00:30:59:29

Um, Alison Devlin for the applicant. So, um, we potentially might come back in writing on that. However, I would draw your attention to article 21, which is the main operative provision that grants the compulsory acquisition powers. Um, and this confirms that the applicant may, subject to various other provisions, acquire compulsorily so much of the order land as it's required. So the use of order land in this circumstance limits that power to just, um, the pink land and the blue land.

00:31:00:11 - 00:31:07:21

Um, and this approach means that it is crystal clear. The temporary possession land cannot be acquired in any way compulsorily.

00:31:10:09 - 00:31:20:11

So, Mr. Fox and half of the applicant, if we might be able to come back to that, which drafting in particular were you concerned is different from other precedents? In that definition.

00:31:20:13 - 00:31:35:10

The definition of all the land. So I think if you've purposefully excluded any land which is marked on the land plan in yellow, you've only got blue and pink, which is

00:31:36:28 - 00:31:37:28

unusual.

00:31:40:15 - 00:32:12:10

The applicant will take that point away. The principle of there being a difference between the order, land and order limits definition is definitely the presidential approach because, as Mr. Upton said, when the DCO refers to the order land, it is doing so in the context of various powers that would be relevant to the pink and blue plots as opposed to yellow. Because the the way the show is structured is that you have compulsory acquisition powers subject to the exceptions, and the temporary possession is kind of the lowest layer.

00:32:12:12 - 00:32:27:27

I would say you can only have a temporary possession powers over that land, whereas you can have temporary possession and rights over rights plots and you can take temperature. Yeah. So, um, I think the principle is definitely present, but we can take a way to look at the specific wording.

00:32:27:29 - 00:32:56:10

I think that would be useful just to have an action to come back to, just to confirm that approach. You sort of second guessing where I was going. If you had said it wasn't on purpose, which is in relation to articles 24 and 25 with the draft amendment consent order, which would enable compulsory acquisition of new acts over all of the order land. But of course, if you're excluding that in yellow, that would make sense. But like I said, because of the step change, it's slightly different in that definition. I wanted to confirm, but we've got the action point on that.

00:33:05:19 - 00:33:27:09

Okay, moving on slightly. It's the examining authority's understanding that voluntary agreements include for the leasehold of the solar development sites. Yet freehold is sought through compulsory acquisition. Can the applicant explain why the permanent. Can the applicant explain why the permanent acquisition is necessary rather than rights or temporary possession?

00:33:28:21 - 00:33:45:14

Alison Dublin For the applicant, the simple answer to that is that it is not possible to compulsorily acquire a leasehold interest. So in order to deliver the scheme, it would be necessary to acquire the freehold interest of these plots. Thank you.

00:33:49:27 - 00:33:52:04

I have a friend at the frontier. Um.

00:33:54:26 - 00:34:01:23

So why was in the voluntary agreement? Why did why 201 to the applicant not officially for freeholder of the Solar Development Science.

00:34:03:08 - 00:34:36:21

Alison Dublin for the applicant. The intention is that the proposed development is temporary. It has a fixed lifespan and following that lifespan must be decommissioned and this is secured in the requirements because of this. It is appropriate that a leasehold interest is entered into. Um, the

difficulty that we have is that where compulsory acquisition powers are required, should that option agreement and a subsequent lease not be available for any reason.

00:34:37:01 - 00:34:44:29

The only option available would be to compulsorily acquire the freehold, because it is not possible to compulsorily acquire a leasehold interest.

00:34:50:25 - 00:35:04:01

Yes, I think you can probably understand the conflict here of you've sought an agreement for leasehold, but now asked for the power to compulsorily acquire the freehold of the land.

00:35:05:22 - 00:35:20:10

And of course, one of the tests is that you've pursued, um, all opportunity to reach agreement with the landowner. So I'm just looking for something that explains this a little more, really, and provides a justification.

00:35:21:06 - 00:35:53:15

Alison Devlin for the applicant, so inconsistent with the guidance the applicant has, is seeking to enter into agreements with all of the relevant landowners for the land and rights that are required for the project in relation to the main solar sites. Those agreements have already been entered into, and the applicant holds option agreements, whereby a lease will be granted when that option is called upon. Um, in order to deliver the scheme, it is not possible to do that with rights alone.

00:35:53:17 - 00:36:16:05

It would be necessary to have either the freehold interest or a leasehold interest. Therefore, in order to deliver the scheme, because compulsory acquisition powers cannot be used to acquire a leasehold interest, it is necessary to include the power to acquire the freehold. If, um, the solar development sites were blue only, it would not be possible to deliver the scheme at all.

00:36:17:02 - 00:36:18:21

Could you just expand on that?

00:36:25:21 - 00:36:56:01

Mr. box and the applicant. So because the nature of the land would be completely changing, so it would be going from agricultural land for 60 years to a period of solar development. The applicant would need full control with the ability to build the scheme over and above ground, scheme and operate it and decommission it, which is fundamentally different proposition to an underground cable, where the applicant just needs the ability to come back and maintain it at certain times over the future.

00:36:56:03 - 00:37:14:10

Whereas the solar development and the battery and the substations are an operational asset that needs to be maintained in its after, um, on a long term basis, and that the principle that fundamentally it's a change of character of the land, um, the right would not be appropriate.

00:37:21:22 - 00:37:39:20

I don't think I'm fully following the justification of why a right wouldn't be appropriate compared to freehold in. I mean, I'm happy for you to take away to come back in writing, if that's easier, because I've asked this question in a couple of different ways now, and I've got some answer. Would that be useful.

00:37:40:15 - 00:38:10:21

With the parks and math? Yes, we can come back, sir, but I think it comes back to the the principle that if you are compulsory acquiring a right, I don't think it's possible to completely require a right which completely changes the nature of the land. I think that's the fundamental principle I'm basing this on, and we're changing the fundamental nature of the land because currently used mostly for agriculture or agricultural purposes, is now going to be used for a solar solar farm. And this is in the. This is in the context that we're having to use the powers.

00:38:10:23 - 00:38:28:28

So for whatever reason, there's a you know, the option hasn't been able to be exercised. So there's not agreement. So you're imposing on somebody a complete change of use of their land, um, which the applicant needs to retain full control of the land in that period of time. So you wouldn't be able to do that through a road.

00:38:31:02 - 00:38:33:07

But we can we can expand on that in writing.

00:38:43:13 - 00:38:50:03

Yeah, that would be useful. We have an action for you to just expand and confirm that in detail. That would be useful. Thank you.

00:38:52:27 - 00:39:22:26

It is the examining authority's understanding that voluntary agreements have been agreed for several land plots. So, expanding on what you've just been explaining to us. Can the applicant explain why these agreements cannot be relied on, and the power of compulsory acquisition of freehold and rights is sought? And reflecting on the circumstances you've mentioned in your opening statement on this item. Why have the agreements not sought to cover the circumstances which you've mentioned?

00:39:25:27 - 00:39:34:01

Alison Dublin for the applicant. So the circumstances that were mentioned, um, are

00:39:35:26 - 00:40:06:21

essentially not ones that you can contract out of. So if um, a landowner dies, then his estate becomes subject to um, intestate Test to see if they become insolvent, then insolvency law steps in and how the land can be dealt with is restricted for a period of time. Um. Similarly, with divorce proceedings, being able to deal with the land becomes restricted.

00:40:06:23 - 00:40:45:10

And then there's also the circumstance where it would amount to essentially a breach of the option agreement, where a lease is just simply not granted when the option is called upon. So in each of these circumstances, the compulsory acquisition powers act as a fallback position on the basis that whilst an

agreement has been entered into and it is the clear intention that the scheme is built out under that agreement, should that not be possible, it is in the public interest for the proposed development to proceed and therefore the compulsory acquisition powers used.

00:40:45:16 - 00:40:47:26

Um, okay.

00:41:01:18 - 00:41:19:03

So reflecting on that, uh, some of these agreements are made that you have the option on those lease agreements. How does the applicant demonstrate that compulsory acquisition remains now necessary under section one, two, two, if sufficient rights are already secured through a lease?

00:41:25:22 - 00:41:59:08

Alison Dublin for the applicant, this comes back to the test for the use of compulsory acquisition powers found in article 21. The power can only be used where it is required for the authorized development, or to facilitate, or is incidental to it. Um. This directly applies the test from the Planning Act, but it also means that where it is not necessary due to the option agreement and a lease having been granted pursuant to that option agreement, then the compulsory acquisition powers could not lawfully be used under the DCO.

00:42:14:04 - 00:42:40:07

Suppose my point is that you're looking for the powers at this point for land which is far reaching, and in terms of what you need for Rochdale, envelope and flexibility is at this stage in terms of section one, two, two for the need and whether that land is necessary. Those powers are necessary. If you have agreements already in place, you have the sufficient rights

00:42:41:29 - 00:42:47:29

Though already secured. Where does that how do you pass the test that you never need the compulsory acquisition.

00:42:49:02 - 00:43:22:09

Mr. Fox, and pass the applicant test is passed, sir, because of the need for the proposed development and the risks that those agreements do exist, but they could be breached. And we need and the need is established for the proposed development. And in that circumstance, we should be able to use the powers where we've readily passed that test of trying to reach agreements. But when we've come to implementation, something happens that means that we can no longer rely on them. If we didn't have the powers in the situation where an option is breached, we have nothing.

00:43:22:11 - 00:43:23:13

We have no scheme.

00:43:29:06 - 00:43:59:19

I think I'm looking at what's in the section one, two, two in terms of the test, but also in the guidance from MHCLG in terms of the approach that should be taken and if and compulsory acquisition being the last approach that you would go along if you've proven agreements can't be made. You present to the examining authority that agreements have been reached on the majority of the solar development

sites, but then say, well, we can't rely upon those agreements, so we want the compulsory acquisition powers anyway.

00:44:00:15 - 00:44:07:23

But I'm sorry, sir, but that brings us to what Miss Dublin just said. We wouldn't be able to use those powers because there's a control in the DCO to prevent it.

00:44:10:17 - 00:44:44:16

I would also say that this, this approach has been I don't think it was on every single solar DCO, but I think the very vast majority of them have had exactly this position where most, if not all, solar development sites have adoption signed up. But CA powers have been applied for as a backup. And in every case, a secretary of state has agreed that that's an appropriate approach. And I appreciate that every scheme has to be seen on a specific circumstances. I do appreciate that. But this is a question of principle, of asking about the statutory tests.

00:44:44:18 - 00:44:49:21

And that principle has been found acceptable on multiple dozens of solar days.

00:45:01:11 - 00:45:19:21

Thank you. So how is the applicant considered the proportionality of exercising compulsory acquisition powers where voluntary agreements already exist, particularly in relation to article one of the first protocol of the European Convention on Human Rights? Can you signpost me to where that is within the application documents?

00:45:27:09 - 00:46:08:17

Alison Dublin, on behalf of the applicant. So this is essentially the same point. It's um, the control in article 21 of the DCO that ensures that compulsory acquisition powers cannot be used where there is an alternative. They can only be exercised where it is required for the authorised development. As a result, where there is the agreement in place and the agreement is adhered to, then there would be no requirement to exercise those powers and therefore proportionality is um, essentially wrapped up by that restriction.

00:46:08:24 - 00:46:09:12

Um.

00:46:12:11 - 00:46:25:14

So yes, so long as there is an agreement in place that is adhered to, then the compulsory acquisition powers essentially are not available as a result of the test and the restriction in article 21. Thank you.

00:46:27:08 - 00:46:44:15

So just building on that, what what internal sort of governance or decision making process would there be before deciding to exercise compulsory acquisition powers where voluntary rights already exist. Obviously, this would be something that would be after an order was made if the Secretary of State was minded to.

00:47:03:20 - 00:47:44:21

Offer the applicant the option agreements will have within them the order of events, so the applicant will be contractually obliged to exercise the option in order to get a lease if they fail to do that, and when directly to exercising compulsory acquisition powers, this would be both a breach of the option agreement, and it would also be something that could readily be challenged by the landowner on the basis that the exercise of the compulsory acquisition powers was ultra vires, because it goes beyond what is actually authorised by the order because of that restriction in article 21.

00:47:44:29 - 00:47:45:20

Um.

00:47:47:24 - 00:48:01:05

Additionally, the DCO requires that a guarantee is put in place for compensation. Um, and typically when um, implementing these schemes, uh,

00:48:02:20 - 00:48:30:18

that guarantee tends to exclude the interest where there is an agreement. Meaning that there would be a further unlawful use. Um, so it really is there are multiple protections, um, both contractual and within the DCO, whereby it really would be the very last resort where the agreement has fallen away and cannot be relied upon, where compulsory acquisition powers were being used for the um, particularly the solar development sites.

00:48:34:22 - 00:48:48:22

I think he was perhaps seeing where I was going next, which was just around. Uh, how would landowners not be disadvantaged if compulsory acquisition powers are exercised instead of honouring the voluntary agreements?

00:48:50:19 - 00:48:58:09

So just to confirm that the um, compensation under compulsory acquisition would fully reflect the commercial terms it would have otherwise been agreed.

00:49:04:05 - 00:49:05:24

Could you ask that question again? I'm sorry, sir.

00:49:06:07 - 00:49:29:19

It sort of, I think, stems from how would the applicant ensure that the landowner is not disadvantaged if compulsion acquisition powers are exercised, instead of honouring the voluntary agreement? You've in part answered that. And I guess it's just a follow up that the compensation through compulsory acquisition would fully reflect the commercial terms that have otherwise been agreed. In essence, they wouldn't be disadvantaged.

00:49:32:09 - 00:49:37:10

Mr. Smith, I'm going to have to take that away because, um. Yeah, we'll take that away.

00:49:43:21 - 00:50:13:23

I'm sorry, I should I just just add that day to that specific question about value will take away. But what I would say in terms of where that question is coming from, it's obviously the terms of the option

set out also, as well as kind of we wouldn't be able to rely on our the powers because of article 21. The terms of the option, um, are you know, it's a contractual agreement. So in the case where we breached the option, that would be a breach of contract and say, you know, remedies in that sense would be able to be pursued by the landowners.

00:50:28:09 - 00:50:58:26

Thank you. The application seeks compulsory acquisition of rights over land within the order limits that appear to relate to optional or alternative sections of the authorized development, so elements which may not ultimately be constructed. And if we could have environmental statement figure 1.2 on the screen, that's exam library reference app hyphen 058 please. And if we went to sheet number six.

00:51:34:09 - 00:51:35:00

Is that.

00:51:35:07 - 00:51:36:06

Number six.

00:51:40:20 - 00:51:41:07

I quite see.

00:51:42:09 - 00:51:49:24

That. Were you looking for the figure which was the element of proposed amendment figure as opposed to the lamp lands, or was it the lamp plant you were looking for?

00:51:49:26 - 00:51:54:28

No. I'm after yes. The elements. That's correct. Yeah. The environmental statement, um, figure.

00:51:57:12 - 00:52:32:20

Specifically, I'm looking for the sheet which shows CRC 1 to 4, which I believe is. Yes. Sheet six. Okay. Can the applicant confirm whether CRC 1 to 4 A is intended to be constructed in addition to or as an alternative to CRC one four? And further to what extent is the proposed acquisition of rights over this line driven by the need to retain flexibility within a Rochdale envelope rather than a defined, reasonable and reasonable certain scheme at this stage.

00:52:34:11 - 00:52:43:20

Alison Devlin for the applicant. I will pass over to Mr. Gabb, who will explain the reasons for the optionality in this location.

00:52:45:21 - 00:53:13:18

Mr. Gabb, for the applicant, I set out within chapter three alternatives, Design Alternatives and Design Iteration at app zero one for the electrical design of the proposed development will be finalised at the detailed design stage within the ultimate electrical design. Depending on the components selected for the on site substations and the location of the components within the order limits, interconnecting cables may be routed

00:53:15:08 - 00:53:31:06

from Solar development. White site one to sell a development site to a CRC one for a solar development site. One solar development site for a CRC. One for four.

00:53:32:27 - 00:53:37:18

In addition, I know part of me. That's my answer.

00:53:40:16 - 00:53:43:19

I think you're saying it would be an or rather than or.

00:53:52:28 - 00:54:07:03

And that would only be confirmed at the final design stages to understanding what route of cabling would be required based upon the location of. Were you suggesting the substations within the solar development sites?

00:54:07:10 - 00:54:16:06

Pardon me sir. The location of the components within the substations contained in Solar Development Site two or Solar Development site for.

00:54:23:03 - 00:54:38:05

And not wanting to probe too far away from compulsory acquisition. But what is the determining factor in what you're saying with that design, and justifying why that isn't able to be sort of confirmed at this stage?

00:54:54:24 - 00:55:06:03

That would depend on the ultimate design of the panels and therefore the cabling, the ultimate cabling used between the various solar development sites.

00:55:12:21 - 00:55:20:19

So it's the design of the panels rather than the substation. I just want to be clear on what that reason is.

00:55:33:03 - 00:55:50:14

There we go for the applicant. The panel configurations affect the type of components used and the loading within the substations. Therefore, that would vary the type of components used within the substation and the ultimate routing of the cables between the solar development sites.

00:55:59:06 - 00:56:15:10

The applicant and I think that then again, without straying too far beyond CA, that then comes back to the flexibility we are generally seeking between fixed and tracker panel technology types, which in itself will come down to a mix of factors that set out in chapter three of the. Yes.

00:56:24:00 - 00:56:58:08

So where the final form of the proposed development remains uncertain, and the applicant explain how the examining authority can be satisfied at the right sort are required for the purposes of section one, two, two. The Planning Act in particular how it is. How the necessity for and the extent of the permanent right established. Whether ultimate requirement appears contingent upon information,

investigations or design development that would only be available after the development consent order has been made if the Secretary of State was minded to do so.

00:57:05:23 - 00:57:41:17

Alison Dublin for the applicant. So this comes down to the scheme that is being authorised, is one that contains the optionality. Um, so because the scheme that is authorized has the optionality, then these the, the option of each cable route in this location is also needed in order to facilitate that optionality. So it's it's part and parcel of the scheme as a whole, which has these options for either fixed or tracker panels and various factors that will only be known at um at detailed design.

00:57:41:19 - 00:57:51:04

So the necessity for the rights comes from the scheme. The outline scheme that is being consented includes that flexibility.

00:57:52:17 - 00:58:17:28

And just add to that as to what something. That's the applicant. Again, we come back to, um, the data itself and articles 21 and 24, which need to be read together in that we wouldn't be able to if option, for example, cable route 1 to 4 a uh is needed because of that. It's got the site layout that we've gone for that necessitates that we wouldn't be able to use the other option because it wouldn't be necessary.

00:58:37:26 - 00:59:09:00

If the order were to be made and the powers over that land were included, as they currently are for CRC, one for and one for a. Of course, that puts a limitation on that land for a period of time before the landowner. So at what point would the applicant or the undertaker, as it would be then being forming the landowner or landowners of whether their land is required or not? And how does that really comply with human rights considerations?

00:59:33:10 - 01:00:08:04

Alison Dublin for the applicant. So the DCO does provide the um the powers for a time limited period. Um, once a decision has been taken and the detailed design has been undertaken, then, um, we would be happy to, um, make a commitment within the Kemp to notify the landowners that the option that isn't being progressed is not being progressed, and that their, um, rights would not be acquired in their land.

01:00:14:25 - 01:00:17:19

There is a time limit, of course, within the order, I think.

01:00:20:02 - 01:00:26:20

The challenge around this point is around land, which may or may not be required.

01:00:28:18 - 01:00:32:15

What the guidance says around land that may or may not be required.

01:00:36:14 - 01:00:41:01

I think there might be a need to go away and think about how this works in practice.

01:00:43:20 - 01:01:03:08

Notwithstanding the articles that you've mentioned, but just these assessment as well. As to how that affects those landowners and at what point, that would be because the the time limits within the order are not short, shall we say. You know, there, there, there, the usual sort of time limits.

01:01:05:02 - 01:01:10:23

Would that be something you would, you know, happy to take away. Or have you got something you want to say now?

01:01:10:29 - 01:01:12:05

No, sir. We'll take that away.

01:01:18:15 - 01:01:45:01

So just before I move on from that point, I believe. Just as a note to the applicant, that environmental statement, chapter three, and it would be paragraph three, five and 15, I think it was an error in terms of how it describes CRC one four. So if I could just have an action for you to just have a look at that and update it for the next time the documents are updated. But I thought I would mention that whilst we're just talking about that element.

01:01:45:11 - 01:01:46:18

So which paragraph number was that again?

01:01:46:20 - 01:01:53:29

Paragraph three five and 153515 in chapter three.

01:01:57:23 - 01:02:32:25

Okay. We can just scroll down to the next sheet please. So sheet number seven. And can the applicant provide an update as to whether CRC three four or CRC three four A would be required in context of the other development proposed on the same land. And just for reference, reason for the question in Environmental Statement, chapter three. It suggests that CRC 3 to 4 A would only be used if the development received consent. The development I referred to, and I believe that consent may have been moved forward.

01:02:34:15 - 01:02:41:23

Alison Dublin for the applicant. Again, I will hand over to Mr. Gabb to explain the position as to this optionality.

01:02:43:09 - 01:02:44:28

Derek Gabb for the applicant.

01:02:47:12 - 01:03:20:22

As set out in chapter three. As you say, sir, the cables may be routed from the development site three or so development two thirds of development site four by one of the two routes three, 4 or 3 A, depending on whether the fields adjacent to the adjacent to the proposed development are used by another solar farm. Solar and the position remains the same despite the consent. Because we do not know whether or not that solar farm will come forward, um, at this time.

01:03:22:23 - 01:03:56:24

Okay. Just next time you speak, if you can speak a little out of it, I can see a few people at the back sort of struggling to hear you a little bit. Yes. Turn your microphone off for a second. Yes. Chapter three says the reason for needing this is because that development is in play. And the other development that is, and whether a consent is granted for that or not, it would seem that your justification now is moving on, that even though the consent has been granted on there, the applicant is unable, perhaps, to agree to which route is now going to be taken.

01:03:56:26 - 01:04:10:19

So it would seem that further reasoning for having the optionality on those routes is going to be He's going to need to see that for the same reasons as we've just discussed for the other sections of CRC 1 to 4.

01:04:12:28 - 01:04:44:14

Yes, we'll provide that in the notes, um, as requested. But as Mr. Gaff said, it's it's I don't know if they're going to come forward or importantly, the timing of who comes first, because even if they do come forward, there's optionality. If if we go first, we would go one route, or if they go first, we would go another route. Um, which, you know, in the context of national grid reforms and everything else, as you'll understand, sir, that there is uncertainty on that. So yes, to be fair, that sentence is shorter than it should be and we will add to it another note from this area.

01:04:56:18 - 01:05:12:00

Okay. If we turn to sheet five again on the same document and looking at solar development site eight. This has three proposed accesses and the applicant confirm if the intention would be to use all three accesses.

01:05:15:18 - 01:05:22:19

Alison Devlin for the applicant. Again, I will pass this over to Mr. Gabb to explain the reasons for the optionality.

01:05:24:29 - 01:05:55:03

As set out. Mr. Gardner, the applicant has set out within section 2.5 of chapter two application document at app 040. Solar Development site eight is bordered to the south by a railway line. Current access to site eight is via a level crossing of that railway line from Phillip Lane in the south. This access is included within the order limits referred to as access one in iOS.

01:05:55:05 - 01:06:33:15

Figure 14.4 Construction routing app 113 would require routing Https over this level crossing that indicated that this that using this level crossing may be acceptable. However, the applicant is conscious that the railway is an operational asset, and at the time construction may not be accessible when it's needed e.g. if rail works are taken. Therefore, alternate accesses to the development site eight have been included within the order limits to ensure that access can be taken at all times.

01:06:34:07 - 01:07:16:28

There are two of these. Access two is via the existing access point from Scarlet Lane to the south east of site eight. This route also requires using a level crossing, although a different railway line, and then uses existing tracks to access site. Eight. Access three is via an existing and other existing access point from Maine to the north. This route includes crossing at Selby Dyke via an existing crossing point across sorry Selby Dam via an existing crossing if practicable, and help Holme Dyke via a new crossing at the old limits, therefore allow for sufficient.

01:07:17:00 - 01:07:42:17

Sorry. This route is constrained also by archaeological access. Archaeological assets. Therefore, the order limits for access three allow for sufficient space to enable micro siting for the route during the detailed design. This micro siting will be informed by environmental work to date. Pre-construction surveys and technical surveys and engineering work completed to inform the detailed design. Should development consent be granted

01:07:44:12 - 01:07:45:01

okay.

01:07:46:00 - 01:08:05:06

What we as the examining authority have read the application documents that have been submitted. So unless you feel that we don't understand something, please don't feel that you need to repeat what's in those application documents. My question is as to whether or not you do. Does the applicant intend to use all three accesses for the development site? Eight.

01:08:06:00 - 01:08:06:18

Yes, sir.

01:08:11:04 - 01:08:19:22

And can you therefore explain why three accesses would be necessary and the proposed development could not be achieved with less than three accesses.

01:08:21:15 - 01:08:39:05

There we go. The applicant three accesses, as I just explained, were to enable, um, access to be taken to the site at all times. Even in the event that the rail crossing is the two rail crossings are inaccessible during during the um during the scheme.

01:08:39:14 - 01:09:02:03

So would it be possible to only use the North access, for example, or only one of them? So if you weren't, as you say, the main reason is because of the rail asset. It's between the to the south access points. There is of course, the access to the north. Could that not be achieved? Only with that one access and that of your region is around the Network Rail asset.

01:09:04:09 - 01:09:17:04

There you go. For the applicant that access is constrained. So we would like his preference to use the accesses to the south. However we cannot guarantee the use of those accesses. That's that's the reason why the optionality exists.

01:09:20:19 - 01:09:51:13

Alison Dublin for the applicant, the northern access also uses significantly more land. So it is the preference of the applicant to be able to utilise one or both of the accesses that enter the site from the south. But both of these accesses require crossing of Network Rail land using level crossings um over operational railway tracks. So there's an element of complexity in terms of getting that agreed.

01:09:51:15 - 01:10:13:04

And also in being able to rely upon that for the entire duration of the project, which is why, um, the access from the north has been included as this would be, um, always available irrespective of the condition of the railway, um, albeit that it would be significantly longer and have more land take.

01:10:16:00 - 01:10:18:15

So the developer, could the development

01:10:20:06 - 01:10:21:13

be constructed

01:10:23:07 - 01:10:41:02

with one, 2 or 3 access? All three access is needed. That's what I'm asking, and I don't I don't feel like I've got the response. It sounds as if it in part is it for convenience in case the Network Rail asset is going to constrain the southern accesses? I'm not I'm not clear.

01:10:42:01 - 01:11:06:24

About the applicant. I would say it's more than just convenience. I think we would like to use the ones at the South, but we need the North as an option where the ones in the south are not available. So over the course of construction, it is entirely possible that all three of the accesses will need to be used at different points in time, across that construction period and during operation, as well for maintenance.

01:11:07:22 - 01:11:23:27

If you envisage that the North one would be needed at some point during the construction, the question comes to why do the South one? Why do you need the compulsion acquisition of rights or powers over that land? If you envisage it the north one could facilitate it anyway.

01:11:24:27 - 01:11:50:10

Because, as Mr. Upton said, the North one involves far, far more land take and has the environment crossing a ditch and avoiding heritage assets, etc. those impacts and that amount of land take would be able to be avoided by using the south axis. So if you said to us we had to remove the south axis, as in any use, the north would be taking up. As you can see on the screen, quite a large amount of land in comparison.

01:11:52:02 - 01:12:39:23

I am Devlin for the applicant. I would also add to that that the, um, the access from the north, it might well be needed for the purposes of construction and for replacement and decommissioning activity where there are HGVs involved, whereas Network Rail could potentially be more comfortable with ordinary operational traffic, which is essentially just a 4x4, um, accessing the south over the level crossing. Um, for these um, activities, it would be in place temporarily and could be removed,

whereas if the access was only to be taken from the north, then it would be a permanent disruption on the relevant landowner's land and would be, uh, have a much greater effect in terms of how they can use that land during the lifetime of the scheme.

01:12:45:09 - 01:13:15:09

The strategy is is proposing the application is to include all three. So that disruption you've just described as a concern is included for all three of in the current strategy. And of course, after you would, you would, you would have a limited sort of period of up to five years after the order to confirm on those compulsory acquisition. So it I'm just it's not quite sitting right currently for me in terms of the strategy and how it's justified and the necessity for the powers sought over the land.

01:13:15:11 - 01:13:18:20

And that is, of course, the key test which we have to look at.

01:13:18:22 - 01:13:28:11

So. Understood, sir, I think Mr. Fox and the applicant, I would just add, what we are applying for is the optionality to be able to use

01:13:30:06 - 01:14:12:20

one of those access points when another one of them is blocked. So in a situation where we still had that optionality in the operational phase, the impacts that Mr. Dublin were talking about wouldn't occur because we'd always have our performance would still be to use the rail crossing. This is an instance where, for whatever reason, Network Rail say no, you can't use it when we need to come on and do whatever activity. We would then use that or have a long that rail activity would be. So it's a difference between, uh, if we only had the north access having to then have, for example, an access track along that land so that we could always be able to use it versus in a situation where it's a backup, how to use that word, hesitate to use that word.

01:14:12:22 - 01:14:22:21

But an option where rail is not available, where it would only be needed for a very short amount of time, and therefore you could come up with temporary tracking arrangements, temporary crossings, etc..

01:14:24:13 - 01:14:37:18

And that would be limited for the construction period, presumably because you would have had the Undertaker wouldn't have needed to have, um, pursued the power within five years of the order. Would that be my understanding for.

01:14:38:02 - 01:14:44:14

Well, because the power we're thinking is for for riots, it wouldn't just be for five years. Once we've imposed it, right. It would continue on.

01:15:18:07 - 01:15:54:03

What would be useful based upon those? Option the land plots that are optional that we've discussed this afternoon. It would be useful for the applicant to provide a list that identifies the land plots or rights that would fall away if those optional sections of the compulsory acquisition weren't taken

forward. So if you could provide that list for us. I understand that the current strategy is to seek optionality over all of them, but I would like a list provided, please, for all of those thoughts, if that could be submitted.

01:15:55:06 - 01:16:25:21

And then passed out, because I understood that, I think I would just make the point that in the example that we just talked about is a different kind of optionality to the first two examples you gave. So that we would say is not a situation where options would fall away. We would we would not there would not be a scenario where later on we would say, and we're only going to use ex access because of the points that we've just just discussed.

01:16:25:23 - 01:16:32:12

So we can do that. But I would suggest that it would, wouldn't be for those plots because that's not that kind of optionality.

01:16:32:29 - 01:16:41:16

I think at this stage it would be useful to have them. But all of the ones we've discussed, whether that is turns out to be useful By the end of the examination, we will see. But.

01:16:58:09 - 01:17:29:12

Okay, that concludes my questioning on this agenda item, but I will offer the opportunity for any affected persons, um, to comment. Now, this is to raise any overarching matters or concerns that you might have in regard to the applicant's approach to compulsory acquisition or temporary possession. Not about the specific plot at this stage that will be coming under the next item. So if you've got any comments about the overarching approach, please let me know.

01:17:33:15 - 01:17:45:01

Sandra, speaking on behalf of field House farm. Um, I'd prefer to wait and read your report for when it comes up for field House farm and the access line, which is under ownership by Wendy.

01:17:46:10 - 01:17:47:14

That's fine. Thank you.

01:18:00:10 - 01:18:26:13

Okay, we'll move on to item 3.2, which is site specific issues for affected persons. I would now like to offer an opportunity to affected persons to raise any concerns in relation to the compulsory acquisition or temporary possession of land that they own or occupy. I had anticipated there would be some other parties who had registered to be here today, so I shall skip over those. Of course,

01:18:28:13 - 01:18:48:08

I would like to invite Sandra picking forward on behalf of Wendy Tomlinson, and I understand from your written submission at procedural deadline would be the wish to speak about plots 03008, 009 and zero ten. Is that correct?

01:18:48:18 - 01:18:49:18

That's correct.

01:18:52:03 - 01:19:02:23

It might be useful just while we're discussing this to have sheet three of the plans on the screen. So that is exam library reference app 007.

01:19:16:08 - 01:19:28:21

Sheet two I think we need to go down one more to sheet three. That's it. And perhaps doing it a little nearer to those plots mentioned. So it's the access track to the north there.

01:19:35:00 - 01:19:44:09

Okay. If you would like to elaborate on the concerns that has been raised on the proposed acquisition of rights for those plots, please, and you've got a few minutes to do so.

01:19:45:20 - 01:20:17:12

Thank you very much. Sandra Pickens speaking on behalf of Wayne Tomlinson Field House farm. I'm a regular visitor to field House farm and all the property in its business surrounding Rather Well. Wendy supports the need for renewable energy, but she has concerns about the productive agricultural land for large scale solar development. Her concern today, however, is whether the applicant has demonstrated a compelling case for acquiring compulsory rights over the access lane and adjoining land at Philo's farm when other, less harmful routes are available.

01:20:18:02 - 01:21:03:15

Field House farm is occupied at home, an established rural business comprising of adults only, a caravan site, holiday accommodation, caravan and motorhome storage, business and agricultural activities. The proposed access lane is narrow and serves residents, holiday guests, storage customers, delivery vehicles, pedestrians, and existing farm and business traffic. It also contains and runs alongside essential infrastructure and operational features serving the property and businesses, including overhead mains, electric supply, buried fiber optic cables, mains water and telephone infrastructure, security arrangements, and a long established parking refuse collection points and mature vegetation.

01:21:03:27 - 01:21:37:20

These existing uses and constraints are directly relevant to whether compulsory rights over this particular lane are necessary and proportionate. It is the sole access to an occupied home and several businesses. The lane has been maintained and controlled by Wendy's family since 1966, and is already subject to substantial private and business use. The concern is not simply the number of construction vehicles proposed, It is the effect of introducing construction traffic as the sole access serving and occupied homes and businesses.

01:21:38:09 - 01:22:12:23

There would be a potential conflict with pedestrians. Guests arrive in all evening with caravans, storage, customers collecting or returning delivery vehicles on the normal farm and business traffic. The effects would also extend beyond vehicle movements. Construction activity could well bring noise, dust, debris, vibration and operational disruption over a prolonged period. Just this particular concern for the caravan and motorhome storage business. While the tourism business depend upon peace, tranquillity and a reliable access.

01:22:13:16 - 01:22:48:07

Guests choose field House farm precisely because of its quiet rural location, wildlife and tranquillity. This is consistently reflected in more than 1250 published guest reviews across the businesses, together with an overall rating of 5.9 out of five. A guest who arrives expecting a peaceful rural stay, but instead experiences construction traffic noise just access difficulties may not return and may leave a poor review. This could have a direct and lasting effect on the reputation and future success of the business.

01:22:49:08 - 01:23:28:01

There are social security concerns. The lane is monitored because of previous incidents and unfamiliar people. Are vehicles naturally requiring investigation. These impacts are relevant to the compulsory acquisition, because they demonstrate the degree of interference that will result from choosing this particular route. They reinforce the need for the applicant to show that their rights are to be generally necessary, and that less harmful alternatives are being properly assessed. Despite the lane having been maintained and controlled since 1966, there was no early direct approach to discuss the proposed use of the line.

01:23:28:08 - 01:24:00:13

The rights being sought are the practical implications for the business as it serves. The applicant's additional response to Wendy's relevant representative representation was received only yesterday, immediately before this hearing. Despite the document stating that the representation had been provided to the applicant by the Planning Inspectorate on the 6th of July. This has given Wendy and her professional advisers no reasonable opportunity to consider the response fully, or prepare a detailed written reply before the hearing.

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

The points raised today are therefore necessarily preliminary, and Wendy reserves the right to respond more fully in writing at the appropriate examination deadline. The applicant's response nevertheless raises several important matters directly relevant to the compulsory acquisition. In response 144409 the applicant acknowledges that Wendy has not granted the right sought and that it is still seeking a voluntary agreement.

01:24:31:21 - 01:25:02:24

However, no agreement has been reached. Wendy's land agent has not been paid, despite repeated assurances that reasonable professional fees would be met, and no substantive meeting has yet taken place to resolve the right of way or the availability of alternate routes. In responses 144401 and 144408. The applicant says that trees and vegetation are not anticipated to be felled, although pruning may be required.

01:25:03:13 - 01:25:34:22

That does not amount to a firm assurance. Not anticipated does not rule out felling or substantial reduction. It is also unclear why rights are required. Over the corner of Wendy's adjoining field. Combine harvesters and other large agricultural vehicles have previously negotiated the line without needing to enter this land. The applicant should therefore explain precisely why plots zero three, 009 and 0301 are required.

01:25:35:05 - 01:26:19:20

What works should be undertaken there, whether any vegetation could be felled or substantially reduce, and how the normal agricultural use of the field will be protected. Separately, the applicant should confirm how any pruning or removal of vegetation near plot 03008 would advise exposing or compromising the security equipment located beside the line. In response 144402 the applicant says that its records show no water or telecommunications apparatus intersecting the relevant plots when they can confirm that the field House farm has mains water supply, telephone infrastructure and fibre broadband.

01:26:19:23 - 01:26:56:04

Several fibre access chambers are plainly visible within or beside the lane. This raises concern that the applicant is relying on incomplete utility records, rather than properly verifying the physical constraints on the land over which seat's compulsory rights. The response also refers to. Plot 03008 A, but it remains unclear to Wendy exactly where that plot lies. The applicant should provide clear plans identifying all land and rights sought and the infrastructure believed to be present with each plot in response.

01:26:56:06 - 01:27:38:00

One. FA fa fa zero five. The applicant confirms that its transport assessment assess road safety only on the public highway network. It relies instead on the bandsmen to manage movements along the private lane. However, it does not identified any proper survey of the existing lane when his own monitoring shows between 9 and 57 movements per day. By comparison, the neighbouring alternative routes served predominantly. Agricultural land generally experienced only a few movements and crossed land owned by a landowner, whose land is proposed for the soil for the solar development, without an actual one second.

01:27:38:04 - 01:28:06:01

Well, I need to remind you that we're going to be with this afternoon. Just focus on the compulsory acquisition parts of it. The environmental matters is something that can be brought up tomorrow and on Thursday. I understand why you're mentioning some of those things, but if we could just focus on those plots and the concerns around the acquisition of rights as well, that would be really useful. And then and just if we could also look to sort of start to wrap that up in the next.

01:28:06:03 - 01:28:18:14

Yes, I've just got these. As I said, we got the late information yesterday. Wendy hasn't had much communication between solar panels, so it's just been a rush thing to get this in today. I understand, as I won't be here for the rest of the week and neither are the land agents, So.

01:28:18:17 - 01:28:20:18

Okay. If you'd like to continue. Thank you.

01:28:21:25 - 01:28:52:08

Without an accurate baseline, it's difficult to understand how the applicant can demonstrate that compulsory rights over this particular lane are necessary and proportionate. The applicant also states that it has worked collaboratively with Wendy, and refers to meaningful engagement and further

meetings. That does not reflect Wendy's experience, though, at least for project related visits without agreed advance notice. Despite previous warnings and no substantive meeting has yet taken place to resolve the proposed acquisition rights.

01:28:53:05 - 01:29:28:17

Field House farm includes the caravan and storage business, so unfamiliar vehicles or individuals near the lane and storage yard create a genuine security concern because such premises may be observed in advance of attempted theft when they cannot safely ignore unannounced activity. On those occasions, she has had to stop her work and establish who was present. Why they were there. Whether they were authorized. The applicants representations later acknowledged on several occasions that the agreed notification process have not been followed.

01:29:29:03 - 01:30:03:28

This is relevant because the survey stage involved relatively limited activity. If communication and coordination have already proved unreliable, it raises legitimate concern on how much intensive construction operation would be managed if compulsory rights were granted. There is also ecological constraints which you've said will come too late, so I'll remove that one. These matters are not raised separate objections in this area. They are relevant because they add to the potential harm caused by choosing the particular route, and therefore to the question of whether compulsory acquisition is necessary.

01:30:04:15 - 01:30:41:04

The central issue is why compulsory rights are required over this particular access and adjoining field, when alternative routes appear to exist to the north and the south of field House farm. These alternatives are predominantly agricultural. Experience substantial, less access in traffic. Have no visible infrastructure constraints, and will avoid acquiring rights over the sole access to an occupied home and the business. As Wendy understands, highway mitigation out of improvement works may be required regardless of which access route is selected, if that is correct.

01:30:41:06 - 01:31:20:18

The need for such works should not by itself justify acquiring compulsory rights over the field house farm access, where a less harmful route may be available. The application applicant states that alternative routes are considered, but has not provided a clear comparative assessment explaining what alternative routes would examine, what engineering, land and access and environment considerations were applied. What surveys are measurements were undertaken for each route by each alternative was rejected, and why compulsory rites of a failed else farm represent the least harmful and the most proportionate solution.

01:31:21:12 - 01:31:54:04

The existence of a convenient route is not by itself sufficient justification for compulsory acquisition before compulsory rights are granted. The applicant should be required to demonstrate that the land and rights sought are genuinely necessary. That there is a compelling case in the public interest, and that reasonable alternatives causing less interference have been properly considered. At present, that case has not been demonstrated. Who therefore respectfully ask the examining authority to scrutinize the necessity for rights over plots.

01:31:54:06 - 01:32:36:23

0300803008803009 and 030 ten. The need for the adjoining field corner. The adequacy of the applicant's utility, utility and access information. And voluntary negotiations. The likely interference with the home and established businesses, and the assessment and rejection of alternative routes. Field House farm is particularly sensitive receptor because of the unusual concentration of residential, tourism, storage and agricultural interest dependent on the same sole access.

01:32:37:05 - 01:32:39:02

Mrs. pig. I'm afraid I'm going to have.

01:32:39:04 - 01:32:42:15

To go three mile, that's all. When you think they've had an hour. Yeah.

01:32:42:17 - 01:32:45:11

Three more sentences. Yeah, three more sentences. I'll allow.

01:32:45:20 - 01:33:23:05

Wendy's wider concern about the proposed development remain for the purpose of this hearing. However, the immediate issue is whether compulsory powers over the field house, farm access and adjoining land have been properly justified. On evidence currently available, Wendy does not believe this. So we are therefore asking the examining authority not to grant compulsory powers over plots. Oh eight, zero nine and zero ten. Unless the applicant has demonstrated a compelling case in public interest, clearly justified by the need for each plot, and shown that no reasonable, less harmful alternative of this route is available.

01:33:23:17 - 01:33:24:02

Thank you.

01:33:24:04 - 01:33:24:27

Thank you for your time.

01:33:25:06 - 01:33:42:23

Thank you for for that. If you haven't done so already, it would be useful to submit what you've just read out today into the examination, and you can do so using the email that you've already been provided. That that would be very useful to us. And I can see exactly the plots which you have referred to as well.

01:33:45:05 - 01:33:55:08

I will provide the opportunity now for the applicant to respond on any of the precise points that have been raised. And I do have a few of my own questions in relation to this as well.

01:33:58:12 - 01:34:39:12

Alison Dublin, on behalf of the applicant. So just before I pass over to my colleagues to run through the detail of exactly why the access has been chosen in this location, and the engagement that has been carried out to date. The um, field House farm is, um, located approximately 420m away from the

boundary of the main cable route corridor. So in terms of where the order limits are closest to the property, um, this is purely for access to the cable route corridor only.

01:34:39:19 - 01:35:08:12

Um, and I understand that, um, when draft heads of terms were shared, this included a plan that, um, included the field corner, um, which I believe relates to abnormal, indivisible loads associated with the cable route. Um, so if I pass over to Mr. Gabb to explain the reasons why the, uh, this track has been chosen in order to access the cable route corridor in this location.

01:35:10:14 - 01:35:42:04

Mister gap for the applicant, wherever practical existing build accesses have been used to access the cable code or where that's not possible. We've identified routes to the site where parts of the route corridor are constrained by physical features. Um, for example, river crossings or um rail crossings and access can't be taken along on the cable route corridor. Access routes have been identified to those sections, and that's one of the routes that we've got visible on screen there.

01:35:42:21 - 01:35:52:04

Um, with regards to plots 3008 and three, sorry, 3009 and 300 ten.

01:35:54:09 - 01:36:19:03

Are trees and fence posts in those plots, and the applicant has retained flexibility to enable the design of the access through that area. And potentially remove those fence posts and trim those trees. And that is why the order limits extend over that area in the corner of the field that you can see on the screen there.

01:36:27:18 - 01:36:29:07

Is there anything else that I would like to add?

01:36:32:10 - 01:37:11:01

To that? I'm conscious that one of the other points was why that specific, this specific access track, as opposed to ones to the north and south. We were going to take that away to provide a note on that. Um, I also just wanted to add on the utilities point, um, that the, the we have done the utility searches in the way you would expect by talking to the utilities companies. So we have been we are only able to have what the information that is provided to us. Um, so we welcome conversations as to who your providers are so that we can talk to them and make sure there's sufficient asset protection measures in place.

01:37:11:08 - 01:37:20:06

Um, and, um, just, um, I would bring in Miss Hall to just talk to you about kind of our engagement in a more broader sense as well.

01:37:22:00 - 01:38:00:24

Um, Elizabeth Hall, on behalf of the applicant, um, I thought would be useful just to go through the engagement we've had with Miss Tomlinson's agent up to now. Um, just to explain that and the position that we're in at the moment. So, um, template heads of terms were issued to agents instructed on behalf of the scheme in August 2025. Um, we received, um, various feedback from agents

involved. And then in November, um, populated terms were issued. Um, at the time, um, we weren't sure the rights, whether they were construction or operational rights that we were seeking from Miss Tomlinson.

01:38:01:07 - 01:38:38:28

Um, and so heads of terms weren't issued to her at that point. Although we were having ongoing, um, engagement with her agent, once it was confirmed that it was purely for the construction, um, that the rights were acquired on Miss Tomlinson's land. Um, a license agreement was issued to Miss Tomlinson um, in June 2026. Um, we've since had correspondence with Miss Tomlinson. Um, and I understand we have offered a meeting and hopefully in the position to, to have a meeting with Miss Tomlinson and to discuss that further.

01:38:39:12 - 01:38:57:05

Um, I think it's also worth noting as well, the, um, various meetings have been had with the agent to discuss, um, what rights we were considering in terms of seeking from Miss Tomlinson throughout the course of the development of the project as well? Um, yeah. Thank you.

01:39:01:10 - 01:39:14:21

Alison Dublin for the applicant. There were also a number of environmental concerns that were raised which if they could be submitted in writing, then we can look to again respond in writing if we haven't already done so. Thank you.

01:39:15:21 - 01:39:47:14

Yes. Um, that would be useful. And that respond to the deadline to, I think would be the best, so that it can be brought all together as once you have an opportunity to look at them and then provide a response comprehensively and also look at the other elements, not just the environmental ones, but clearly there's been quite a few concerns that have been raised in the urge, um, both parties to continue the discussions around what agreements are able to be made or otherwise, and to update the examining authority throughout this process.

01:39:52:11 - 01:39:56:09

I'm just going to push on a little bit just in relation to the to these particular.

01:39:56:11 - 01:40:04:04

And I've just come in on that one. One of these is I need to say that Miss Thompson, Miss Tomlinson has not had any agreements for any meetings. That's all.

01:40:05:02 - 01:40:06:05

Okay. Thank you.

01:40:10:06 - 01:40:13:23

I'm just going to continue on and then we will adjourn for a short break.

01:40:15:18 - 01:40:34:08

Uh, just in relation to Miss Tomlinson, can the applicant explain what assessment has been made on the effect upon this individual affected person and the private loss that would result from the exercise

of compulsion acquisition of powers? And where is this assessment in the application document set out?

01:40:35:03 - 01:40:52:02

Mr. Fox and the applicant? Um, so in appendix 13.1 of the ES, which is the appendix to the Social Economics chapter. Um, and that is um, document reference, uh app 177.

01:40:53:05 - 01:40:53:20

Which number?

01:40:53:27 - 01:40:56:12

1177177. Thank you.

01:41:05:25 - 01:41:43:21

But I think that the, um, you know, on the basis of that assessment and I think more generally and something that we've put into the responses that, um, were being created, which were submitted, I appreciate them being published on the Pins website, but when we submitted them to you, we also submitted them to Mr. Anderson. So she had them before today. Um, and we did emphasize the point that, um, in the camp, we have made commitments to ongoing engagement and community liaison officers, officers and so on to make sure that these kind of impacts, where we're taking access, are able to be managed so that the conversation won't stop just because the examination finishes.

01:41:45:27 - 01:42:24:01

Thank you for some clarity. For those that there was a sort of document that's been mentioned that has been submitted to the examining authority as of, I believe, yesterday. Um, and I think it was the same one that's been mentioned at this time. The examining authority haven't accepted that document, hence why it isn't in the public domain. And therefore we are not. We haven't read it and we're not currently taking any value to it. So, um, but if we do decide to accept it, it will be published. So I just wanted to provide that clarity. Now I've gone on for a little while now, so I propose that we take a short break, probably for around 15 minutes or so.

01:42:26:21 - 01:42:43:05

We have got a few items still to go through, so perhaps if we could return for 1555, would that be agreeable with all parties? Okay, time is now 1542 and this compulsory petition hearing one is adjourned.