Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	East Pye Solar
Hearing:	Transcript of compulsory acquisition hearing 1 (CAH1) – Part 1
Date:	18 November 2026

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FULL TRANSCRIPT (with timecode)

00:00:06:15 - 00:00:38:02
Good morning, everyone. It's now time to start the compulsory acquisition hearing. This hearing is being held part as of the examination of the application by East Pie Solar Limited for development consent order for the East Pie Solar Examination. Good morning. My name is John McEvoy and I am one of the examining inspectors appointed by the Secretary of State to examine this application. Can I first check that everyone in the room can hear me clearly? Everyone's nodding.

00:00:38:04 - 00:00:45:07
Thank you. Also, can I check that all participants joining remotely can hear and see the proceedings satisfactorily?

00:00:49:07 - 00:00:58:17
That's a yes. Thank you. Can I also ask the case team to confirm that the live stream and recording are operating correctly? Thumbs up. Thank you.

00:01:00:10 - 00:01:30:26
Okay. So for the record, this application is being examined by a panel of three examining inspectors appointed by the Secretary of State under the Planning Act two thousand and eight. I am joined by my fellow panel members, Mr. David Cliff, lead panel member and Ms. Claire Taylor. Together, we constitute the examining authority. Our role is to examine this application, consider all relevant evidence and submissions and make recommendation to the Secretary of State.

00:01:31:20 - 00:01:34:00
No decisions will be taken today.

00:01:35:25 - 00:01:53:28
I'm also joined by members of the Planning Inspectorate case team who are assisting the examining authority with the administration of the examination and the operation of today's hearing. I also acknowledge the technical support staff who are assisting both in person and remote participation today.

00:01:55:26 - 00:02:26:26
Before we begin, there are some housekeeping matters. Please ensure that all mobile phones and electronic devices are switched to silent. Following yesterday's open floor hearing, we are keen to avoid any repeat appearances by guest contributors in ringtone form. Thank you very much. When speaking, please use a microphone where provided and speak clearly and slowly so that everybody present including those joining remotely can accurately hear and follow the discussion.

00:02:28:04 - 00:03:04:07
Before speaking for the first time and whenever appropriate thereafter, please state your name and who you represent for the benefit of the recording. In the event of a fire alarm or other emergency, please follow the instructions of venue staff and the case team who will direct everyone to the assembly point. Should anyone require assistance at any point during the hearing, please raise this matter with the case team who are situated to my left. I intend to keep the need for formal breaks under review throughout the day and will ensure suitable opportunities are provided.

00:03:06:05 - 00:03:38:21
I remind everyone that today's hearing is being live streamed and recorded. The recording will be published on the project page as soon as practicable after the hearing. A recording of the hearing other than any transcript will form the public record of today's proceedings. Participants should also be aware that the hearing is being conducted in public. I therefore ask everyone to avoid unnecessary personal disclosing information, personal contact details of any confidential information during their submissions.

00:03:39:17 - 00:03:46:02
Anyone with questions regarding the planning inspectorate's privacy arrangements should again speak to the case team.

00:03:50:05 - 00:04:22:29
I will now briefly explain the purpose of today's hearing. This is a compulsory purchase hearing. The hearing has been convened to enable the examining authority to examine the applicant's case for compulsory acquisition and temporary possession powers and to hear representations from affected persons and other participants who have requested the opportunity to be heard. In particular, the hearing will assist the examining authority in testing the evidence supporting the proposed land powers and understanding the concerns raised by those whose interests may be affected.

00:04:23:25 - 00:04:46:15
The hearing therefore forms an important part of the evidence gathering and evidence testing process. It is not a debate. It is not an advocacy session nor is it an opportunity to reopen every aspect of the application. Our purpose is to understand, test and evaluate evidence relevant to compulsory acquisition and temporary possession.

00:04:49:02 - 00:05:12:06
Without turning this into a legal seminar, it may assist participants if I briefly explain the matters that the examining authority is seeking to examine today. In broad terms, we've been considering whether the powers sought are necessary, proportionate and justified in the public interest, whether reasonable

alternatives have been considered and whether the relevant legal and policy requirements have been met.

00:05:14:17 - 00:05:51:11
This hearing is not concerned with compensation, land valuation or individual compensation entitlements, which are matters dealt with through separate legal processes. Those are matters governed by separate legal processes. Similarly, while concerns regarding traffic, noise, visual effects, heritage impacts, biodiversity impacts, construction impacts and many other matters may be important concerns for participants. Today's hearing is not the forum for rehearsing wider planning merits except where those matters are directly relevant to the compulsory acquisition case before us.

00:05:52:21 - 00:06:12:25
Where participants stray into matters falling outside the scope of today's hearing, I may intervene to redirect the discussion. If I do so, it should not be taken as a lack of interest in those matters. Rather, it reflects the need to ensure that we use hearing time efficiently and remain focused on the matters to which the hearing has been convened.

00:06:14:15 - 00:06:45:13
The hearing will be led principally by questions from the examining authority. In most instances, we will first invite the applicant to explain his position. We will then hear from affected persons and any other relevant participants. The examining authority may ask questions at any point. We may also invite participants to respond to points raised by others where we consider it necessary to ensure that evidence has been properly tested. As a standard practice cross questioning between participants will not be permitted.

00:06:46:17 - 00:07:21:28
For matters cannot be fully addressed today, we may request further written submissions following the hearing. I note that no statutory undertakers are present today. In those circumstances, the examining authority is mindful that absent parties cannot respond to any characterization of their position made during the hearing. I would therefore ask all participants to focus on matters evidenced by the examination documents, correspondence, protective provisions and negotiation tracker rather than speculation as to the views or intentions of absent parties.

00:07:22:17 - 00:07:32:08
The examining authority will consider any written representation submitted by undertakers alongside the applicant's evidence before reaching conclusions.

00:07:34:22 - 00:07:54:29
In relation to action points, the examining authority will record any action points arising during today's hearing. Following a review of the recording and our notes, a written schedule of actions will be published on the project page as soon as reasonably practicable after the hearing. Participants should rely on the published action points as the definitive record.

00:07:59:06 - 00:08:26:14
So before moving to the substantive agenda items, I would like to establish who is participating today. I will first invite representatives of the applicant to introduce themselves for the recording identifying

their name, who they represent, their role in today's hearing and the matters on which they may be addressing the examining authority. Following that, I will invite those affected persons seated before the panel who intend to speak during today's hearing to similarly introduce themselves.

00:08:28:08 - 00:08:31:05
May I ask the applicant to start that work? Thank you.

00:08:32:01 - 00:09:04:04
Good morning. My name is Claire Broomfield. I'm a partner at Pints and Masons LLP, solicitors for the applicant East Pie Solar Limited. I can be referred to as Ms Broomfield. I'm joined by a number of the applicant's team today and I will let them introduce themselves. We also have somebody available to share documents on the screen, should that be of assistance to land plans, for example, as we go through the various affected persons.

00:09:04:07 - 00:09:10:04
Please do just let us know if it would be useful to have those documents on the screen. But I'll just let the team introduce themselves.

00:09:10:07 - 00:09:11:15
You. Mr. Brumfield, thank you.

00:09:15:06 - 00:09:30:02
Good morning. My name is Alex Kanes. I am a Project Development Manager at Island Green Power. I may speak towards some clarification points on the Caboola Coital and other matters today. Thank you. Thank you.

00:09:33:24 - 00:09:47:27
Good morning. My name is Adam Canning. I'm an associate servant at Alcal McLaren, and I'm the land agent acting on behalf of the scheme. I may speak on matters related to general landowners on the cable corridor route. Thank you.

00:09:50:19 - 00:10:00:16
Good morning. My name is Toby Yates. I'm a senior associate solicitor at Pinson Masons LLP. I may be speaking to ad hoc matters in support of miss Broomfield.

00:10:03:27 - 00:10:20:23
Good morning. My name is Ian Douglas. I'm a planning director at Stantec, the consultants who are helping to coordinate this application. And I'm here to speak to any matters that may come up in respect of the environmental impact assessment and planning matters.

00:10:21:02 - 00:10:21:17
You.

00:10:25:08 - 00:10:38:23

Good morning. My name is Richard Prentiss. I'm a Director of Durrance. We're a firm of land agents representing a number of the affected parties. I'd like to speak under item three on the agenda. Thank you.

00:10:39:17 - 00:10:43:29
Francis, thank you. Could you please clarify for whom you're speaking today, please? Thank you.

00:10:44:08 - 00:10:56:12
Yes. AJ Alexander and Sons, John Cole Farms Limited, John Ellis, GC Moore and Sons, Ralph Penn, the Thacker family, David Elaine Wilson, Pamela Wright.

00:10:59:10 - 00:11:29:23
Mr. Prentiss, thank you. Thank you all very much indeed. We'll now move on to Agenda Item two, which is the applicant's case for compulsory acquisition and temporary possession. Under this item, I would like the applicant to provide a concise overview of his compulsory acquisition and temporary possession case, focusing in particular on the powers sought, the purpose of which they are required and the tests relied upon and the current position regarding negotiations.

00:11:30:14 - 00:11:42:13
I would ask the applicant to keep any introductory presentation focused and proportionate as the examining authority will wish to explore the details through questions. Applicant, when you're ready, please proceed. Thank you.

00:11:44:18 - 00:12:17:07
Broomfield for the applicant. So by way of a summary, in order to construct, operate, maintain and decommission the scheme without impediment, the applicant is seeking compulsory acquisition and temporary use powers in the development consent order. The justification for these powers is set out in the statement of reasons, which is APP-twenty. The applicant is seeking powers of compulsory acquisition of the freehold of land, shown colored pink on the land plans.

00:12:17:26 - 00:12:28:28
That primarily relates to land required for the solar panel infrastructures itself, the base, the substations habitat management areas.

00:12:31:12 - 00:12:57:09
The applicant is also seeking powers to compulsory acquire rights and impose restrictions. These are shown colored blue on the land plans. Those primarily relate to rights to lay cables underground, rights of access, rights relating to the new overhead line infrastructure to connect to the new National Grid substation and rights relating to hedgerow maintenance.

00:12:59:23 - 00:13:21:00
For temporary possession, the applicant is also seeking powers to enter and use land, and those are shown colored yellow on the land plans. The applicant is also seeking in the DCO the power to use temporary possession powers over the land, shown colored pink and shown colored blue as well.

00:13:22:21 - 00:13:46:08

The applicant's approach to compulsory acquisition is intended to be proportionate with lesser powers being used where possible. So where temporary possession powers are suitable, those have been sought and where rights are suitable as opposed to acquiring the freehold of land, then rights are being sought. This allows the applicant to limit the permanent acquisition of land to the minimum area necessary.

00:13:48:24 - 00:14:02:21
The rights being sought are set out in Schedule eight of the Draft DCA and the purpose for which temporary possession powers are being sought is set out in Schedule ten to the Draft DCA.

00:14:06:10 - 00:14:31:20
The book of reference sets out the persons that the applicant considers may have an interest in the order land or may be eligible to make a relevant claim for compensation following the diligent inquiries that have been undertaken. The applicant has taken a conservative approach, particularly where land is not registered at the land registry. And for this reason, some of the plots are listed in the book of reference as having only reputed owners or unknown interests.

00:14:33:19 - 00:14:43:00
Article twenty one of the draft DCO contains the power to compulsory acquire the freehold of the land, that is subject to a number of other provisions in the article.

00:14:44:16 - 00:15:06:07
Article twenty two imposes a time limit on the exercise of those powers, and that is a period of five years from when the order comes into force, albeit that we are going to make an amendment to that to make it consistent with the recently granted Greenhill Solar Farm order. So it will apply from the date when the order is made.

00:15:09:08 - 00:15:19:18
And there's approximately sort of a three week difference normally between those two dates. This is an administrative process that the piece of legislation has to go through.

00:15:24:21 - 00:16:03:18
By way of a practical example in terms of how the rights, particularly in relation to the cable route corridor intended to work and are typical underground linear for infrastructure projects such as the scheme. The intention would be to, in the absence of a voluntary agreement, enter onto the land using the temporary possession powers to undertake the construction of the works. Those works are anticipated to require a corridor of approximately twenty five meters to be located within the fifty meter typical corridor that's shown for the cable route corridor.

00:16:04:10 - 00:16:22:09
Once those construction works have been completed, then if required, the compulsory acquisition powers would be exercised over the actual Aslaid corridor of the cable so that the permanent rights being sought are over the minimum amount of land actually required for that Aslaid

00:16:23:25 - 00:16:59:28

piece of apparatus. At the moment, because the detailed design of the scheme has not yet been completed, and the applicant requires the ability to microsite the cable within the cable route corridor. And that is why the ability to acquire rights is necessary over the entirety of that corridor. However, it would only be exercised in respect of the actual Aslaid location of the cable route. And that as I said, that approach is very typical and consistent with the both cable routes and pipeline linear corridors required across a number of NSIP projects.

00:17:03:21 - 00:17:37:20
The other articles in the DCO relate to the use of temporary possession powers. There are a number of other provisions relating to category special land and crown land, which we can go into later if required. In terms of a brief summary of the policy tests, Section one hundred twenty two of the Planning Act two thousand and eight sets out the purpose for which land may be compulsory acquired and that must be land that's required for the authorized development or is required to facilitate or may be incidental to the authorized development.

00:17:39:21 - 00:18:10:15
When referring to land that may be required to facilitate or is incidental to the authorized development, that can include a situation where, for example, a right of access is required, so a property right of access is required across the land, but no development is actually being proposed. So no physical built road is being proposed. So there's nothing that forms part of the authorized development, but a property right of access is being sought because that's required to facilitate the authorized development.

00:18:10:17 - 00:18:13:09
So that's an example of where that wording

00:18:16:08 - 00:18:52:24
may be required. And the other tests are that there's a compelling case in the public interest, that's under Section one two two subsection three. As set out in the statement of reasons, which I referred to earlier, the planning statement, which is rep one dash zero seven four, and the statement of need, which is a p p dash two zero six. The applicant considers that it has demonstrated that there's a compelling case in the public interest for the scheme, and that includes the compulsory acquisition of lands and rights required to deliver a nationally significant infrastructure project.

00:18:54:14 - 00:19:30:08
Section one hundred twenty three of the Planning Act has been satisfied because the application for the scheme includes a request for compulsory acquisition. There are a number of other tests that apply, including Section one hundred twenty seven of the Planning Act two thousand and eight, which relates to statutory undertakers and demonstrating that there is no serious detriment to their undertaking should they object. The applicant's position is that the protective provisions in the draft DCO provide suitable protection, so the tests in Section one hundred twenty seven and Section one hundred thirty eight of the Planning Act two thousand and eight are satisfied.

00:19:30:10 - 00:19:38:03
My colleague, Mr. Yates, can give an update on the status of negotiations with statutory undertakers at the later point in the agenda.

00:19:40:29 - 00:20:09:23
Section one hundred thirty two of the Planning Act two thousand and eight applies where the order seeks compulsory acquisition powers in relation to any land that forms part of a common or open space. And there are sixteen plots of common land within the order limits. The applicant isn't seeking to compulsory acquire the freehold of any of these plots. Rights are being sought over six plots and with temporary possession powers being sought over the remaining ten plots.

00:20:11:09 - 00:20:46:12
Section one hundred thirty two is therefore only engaged in relation to those six plots where acquisition of rights is sought and the applicant's position is that once the works are complete, the common land when burdened with those rights will be no less advantageous than it was before to the users of that common land and therefore the applicant considers that the Secretary of State can be satisfied that the exception set out in Section one hundred thirty two subsection three of the Planning Act two thousand and eight has been met. Further information on those tests is set out in Section nine point two of the statement of reasons.

00:20:47:08 - 00:21:18:01
Section one hundred thirty five of the Planning Act applies where there is a Crown interest within the order limits. The applicant has identified some potential Crown land interests belonging to the government legal department and the applicant is continuing to engage with the government legal department to establish whether in fact that is a Crown interest and if it is obtained consent pursuant to Section one hundred thirty five of the Planning Act. That provides, I guess, a brief overview.

00:21:18:04 - 00:21:26:28
I'm happy to go into more detail in respect of any of the particular points raised. If you would like, Mr. Canning can provide an update on the status of negotiations.

00:21:31:09 - 00:21:45:17
Thank you. That was almost precisely ten minutes. Thank you. That's very helpful indeed. To begin the examination, we're going to focus on the statement of reasons and it may help if I indicate to the paragraphs I'm going to be referencing in the first set of questions.

00:21:47:05 - 00:22:10:03
Would perhaps discuss the overall CA strategy and in particular Section one hundred twenty two, Subsection two of the Planning Act. So in the statement of reasons, I'll be referring to paragraphs 4.3.2, 4.4.1, 4.5.1 up to 4.5.3,

00:22:11:23 - 00:22:20:05
Paragraph 6.2.5 and finally Paragraph 12.1.3 in the conclusions.

00:22:24:22 - 00:22:48:03
Okay, thank you. My first question really relates to it's the plot by plot assessment. Really I'd like the applicant to explain the methodology that was applied in determining plot by plot where the land should be subject to freehold acquisition, acquisition of rights and restrictions, restrictive covenants or temporary possession only? Thank you.

00:22:52:04 - 00:23:36:09
Blair Broomfield for the applicant. So in terms of the exercise that was undertaken, once the work areas had been established, so once the applicant had understood what works it was intending to carry out as part of the scheme and in which locations those works would be required, the applicant's team and their advisers went through on a plot by plot basis each of the relevant plots that are shown on the land plans to decide whether the Freehold acquisition was required in order to deliver those particular works or whether those works could be delivered using a lesser power such as the acquisition of rights or temporary possession.

00:23:37:13 - 00:23:55:09
As part of their exercise, the applicant's team was considering what usage would be required of the land and more importantly, what restrictions would be placed on the landowner. So where a landowner can continue to utilize their land and the restrictions are

00:23:56:27 - 00:24:26:09
fairly minor such that they would enable agricultural activities to continue. So for example, for the cable route corridor, once the cable has been installed, then the landowner is able to go back to utilizing that land for agricultural purposes. So there is no need for the applicant to own the freehold of that land and so rights are required. However, for other elements of the scheme such as the areas within the solar arrays and

00:24:28:11 - 00:25:09:15
the substation areas and the BES, it's not appropriate or possible for the landowner to be able to enter into those areas and to utilize the land. So acquisition of freehold is required. It is not possible under a compulsory acquisition powers to acquire the leasehold of the land. That's not legally allowable. So whilst the voluntary agreements are on a leasehold basis, the applicant has to seek freehold acquisition powers in the event that those option agreements were felt not able to be implemented or in relation to other issues that might arise.

00:25:09:17 - 00:25:42:14
So for example, if a landowner were to die in the interim, then the applicant might need to utilize the compulsory acquisition powers rather than enforce the option agreement that's in place. So those are the factors that are being taken into account. Where land is only required for construction purposes and following completion of construction, there isn't a need to go back on to that land, then temporary possession powers have been sought instead of the acquisition of rights.

00:25:43:01 - 00:26:26:14
When looking at environmental mitigation measures, the applicant has been mindful of the length of time of that obligation. So where, for example, reinstatement works are only required immediately following construction, then the applicant has sought temporary possession powers. But where there's an ongoing commitment to maintain hedgerow heights or the strength of that hedgerow for the operational lifetime of the development, then the applicant has sought permanent rights for those because it's considered that a sixty year period would go beyond what is envisaged by the temporary use powers.

00:26:26:16 - 00:26:29:22
So those rights are being sought for the entire duration

00:26:31:08 - 00:26:49:07
of the operational life of the scheme. But from a practical perspective, as I say, the applicant through every plot on a plot by plot basis to establish what it was required for compulsory acquisition or temporary use powers would be that particular plot. Thank

00:26:52:20 - 00:27:23:21
you. you. That's comprehensive. Just ask whether and again, I'm just trying to explore the process and the methodology. But in the process of going through the plot by plot exercise, Are there any examples where perhaps more intrusive power was discounted in favor of a lesser power? So initially perhaps that you were to take full compulsory purchase then on reflection through assessment, a lesser power was deemed appropriate. So I'm just wondering whether examples could be provided now or perhaps after the hearing.

00:27:24:22 - 00:27:36:26
And if so, perhaps an example of a location or locations where a freehold acquisition was originally considered, why it was discounted and what lesser rights ultimately replaced it? Thank you.

00:27:40:09 - 00:28:19:16
Blair Broomfield, the applicant. I'll try and see if I can find a specific example. But one of those that I recall from being present that during exercise was the consideration of some private tracks that were located through the solar array sites. So each of those sites were considered whether it was appropriate to include the track within the compulsory acquisition of the Freehold, so the Pinkland, or whether actually all that was required was a right of access along that track and the ability to put cabling underneath the track, in which case only acquisition of rights would be appropriate.

00:28:19:18 - 00:28:47:21
So consideration was given to the nature of those tracks, whether they were utilized by any other persons to access other land outside of the order limits and where it was considered that only temporary sorry, that only rights would be appropriate, then the decision was made to not include compulsory acquisition of Freehold, but to reduce that down to rights. I'm just gonna see if we can find an example we can bring up on the screen.

00:29:15:26 - 00:29:49:03
Debra, for the applicant. I don't want to give an example that then turns out to be not appropriate, but we can, as an action, provide some examples of where that some of those decisions were in made relation to private access tracks. There was also some decisions in relation to hedgerow maintenance where it was considered that only a right to maintain a hedgerow was required rather than acquiring the freehold of that hedgerow. So we'll provide some plot numbers as an action just so that you can see some examples of those. But yes, that was definitely an exercise that was undertaken as part of the plot by plot review.

00:29:50:06 - 00:29:56:11

That's That's again very helpful. And note the action point and thank you. We'll publish that as an action point.

00:30:01:12 - 00:30:29:02
Just in relation to the same topic, so my third question relates to paragraph six point two five and paragraph 12.1.3 of the statement of reasons and they state that all land and rights and are more than reasonably necessary and that the powers sought are proportionate to the applicant. Where can the examining authority see the evidence that demonstrates plot by plot rather than generically the extent of land sort and the type of

00:30:31:04 - 00:30:43:13
power sort represent the minimum rights reasonably required. My question is that evidence contained within the land rights and negotiations tracker or elsewhere? Thank you.

00:30:49:20 - 00:31:24:23
Claire Breenfield for the applicant. We note that there are written questions some as well requiring a little bit more information about the nature of the rights being sought and their justification. But in terms of the information in the land rights negotiations tracker, that does state what rights, I guess, what powers being sought and then the purpose by reference to the work numbers so that people are able to look what powers are being sought in respect to their particular plot and what work numbers those powers relate to.

00:31:25:09 - 00:31:58:02
So where rights are being sorted, we'll say whether it's in relation to the cable route corridor work numbers or an access work number, for example. So that level of information is is it concluded within the land rights and negotiations tracker. In terms of the extent of the rights, in terms of proportionality, that comes back, I suppose, what I was saying earlier in terms of there are two elements, I suppose, to proportionality. One is the nature of the right being sought.

00:31:58:19 - 00:32:29:04
And the nature of the right is generally the same where it's the same work activity. So for the cable route, for example, we are seeking the same type of rights for each of those plots because the activity for laying the cable is the same across those plots. The nature of the rights being sought, we would say that they are proportionate for all of the plots where cable rights are required. And then you've got whether it's proportionate from a spatial perspective.

00:32:29:18 - 00:33:15:28
And as I said before, and as is typical with these projects, a wider corridor has been sought in the DCO in which the working width will be micro cited at the detailed design stage. And this reflects the fact that for this scheme, as is typical with a lot of schemes, the electrical design has not yet been completed and a number of preconstruction surveys have also not been completed at this point in time. So the actual micro sighting of the cable will depend on specific ground conditions, avoidance of other constraints such as existing utilities, rooting around trees, for example, deciding where it will be appropriate to cross roads and those sorts of things.

00:33:16:00 - 00:33:28:26

So there's lots of factors that will determine the final location of the cable route within that fifty meter corridor, but the applicant considers that fifty meters is proportionate within which to microsite

00:33:30:26 - 00:33:34:28
the working width and is consistent with other schemes of this nature.

00:33:38:27 - 00:33:49:09
Thank you. Just wondered that you've mentioned to the tracker. Just wondered the tracker refers to the power currently sought, but I wondered does it also provide details of the alternatives that were considered,

00:33:51:07 - 00:33:52:27
again, a plot by plot basis?

00:33:57:24 - 00:34:35:19
Clear project for the applicant. So no, the table doesn't consider or doesn't include detail of the each plot why for example freehold was discounted for that plot. But I think the applicant's position is that what is it has approached it based on the works that were required. So for each plot that is I say for the cable route and we haven't felt it necessary to explain plot by plot that we're not seeking the freehold, but we have set out in the statement of reasons that the approach that's been taken for the cable route, for example, is to acquire rights only for that plot.

00:34:39:11 - 00:34:41:19
Thank you, Kate. That's helpful.

00:34:46:27 - 00:34:53:28
Okay, so we'll move to again next section one hundred twenty two, subsection two regarding necessity.

00:34:56:22 - 00:35:09:14
And again, I'll be referring to the statement of reasons, paragraphs 4.2.2 and 6.1.1 through to 6.2.5.

00:35:12:08 - 00:35:39:21
So paragraphs 4.2.2 and 6.1.1 through to 6.2.5 of the statement of reasons rely upon the Section one hundred twenty two Subsection two tests. To the applicant, what assessment was undertaken to determine that land and rights subject to compulsory powers are required for or facilitate or are incidental to the authorized development and where can the examination see the outcome of that assessment?

00:35:50:29 - 00:35:53:11
Claire Bloomfield for the applicant.

00:35:55:20 - 00:36:12:11
So in terms of where the applicant is seeking powers within the DCO to undertake works, so where the areas are shown with various works on the works plans, then the

00:36:13:26 - 00:36:22:11
powers are being sought over those same plots for the works that are shown on the works plans. So those would fit within the first

00:36:23:26 - 00:36:43:08
part of the test in Section one hundred twenty two that they are required for the authorized development because there is a relevant work number setting out that part of the authorized development that it relates to. As I said, those plots those work numbers are then listed in the land rights tracker.

00:36:45:00 - 00:36:46:18
In terms of the

00:36:48:18 - 00:37:16:24
second part, in terms of is there a specific list of rights where there is not an authorized whether that are not required for the authorized development but are solely required to facilitate or incidental. I don't believe there is a list of that because all of the land required within the order limits is required for a work number on this particular scheme.

00:37:18:07 - 00:37:25:18
It's Brookfield, thank you. So I'd like to understand that no plots are required to facilitate the development. Am I correct in my understanding?

00:37:27:25 - 00:37:32:28
Blair Bloomfield, the applicant. So at the moment,

00:37:34:19 - 00:38:05:06
every plot is required well, is potentially required for a part of the authorized development. So as I said, for the cable route corridor, we have the ability to micro site within that corridor. So the works some works will be carried out within that plot number, but the entirety of the plot, as I said, won't be utilized for the construction works because we're only we will be microciting within that area.

00:38:07:00 - 00:38:47:15
There are some plots that once construction works are finished, so they're included because there are works for the authorized development. So for example, a construction compound, so that they are required for the authorized development. But once that construction compound has been removed, a property right of access may still be required over those plots for ongoing operation and maintenance of the cable route corridor. So there are some plots that fall into both categories. So they were required for the authorized development during construction and then during operation, a property right of access may be required for ongoing operational access.

00:38:47:17 - 00:38:48:28
So they fall within both categories.

00:38:50:28 - 00:38:55:03
I'm going to try and maybe give you an example of one of those plots.

00:39:11:19 - 00:39:20:17
Claire Greenfield for the applicant. On sheet fifteen of the land plans, do you have...

00:39:20:19 - 00:39:23:23
Could that be shown on the screen? Is that possible, please?

00:39:24:17 - 00:39:29:06
And just so we're going to go to plot fourteen-fifteen.

00:39:34:18 - 00:39:37:17
If we can zoom in on that.

00:39:39:15 - 00:39:45:24
Perhaps go back up to this larger, not the inset, but where it's located. Just zoom in a little bit.

00:39:50:01 - 00:40:27:05
So as you can see, you have the cable corridor going north south in this plot. There on the works plans, you'll be able to see that there is a construction temporary construction compound located in that area, which is sort of more of the square area that where the cursor is there. However so that area is required during construction. However, during operation and maintenance, there is an existing farm access, I think, sort of around where Block fifteen-three is.

00:40:27:07 - 00:41:03:03
So outside of the alignment of the Camelweg corridor, there is an existing farm access point. And therefore, the applicant will have sort of following construction of the cable route, they will have closed up the gap created to install the cable route. But it wouldn't make sense for the applicant to have to reopen that gap if it wanted to go back and do maintenance activities or inspections. It's much more sensible and less intrusive for the landowner if the applicant utilizes an existing field access point of the highway there.

00:41:03:10 - 00:41:41:18
So a property right is being sought to access the main cable route corridor through that existing farm access. Obviously, because they exit the final alignment of the cable route corridor is not yet known, it's not possible to kind of refine down at this stage where that access route would be, but if it's required, so if compulsory acquisition powers needed to be utilized, then the general vesting declaration, for example, which show a much narrower corridor of where that access point would be to get you from the existing access from the highway across over onto the cable route corridor.

00:41:41:20 - 00:42:04:20
So that would be an example of where you had a right that was to facilitate or incidental to the authorized development, but you no longer had any works in that area during the operational life of the scheme. So hopefully that illustrates where that second limb of the test in Section one hundred twenty two could apply on this particular scheme.

00:42:07:13 - 00:42:37:03

Ms. Bloomfield, thank you for the example. It's helpful. But I just wonder in terms of potential action points going forward, could the applicant provide a note of how they've distinguished between land that's required for the project and land that's incidental? Just to satisfy the Section one hundred twenty two tests? It will be helpful to establish if the applicant has done the exercise or could they sort of present a note or a schedule outlining which plots are intended or required for construction and which are required for facilitation?

00:42:39:23 - 00:42:59:26
Clever for the applicant. Yes, we can look at doing that. It primarily refers to the cable route corridor here rather than the land for the main solar array sites. But yes, we can provide a table that sets that out. There will only be a few examples of that, but yes.

00:43:01:23 - 00:43:04:03
Thank you. Action point noted.

00:43:13:02 - 00:43:20:11
My second question on this topic again refers to paragraph 2.4.2 of the statement of reasons.

00:43:28:20 - 00:44:01:27
Thank you. So paragraph 2.4.2 states that a significant degree of design flexibility is required because detailed design cannot yet be confirmed. I just wonder what assessment has been undertaken to demonstrate that the land and rights currently subject to compulsory powers are required for the purposes of Section one hundred twenty two Subsection two rather than being retained to preserve future design flexibility? And if so, has the assessment been recorded? Has the assessment been done? And if so, has it been recorded? Thank you.

00:44:17:21 - 00:44:38:27
Claire Bloomfield for the applicant. So I guess there's sort of there's two elements in terms of obviously the flexibility that's being sought from a in terms of the elements of the scheme. So the elements that are set out in the design principles, parameters and commitments in terms of

00:44:41:09 - 00:45:21:24
the type of apparatus that's going to be installed and then I guess spatially where it could be located in terms of the width of trenches, for example, the depth of that apparatus if we were to use the cable route corridor again as an example. So there is a degree of so the an environmental impact assessment and Mr. Douglas can provide some more information if required. The scheme has looked at what the maximum parameters would be in order to facilitate a scheme of this nature and set those parameters out and then undertaking the environmental impact assessment on the basis of that assessment.

00:45:22:15 - 00:46:01:04
From a compulsory acquisition perspective, what the applicant has sought to do is going back to the point I made previously, look at what the nature of the rights are that are required to deliver that type of apparatus within the parameters that are fixed, both from a sort of the nature of the right and how that's been described in Schedule eight, but then also spatially on the plans. So we have been mindful when carrying out the environmental impact assessment and taking into account the Rochdale envelope parameters.

00:46:02:03 - 00:46:42:19
As part of that exercise, it has been in conjunction with consideration of the compulsory acquisition test. So we are making sure that the flexibility that's being sought from a design perspective is proportionate and necessary from a compulsory acquisition perspective. So we're not seeking more flexibility than is required. And part of that example can be shown in relation to the width of the cable route cover door. So typically, that's a fifty meter width, which is considered to be proportionate, but it has gone wider in certain locations where greater flexibility is required because of engineering constraints or environmental constraints.

00:46:42:21 - 00:47:13:00
And similarly, it has been able to be narrowed in certain locations in order to deal with other environmental constraints. So the applicant has been looking when it refined its order limits, both at the flexibility required for the scheme, but also that it was able to justify that from a compulsory acquisition perspective. So I suppose from an engineering perspective, obviously, the wider the corridor you have for your cable route, then the more flexibility that gives you for micro siting.

00:47:13:02 - 00:47:34:27
But obviously, that's more onerous on landowners. So we sought to try and seek a balance between achieving the flexibility required at this stage in the scheme, whilst also not being disproportionately onerous on landowners. So that the two exercises were undertaken in conjunction with one another.

00:47:38:14 - 00:48:10:18
Brookfield, thank you. The question of engineering flexibility, I think, will be raised later on in the hearing today. I note the response you've given. Thank you for that. But in terms of Section one hundred twenty two, am I correct in my understanding that the assessment undertaken did distinguish land required for the project and land required for design flexibility? I understand that essentially all the land being required includes an element of design flexibility.

00:48:10:20 - 00:48:11:15
Am I correct?

00:48:15:10 - 00:48:43:29
Fair project for the applicant. Yes. So where spatial design flexibility is being sought, then that has been included in the compulsory acquisition powers being required. So that applies primarily in relation to the cable route corridor in relation to the solar sites, for example, then the applicant is saying they need the full extent of those sites to deliver the scheme. So there isn't the same spatial flexibility being sought for

00:48:45:22 - 00:48:50:11
the solar panel sites themselves. The entirety of that land is required for the scheme.

00:48:51:27 - 00:49:03:03
Thank you. I just wonder, could you could start with someone on the team perhaps just give a very brief overview of the spatial design flexibility that's been employed by the applicant on the project. Is that possible this morning?

00:49:10:21 - 00:49:13:00
Can pick that one up. Ian Douglas for the applicant.

00:49:19:06 - 00:49:23:18
The spatial extent of the scheme is set out in the works plans

00:49:25:04 - 00:49:28:22
which sits alongside the design principles and parameters

00:49:30:15 - 00:49:31:09
document,

00:49:33:28 - 00:49:50:06
which have set the parameters that the environmental team has assessed in the application and have informed the outcome of the assessments. And this has been taken through into the submission.

00:49:53:12 - 00:50:11:21
Okay. Thank you. Just wondered whether there's some little more detail if you could please in terms facts of and figures. I'm thinking of substations, I'm thinking of cable route corridors. I had a vision of you providing information on the dimensions of figures. If you can't, then it could be an action point going forward. But if you can, that would much appreciated.

00:50:12:18 - 00:50:29:08
Yes, Ian Douglas for the applicant. Yes, sorry, mean, we take an example of the parameters set out within the design principles and parameters document, particularly in respect of the

00:50:31:20 - 00:50:32:05
cable

00:50:32:07 - 00:50:37:03
trench maximum parameters are provided within that document

00:50:38:22 - 00:50:54:28
in terms of the extent of the trench and the depth of the trench. Similarly, as we discussed the issue specific one hearings, there are design parameters incorporated into in respect all of the other works, substation heights and

00:50:56:18 - 00:50:57:27
an extent of compounds,

00:50:59:22 - 00:51:07:10
which incorporate a degree of flexibility in terms of the ultimate delivery of those aspects of the scheme.

00:51:10:04 - 00:51:15:10
Okay, but it does. Thank you. Noted. I have no further questions. The applicant.

00:51:16:25 - 00:51:53:04
So next we're going to discuss briefly the National Grid substation. I intend to raise questions on the substation under this agenda item, but also under Agenda Item five related to utility undertakers. But my questions here and now really focus on the compulsory acquisition elements. And again, just a cautionary note before we move to the proposed National Grid substation, I have we have no undertakers present here today. And in those circumstances, I remind the applicant that absent parties are not able to respond to any characterization of their position during the hearing.

00:51:54:19 - 00:52:40:28
Please therefore focus on matters evidenced by examination documents, correspondence and drafting and identify the source of any description of an undertaker's position. And I should also note that the examination will return to matters concerning the undertakers under Agenda Item five. My questions at this stage are directed primarily to the compulsory acquisition case for the land proposed for the National Grid Substation. So turning to the substation, again looking at the statement of reasons and paragraph 6.7.6 in the statement of reasons explains that the applicant concluded that a new national grid substation is required because Norwich Main substation could not accommodate the connection.

00:52:43:10 - 00:52:55:29
So my questions to the applicant. Today at this stage, what evidence demonstrates that the specific land proposed for work number four is presently required for the authorized development.

00:52:57:17 - 00:53:14:07
How that conclusion remains robust given the continuing evolution of the National Grid solution and where the examining authority can find evidence that the land sought is required rather than simply safeguarding a future connection option. Thank you.

00:53:19:13 - 00:53:32:02
Ed Broomfield, the applicant, note that some of these points were raised at issue specific hearing one, but in terms of the current status as it currently stands,

00:53:33:29 - 00:54:06:27
the applicant still has a good connection offer that requires it to contractually requires it to both consent and provide the land for the point of connection, the new substation. So that is the continues to be the current contractual obligation that the applicant is under. The applicant has therefore included the substation for National Grid and the connecting infrastructure to connect that to the existing overhead line within the authorized development.

00:54:07:21 - 00:54:22:21
And as is the case for the other elements of the scheme, it has sought the necessary compulsory acquisition powers to deliver that infrastructure should voluntary agreements not be available or fall away.

00:54:24:28 - 00:54:31:04

The applicant hasn't received an updated reconnection offer at the moment

00:54:32:19 - 00:54:56:20
that requires it to do something different. And so the applicant's position is that based on the information that it currently has in its existing contractual commitments, it is still required to include the National Grid substation within its scheme, and that justifies the inclusion of it from a compulsory acquisition perspective.

00:54:59:17 - 00:55:33:21
I think it's perhaps worth reiterating that compulsory acquisition powers obviously have to be justified at the point of you being granted them. So the Secretary of State will obviously need to consider the factual specifics that apply when she comes to make a decision in the event that circumstances have changed by that point. I think it's the applicants based on the information it currently has, the applicant doesn't think that the position will have changed by the close of the examination in terms of there being a variation to the grid connection offer.

00:55:34:25 - 00:55:57:11
But the applicant obviously acknowledges that there could be a change to the position between the close of the examination and when the Secretary of State makes a decision and would expect the Secretary of State to request an update on the current status of the grid connection before making a decision. But even

00:55:59:10 - 00:56:31:05
if you are granted compulsory acquisition powers, the law still requires you to only exercise them for the purpose for which they were granted. So in the event that compulsory acquisition powers are granted, but then National Grid decided it didn't push to build substation in this location, then there would be no lawful basis for exercising those compulsory acquisition powers because they are only being granted for the development that's specifically sought in the DCO.

00:56:31:07 - 00:56:51:29
So there could be a scenario where the rights are grant there's a justification for the granting of the rights. But then if circumstances were to change, then there wouldn't be a lawful ability to exercise those rights because the purpose would no longer exist for them. So there is a continuing check and balance both on the granting of compulsory acquisition powers, but then their ultimate usage as well.

00:56:59:09 - 00:57:33:23
Could I just ask one clarification on that? We have a is there an updated expected time when the new grid connection offer might be made? I know we've asked this probably in our second written questions as well, I think, but is there any up to date information on that? And if that is before the end of the examination or even before the Secretary of State makes her decision, what would the implications then be in terms of CA? Because obviously, National Grid is saying at the moment, if there's a new grid connection offer, that offer wouldn't I don't think I don't get their exact wording.

00:57:33:25 - 00:57:45:21

But I think they indicate that, that wouldn't be they wouldn't require the actual special group substation to be in the DCO. So how would that change the compulsory acquisition situation if it were to arrive before end of examination or decision?

00:57:49:14 - 00:58:04:17
Claire Broomfield for the Atkins. So based on the current NISO timetable, we're expecting the revised offer by the end of January twenty twenty seven. I would note that NISO have not necessarily been on time in issuing offers so far.

00:58:05:16 - 00:58:08:00
It's been very cautious. They're not present to defend the Yes.

00:58:08:26 - 00:58:46:04
That's factual. But I appreciate that. So the current timetable that NISA have published is that the offers will be issued by the end of January. So that is what we are expecting. And if there is an update to that timetable between now and the end of January that NISO published, then we will obviously update the examination to inform you of any changes to that expected timetable. Once the offers have been issued, then there is a fixed time frame within which the applicant will need to decide whether it's going to accept that revised offer.

00:58:46:06 - 00:59:18:19
And my understanding is the deadline for that is likely to fall after the close of the examination. So if it was received on the very last day of January, then the deadline for responding on that would fall after the close of the examination. Obviously, if it the offer was received sooner, then there may be the ability to provide an update to the examining authority during the course of the examination. And so we would obviously do so if that were the case. In terms of the second part of your question, if the scenario has changed

00:59:20:05 - 00:59:30:29
and in a hypothetical situation, the point of connection is somewhere else, then the Secretary of State would have the ability to

00:59:32:27 - 00:59:54:20
grant the DCO with those elements of the scheme removed. So that's happened on other DCOs as well. We would expect, if that information became available during the determination period, it's typical for the Secretary of State to ask the applicant to provide updated plans on or without prejudice basis,

00:59:56:08 - 00:59:58:23
such that the plans accurately reflect

01:00:01:09 - 01:00:12:19
the position. So from a practical perspective, that is what we would envisage happening should the point of connection be confirmed to be somewhere else.

01:00:20:28 - 01:00:29:00

Can I just ask, what what time period do you have to accept the offer on the new grid connection agreement?

01:00:31:29 - 01:00:34:04
Clap for the applicant, ninety days.

01:00:42:27 - 01:01:03:01
Thank you. I just wondered in the event that hypothetically a DCO were granted without a substation In practical terms, what would that mean for the operation of this project if a DCO were granted with no substation? It's hypothetical, I respect that, but just curious to know how the applicant would deal with that.

01:01:04:01 - 01:01:50:24
Claire Greenfield, the applicant. So it's not there have been a number of generating station DCOs granted without the grid connection included. There are a number coming through. The process that equally are deciding to proceed without the grid connection forming part of the DCO application. So it wouldn't be a novel or first of its kind approach. What the applicant would need to demonstrate in accordance with the policy tests is that it's not aware of any reasons why the grid connection elements of its scheme wouldn't be consented, so it would need to provide some information about how it was proposing to connect to a hypothetical new grid connection point.

01:01:51:18 - 01:01:52:14
And so

01:01:54:00 - 01:01:55:08
depending on where that would be,

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where an underground cable, for example, could be located. And then it would need to provide some information based on the information that had available about

01:02:09:05 - 01:02:41:20
where those works might be located and how they would be consented. And I think we've provided some further information on that in response to previous questions, but there would be different consenting routes available to the applicant. The applicant could consent grid the connection by way of a Town and Country Planning Act application because it's associated development. It doesn't need to be consented in the DCO. Alternatively, it could choose to amend its DCO to include the works required for the grid connection.

01:02:41:22 - 01:03:16:06
So there are a number of options available to the applicant. Obviously, it's the commercial risk for the applicant to take in terms of whether it wish to how far it wish to proceed with its the works permitted under its DCO before having certainty on that grid connection. But the policy is quite clear that it doesn't have to be included. The importance is the existence of the Grid Connection agreement and being able to show that there aren't any obvious reasons for why that wouldn't be consented.

01:03:19:00 - 01:03:43:00
Thank you. Again, appreciate that mine was a hypothetical question, but thank you for the feedback. I have no further questions on the grid substation. If I could move please to alternatives. And again, I'm sticking with the statement of reasons. I'm going to focus on paragraph 6.1.4 and 6.5.1 through to 6.6.5.

01:03:52:17 - 01:04:29:13
Okay. I'll continue with my questions. Those paragraphs, paragraph 6.1.4 and 6.5.1 through to 6.6.5 of the statement of reasons stated all reasonable alternatives to compulsory acquisition have been considered. Can the applicant identify specific examples where consideration of an alternative resulted in land being removed from the order limits, the extent of land being sought reduced, of the permanent acquisition being replaced by acquisition of rights or temporary possession or indeed compulsory purchase powers no longer being pursued.

01:04:29:27 - 01:04:34:21
So if it's possible to provide some examples in this project that will be helpful. Thank you.

01:04:49:14 - 01:05:03:14
Claire Bloomfield for the applicant. I'll see whether the team can find some specific examples. I think it's important sort of temporally to reiterate that, that process obviously has gone

01:05:06:03 - 01:05:54:24
through the design process. So there were a number of changes to the design that have been reported in the site selection and the alternatives chapter where design changes have been made to the scheme from scoping through the statutory consultation process to the final confirmation of the order limits. So in terms of how that interacts with the compulsory acquisition process, obviously, each time those parameters have been refined down, so the width of the cable route corridor, for example, or the removal of certain parcels of land, then that has equally resulted in a change or reduction in the compulsory acquisition powers being sought for the scheme.

01:05:54:26 - 01:06:34:28
So there's sort of the design changes that have evolved throughout the process that feeds into that consideration of reasonable alternatives, and I'll see if somebody can give an example. Consideration of alternatives also includes obviously other aspects such as trying to seek voluntary agreements instead of using compulsory acquisition powers we've set out in the statement of reasons why we consider it appropriate and necessary to still include compulsory acquisition powers, notwithstanding the voluntary agreements have been entered into with landowners.

01:06:35:00 - 01:07:13:25
So the applicant position is that it has explored alternatives as such as voluntary agreements. It has entered into a number of those. And as I said earlier, Mr. Canning can provide an update on the status of that. So it has both already considered these voluntary agreements as an alternative and continues to do so, albeit that as with all NSIP projects, it's retaining compulsory acquisition powers as both a fallback in case those agreements fall away for whatever reason, but in also order to deal with any unknown interest that might arise when the applicant comes to implement the scheme.

01:07:14:09 - 01:07:45:25
And so those powers also deal with third party rights that the applicant is not currently aware of, notwithstanding its diligent inquiries, ensures that there isn't an impediment to delivery of the scheme. So alternatives is being considered by the applicant, both in terms of the design of the scheme and trying to reduce the spatial extent of the scheme, but then also in terms of trying to seek to enter into voluntary agreements with landowners.

01:07:45:27 - 01:07:50:28
I'll just see whether we have a specific example we can refer to. If not, we'll take it as an action.

01:08:36:01 - 01:08:48:11
Clear Bloomfield for the applicant. So one of the examples that we have is what was sub site three a, which was removed from the scheme due to ecological constraints.

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But we can provide some more examples if that would be useful. That's the only one I think we've That

01:08:56:29 - 01:09:08:12
would be helpful because we do need to understand the alternatives that were considered in terms of compulsory acquisition. So if that could be provided, perhaps more than one example would be even better. But as an action point, yes please.

01:09:14:02 - 01:09:35:06
Okay. Have no further questions on alternatives. So I'm turning next to permanent rights versus temporary possession. And I'll be focusing on the statement of reasons. And I'll be looking at paragraphs 4.4.1 through to 4.4.6 and 4.5.2 in the statement of reasons.

01:09:42:21 - 01:10:20:00
So paragraphs 4.4.1 through to 4.4.6 in the statement of reasons explain why permanent rights and restrictions are sought whereas paragraph 4.5.2 explains that temporary possession can be used initially so the permanent rights are subsequently reduced to the minimum area required. So to the applicant, can you explain why permanent rights remain necessary following construction? What activities require those rights during operation? And how the applicant concluded that temporary possession would not suffice? Thank you.

01:10:23:08 - 01:11:03:27
Claire Broomfield for the applicant. So in the same way that it's not possible to acquire a leasehold interest, it's also not possible to acquire a leasehold right or right for a fixed term of years. So the applicant can only acquire by compulsion a permanent right notwithstanding that operational the life of the scheme is time limited. Where the applicant was deciding between acquisition of rights or temporary possession, the applicant's position is that temporary possession powers are

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not intended to extend for that duration of usage of land for cabling, for example, so that it would be appropriate to seek an easement for the cable rights and not a temporary power to keep that land. It

also doesn't require the applicant to be in possession of the land. So the applicant is in possession of the land during the construction activities. It would physically fence off, for example, the working area whilst it was carrying out works.

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But once the works are completed and the land has been restored, then possession of that land can be handed back to the landowner. However, the applicant needs to have a property right for its cabling and that was considered appropriate to have a permanent right. Another option would be to, for example, acquire the freehold of the subsoil, but the applicant didn't consider that that was appropriate in these circumstances and that a right was sufficient to keep the cable in place to be able to use the cable for the transmission of electricity and to have a right of access to go in and maintain and inspect that cable during its operational life to ensure its safety.

01:12:22:24 - 01:12:24:05
If you look at other

01:12:27:14 - 01:12:58:19
electricity transmission license holders or distribution license holders, then they have obviously the flexibility to either seek easements from landowners or they have the ability to seek away leave. The applicant's position is that and I think it's set out in the policy as well that it's more appropriate to seek permanent rights for electrical infrastructure for these types of projects going forward.

01:13:00:00 - 01:13:18:12
Thank you. Just wonder in terms of the activities required. So I understand the reasons for the power is being sold. But in terms of East Pie Solar, what activities are these rights required for? You mentioned cabling, but I'm not quite clear what that means in terms of is it maintenance? Is it replacement? Is it possible to try and fight the activities? You.

01:13:19:18 - 01:14:05:13
Catherine Fields, the applicant. Yes. So Schedule eight sets out the purpose for which those rights are required and the relevant plot numbers. There are effectively four main rows in this table. The first section, so the first row with the plot numbers, those relate to rights to maintain hedgerows. So it includes both the right to go and either improve by filling up gaps in hedgerows for example, to replace hedgerows that have become diseased for example and to do other management activities such as pruning for example.

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So that's the first bit, both the ability to put in the hedgerow and then the ability to maintain it going forward as an example. In order to get to that bit of hedgerow, in order to carry out those installation or maintenance works, you also require a right of access. So that's the second sort of part in column two. So you have the both the right to do the activity and then the right to walk or drive across the land in order to do that activity. And then the third part of that first sort of type of right is a restriction.

01:14:42:07 - 01:15:06:07
And so that prevents the landowner from removing the hedgerow that you've just put in place, for example, or doing works to chop down that hedgerow. And then the applicant considers it's

appropriate to do so because it's relying on that hedgerow for mitigation purposes. So that's the sort of scope of the rights and how they relate to the activities that the

01:15:07:23 - 01:15:26:20
applicant is seeking to do. The next sort of type of right relates to access. So that's the ability to and we're talking here about either accesses off the public highway, so where we've needed to create or

01:15:28:13 - 01:15:55:26
more formalize an existing access or improve an existing access and it gives us the ability to do those alterations or improvements. It also then gives us the ability to make sure that that is maintained throughout the lifetime of the scheme. So that's the actual activity that you're seeking to do. As with the hedgerow rights, you also need to have the ability to walk across the land in order to do those access improvement works.

01:15:57:26 - 01:16:07:28
It also includes the ability to put up fencing or gates. So quite often, if you're creating a new access point, then the landowner might not want that to be

01:16:09:21 - 01:16:21:29
an open access off a public highway. So you might want to put in a gate for security purposes. So it gives you a property right to do those works. And then similarly, you have the sort of

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rights for maintaining any hedge rows that are associated with that access point. So visibility display, for example, you would need for every activity that you want to do, you need an equivalent property right to be able to go onto the land to do it where it's located on private land and not a public highway. So each of these rights include both the right to do the activity and then the right to go on and access the works to do it. And then it also includes the restriction on the landowner from removing the works you've done or blocking them up in some way.

01:16:58:29 - 01:17:29:00
It would prevent the landowner if you've created an access from locking that gate and not giving you a key, for example, or letting it planting something there or putting a shed there or something along those lines. So that's what these restrictions are designed to do. The next tranche of rights relates to the cable, underground cables itself. And again, that includes both the activities you want to do, so the ability to install the cable, then to use it protect it going forwards.

01:17:29:14 - 01:17:45:07
The ability to access the land to do those works. It's called a right of support, so the landowner doesn't dig a large hole next to your cable that would cause it to subside, for example, or get and be exposed if it was going to reduce the

01:17:47:03 - 01:17:58:26
level of land or the soil on top of the cable. It also gives the applicant the ability to divert any services. So where landowners might have

01:18:01:13 - 01:18:27:17
pipelines for water to provide water to fields, for example. The applicant may, as part of the construction of the cable, need to divert that pipeline so it gives a property right to enable the applicant to do so and then similarly with the restrictions in place. And then the fourth tranche of rights relates to the overhead line works, and that includes both the ability for National Grid to do

01:18:29:22 - 01:18:38:21
install the new pylons and remove the existing pylons if required, but then also to go back in and maintain them on an ongoing basis.

01:18:39:22 - 01:19:06:09
Thank you. That explains very well the reason why those rights are sought. My next question really comes on to the extent of the permanent rights being sought. I think what we want to understand is how can we be satisfied that the permanent rights retained following construction represent the minimum right reasonably necessary for the purpose of Section one hundred twenty two subsection two and where is the assessment evidenced? Thank you.

01:19:09:12 - 01:19:40:08
Claire Greenfield, applicant. So when preparing the right schedule, the applicant has been mindful of what's required both to undertake the activities I've mentioned, but also to ensure the safe protection of the cable or the other elements of the scheme going forward. So the applicant has been mindful of what's actually necessary and the applicant's position is that all of these elements are necessary to do the activities that I've mentioned.

01:19:41:14 - 01:20:17:01
The element that is open to flexibility is the spatial extent of the rights being sought. So all of the rights are necessary, but in respect of the cable route corridor, as I said before, permanent rights would only be sought over the area of land that the cable is actually located within. So the exercise of the powers would be spatially restricted at that point in time. But the nature of all of the rights sought are necessary for the activities required to both use and protect the scheme going forward.

01:20:19:12 - 01:20:29:14
Thank you. My question was in terms of the assessment, is it evidence? I think you've explained the assessment, but I wonder is it evidence or could it be provided in evidence to the examination? Thank you.

01:20:30:13 - 01:20:31:26
Claire Bloomfield of the applicant.

01:20:34:00 - 01:20:44:09
There isn't a table as such, and I'm not aware of any such table being requested on other DCOs that require similar

01:20:46:05 - 01:21:07:20
rights being sought for similar types of apparatus. I mean I think the answer would be the same for each of the plots. So for the plots where we've identified an activity being required, then the answer

would be yes, the rights being sort of proportionate for that particular plot, for that particular activity. And that's the reason why we've included them.

01:21:09:17 - 01:21:25:29
Thank you. I'm curious, I think we have to be satisfied that the permanent rights are the minimum reasonably necessary. You have said the assessment was undertaken. I'm just curious whether the assessment has been documented and if so, can that be provided into the examination? That's the essence of my question. Thank you.

01:21:30:23 - 01:21:35:02
Library and Filthy applicant. I do understand the question. I'm just trying to

01:21:37:05 - 01:21:38:13
identify how

01:21:40:18 - 01:21:49:00
that assessment could be presented on the basis that that work has resulted in the information that you have in front

01:21:49:02 - 01:22:07:01
of me. If I can make a suggestion, we have agenda item six towards the end of today's proceedings. If you need some time to think about that, I'm receptive to any options that you're willing to present to the examination authorities, perhaps to reflect on the action point I've put to you and we can discuss this further at Agenda Item six. Would that be reasonable?

01:22:08:21 - 01:22:24:17
Claire Broomfield for the applicant. Yes, to take away and give some thought during the course of today as to whether there is any further information that could be helpful and not just reiterate the information that's already been provided to you.

01:22:26:17 - 01:22:42:08
I would say that the rights being sought in their justification is standard and consistent with the rights being sought on other DCOs that have been consented for similar infrastructure and the requirements of this scheme similar in that regard.

01:22:43:06 - 01:22:54:27
It's Bloomfield. Thank you. I'll allow you to contemplate that question. Perhaps we can discuss this again for Agenda Item six. Thank you. We're going to take a short break for fifteen minutes and we shall return at

01:22:56:18 - 01:23:00:01
shall we say eleven forty? Thank you.

01:23:03:24 - 01:23:08:03
We can discuss after the break. Is that okay? We can take a question after the break. Thank you.