Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	East Pye Solar
Hearing:	Transcript of compulsory acquisition hearing 1 (CAH1) – Part 3
Date:	18 November 2026

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FULL TRANSCRIPT (with timecode)

00:00:07:02 - 00:00:44:16
Thank you, everyone. Welcome back. It's two o'clock. We shall continue this hearing and we're starting with agenda item number three, which is site specific representations by affected persons. Thank you. So under this item, I would like to hear from those affected persons whose land, rights, interests, occupation, businesses or operations may be affected by the compulsory acquisition or temporary possession power sought by the applicant. Before we begin, I would like to make it clear that the purpose of the agenda item is not to revisit the planning merits of the project generally.

00:00:45:09 - 00:01:16:22
Matters such as overall principle of solar development, energy policy, climate policy or wider planning balance are being examined elsewhere in the examination. Today, our focus is compulsory acquisition and temporary possession. Examining authority has read the written representations, responses to written questions, negotiation trackers and other submissions already before the examination. There is therefore no need to repeat in full matters that already set out in writing.

00:01:17:04 - 00:01:27:04
Written and oral submissions carry equal weight. Before we begin, I understand that a number of affected persons represented by Durant's

00:01:29:04 - 00:01:50:14
have raised substantially similar concerns relating to land take, cable routing, easement with, agricultural impacts, negotiation alternatives and private loss. For the purpose of hearing management, could I ask that Durans clarify how these affected persons wish to be represented today?

00:01:53:01 - 00:02:08:24
Richard Prentiss for Durans. I've got some comments to make in my submissions that will cover all of my land owning clients. They're largely affected in a similar way because we act for they're all cable corridor linked.

00:02:10:03 - 00:02:16:24

Thank you. Just for the purpose of the recording can you please confirm the landowners, the affected persons who you are representing? Thank you.

00:02:18:17 - 00:02:35:22
Rich apprentice for the Alexander family, Jonathan Cole and John Cole Farms Limited, John Ellis, C. G. Moore and Sons, Ralph and David Penn, the Thacker family, David and Elaine Wilson and Pamela Wright.

00:02:39:10 - 00:02:42:13
I just thank you. If you wish to make a submission now, the floor is yours. Thank you.

00:02:43:14 - 00:03:08:18
Thank you. We've already made written representations and we've only really briefly wished to add the following points. Doctor. Berry has already covered many of the things that I wanted to say this morning and I won't reiterate them, but I would reinforce her comments. The landowners we represent are impacted by the cable corridor route and they don't have any solar arrays being constructed on their land.

00:03:10:13 - 00:03:54:12
We feel that the alternative route that alternative routes have not been satisfactorily investigated by the applicant and we understand that there is a statutory obligation to investigate alternative routes. We struggle to understand how the applicant can be granted the acquisition rights it requires to enable the scheme when the cable route is so vague and the termination point and grid connection remain undetermined by National Grid. Given what we've heard this morning in the hypothetical scenario where the substation is to be relocated, we would like to know how the rights to connect a substation outside the existing DCO boundary might be acquired by the applicant.

00:03:56:19 - 00:04:08:26
We feel there's been limited consultation with landlords landowners as to the exact location of the cables within their properties. We are not aware of any landowners' requests having been taken into account as part of the design process.

00:04:10:20 - 00:04:24:11
Following on from this point, if there is flexibility on the termination point for the route for the substation, it seems entirely reasonable that where landowners have a preferred route that this should be taken into account and the route modified accordingly.

00:04:25:26 - 00:04:40:20
I'm surprised to hear that workshops were not minuted regarding the effective design, and it seems surprising that there's therefore no audit trail of that decision making process, which significantly impacts many of the landowners.

00:04:43:01 - 00:05:19:17
As I said, many practical details remain outstanding and haven't been explained to landowners adequately. There's little understanding of how the underground infrastructure may impact their ongoing cropping of the land with cable junction boxes, etcetera, that might be factored into their

boundaries. We also have concerns regarding ongoing impacts to underground land drainage schemes that will impact ongoing farming of the land. To reiterate, the design includes too much design flexibility and not enough certainty at this point.

00:05:20:26 - 00:05:40:20
We heard today about hedge row maintenance access rights. These have not been discussed with landowners in any great depth, and we have significant concerns regarding their ongoing impacts to landowners where the applicant or subsequent users may have rights of access over their land.

00:05:43:17 - 00:05:59:21
Following on from that, we are concerned that the applicant is using mitigation and screening as a way to satisfy statutory requirements under d and... B and G that should perhaps be satisfied on a more commercial basis.

00:06:02:07 - 00:06:03:20
I think that's all I wish to

00:06:03:22 - 00:06:22:20
say at this point. Thank you. Mr. Prentiss, thank you. Just one point clarification. You mentioned about preferred routes. Was that preferred routes put forward by the affected person to the applicant? Is it sense that they suggested alternative routes to the applicant? I just want clarification on that point. Thank you.

00:06:22:22 - 00:06:29:21
I don't think there was an opportunity for alternative routes to be discussed. It was very much a this is the route.

00:06:33:18 - 00:06:44:08
Mr. Prentiss, thank you. And just in terms of negotiation with the applicant, can you give us a summary please of the progress of the negotiations of your effect of the persons you represent and the applicant? Thank you.

00:06:44:25 - 00:06:53:07
Rich Prince to the landowners. We've had ongoing meetings with the applicant and their agents, Del Coral McCarran. We held we've had

00:06:55:09 - 00:07:34:14
draft heads of terms for some time. We've had a meeting relatively recently, which we discussed the heads of terms. That was a full day meeting, very constructive. We went back to them with all the points and concerns that we had. They've subsequently come back to us with points that they can accept and points that aren't acceptable to them. We've got another we're hoping to have another meeting scheduled for probably later in December or the New Year to take that forward. At the current time, the heads of terms aren't in a position that any of our clients or landowners are prepared to sign.

00:07:36:19 - 00:07:58:29

Thank you. So we discussed alternatives. We discussed progress with negotiations. I'd like to understand the issue of private loss. So for the eight affected persons that you're representing, can you give me sort of an oversight of the private loss that they would as far as you're aware, they would suffer or be affected by? Thank you.

00:08:01:04 - 00:08:11:14
Rich apprentice for the landowners. Private loss in terms of they are the applicant is going to have an impact on their ongoing

00:08:13:09 - 00:08:46:03
enjoyment of their property. There will be cables under the ground that will have an impact on them at some point in the future, whether it just means someone's got to come on in the future and do a repair. That is always going to be sitting in the back of their mind. And then there's others who are going to have more significant visible infrastructure that may impact their farming, whether it's a link box or a junction box that they have to plow around or avoid.

00:08:46:15 - 00:09:05:04
We've seen other schemes where the cables haven't been installed to the correct depth that then leads to ongoing problems with drainage or cultivations at reduced depths or hitting cables and things like that. I'm not saying that's going to happen, but we need to have suitable protection

00:09:06:20 - 00:09:14:24
whatever is granted that our clients and landowners can continue to farm their land without impact.

00:09:18:22 - 00:09:36:22
Mr. Prentiss, thank you. I just want to get a sense the of coverage of the acreage or the land that we're discussing here. So you have eight persons out. I've taken a look myself on the land plans and I get a sense that is quite an extensive coverage in terms of the project. Can you enlighten or can you confirm that?

00:09:37:07 - 00:10:01:08
I can't confirm it here, but I can do some mapping later on and give you an answer explaining the length of corridor easement that we personally act for. There are other agents who aren't in the room today who act for other landowners who are in a similar position.

00:10:02:21 - 00:10:11:11
The principal take that as an action point, would be very helpful to have a sense of scale and the extent of the corridor that for the landowners that you're representing. Thank you.

00:10:13:06 - 00:10:21:04
And just to be clear in terms of the farming practices, so is it are you going to advise on the farming practices that are

00:10:21:22 - 00:10:50:24
Rich, for the landowners. So most of the landowners that are impacted will effectively be arable farmers. There will be some mixed farmers as well. So there'll be an element of grassland, but most of

the arable farmers will be farming their land with a traditional rotation of wheat, barley, sugar beet, cereals and there may be some clients who some landowners who have environmental stewardship schemes that may be impacted.

00:10:59:06 - 00:11:12:14
Mr. Prentiss, thank you. And again, in terms of negotiations, can you discuss or explain the mitigations that are falling part of the handset terms? Is it possible to relay those at the examination?

00:11:15:20 - 00:11:53:27
Richard Prentiss, for the landowners, by mitigations are you meaning remedial drainage that sort of thing? Yes. So they will all fall part they all form part of the heads of terms and the applicant has already provided soil management plans and documents that are part of their application that will be effectively linked to where if agreement can be reached, they'll be linked to the heads of terms. So the it's the same documents and we're working through those where feel there's things that needed to be added in, they're being negotiated on a commercial basis.

00:11:56:07 - 00:12:12:21
And just thank you. And perhaps this question may be speculative, but in terms of the examination of this development consent order, do you consider agreement remains achievable between the applicant and the eight affected persons that you represent? Thank you. Richard Brantes, for

00:12:12:23 - 00:12:18:16
the landowners, it would be bold of me to predict what my clients might wish to do.

00:12:20:02 - 00:12:46:09
But all I can say is progress has been made on the documents. It will be down to the individual landowners as to whether they agree the terms. But and there will be some that will object on as a matter of principle and they will sit back and rely on the statutory provisions as may or may not be granted. But there's still quite a long way to go.

00:12:48:17 - 00:12:52:02
Mr. Prentiss, thank you. I just think my colleague made a question for you.

00:12:56:12 - 00:13:41:05
Thank you. Mr. Prentiss, some of your comments are quite generic in terms of some are horrible, some are not. It might be helpful it's if not already been provided and forgive me if you have already provided it, just to get a bit more sort of detail and do this for us as an action point. Is the affected party by affected party effects? Because obviously, you've talked about generic effects, which is helpful, but in terms of splitting those down to each affected person, how they are affected so that they can be split. Because obviously, when we do our recommendation, we're to have to assess what the private losses for each against the public gain in terms of our one of the tests that we need to assess in terms of other CA powers being sought being appropriate.

00:13:41:07 - 00:13:52:24
So it would be helpful to get detail as you're willing to provide on that. I'm not saying you need to provide it now necessarily, but certainly as an action point for the next deadline that could be helpful.

00:13:53:15 - 00:13:57:13
Average percentage of the land is we can take that away as an action point and provide it by the next deadline.

00:14:01:17 - 00:14:08:15
Mr. Prentiss, thank you. You raised a number of points in your submission. I just got look to the applicant to see if you're willing to make a response to those points. Thank you.

00:14:11:03 - 00:14:48:17
Claire Broomfield for the applicant. Yeah, thank you. As you noted there were a number of different points raised there some of which obviously we've touched on already, some of which are subject to further written question responses. So obviously, in terms of the alternatives considered specifically for the cable route, just to flag, obviously, you've asked question, which is 2.5.7b for our summary of the alternatives considered and where and the reasons why those alternatives were discounted.

00:14:48:19 - 00:15:03:29
So we'll be providing further information more specific information in response to that particular question. We were also had an action to look through and see where landowners earlier in the hearing where landowners

00:15:06:11 - 00:15:39:07
where changes have been made to the scheme in order to accommodate landowner requests or reduce the compulsory acquisition powers being sought. So we've got an action to do an exercise to identify any requests that were made by cable owners and what and the reasoning was why we weren't able to accommodate those requests. Obviously, the scheme before it submitted the DCO application did consult with individual affected landowners, but also, obviously, generally with the community on the proposed routing.

00:15:39:09 - 00:16:24:25
So all landowners have the opportunity to submit comments on the proposed route as part of the consultation process more widely as well as specific conversations that were taking place with individual landowners. So the opportunity to provide comments on route selection was afforded to landowners during the pre application process. In terms of I think a number of the points are related to your question regarding private loss in terms of the effects experienced by landowners during construction of Cable Route corridor, but then also ongoing operational impacts that might be experienced by landowners.

00:16:24:27 - 00:17:21:18
Obviously, the applicant accepts that during construction, there will be a level of disruption whilst the cable is being installed. The landowner will be compensated for that disruption in the event that voluntary agreements are not reached, then the compensation that's payable under the compensation code includes both, obviously, compensation for the easement that is being sought, but then also other losses that are incurred by the landowner should they be evidenced in the voluntary agreements, there were provisions to provide for compensation for crop loss, not just during the actual construction period itself, but as the land is obviously, it'd be restored following completion of the construction, but

it's acknowledged it can take a period of time for yields to go back to how they were prior to construction.

00:17:21:20 - 00:17:40:14
So all of those evidenced losses would be compensated for. So as far as the applicant is concerned in terms of construction, that we haven't identified any private loss that couldn't be adequately compensated for. In terms of ongoing operational requirements, there

00:17:42:00 - 00:17:54:14
are a number of commitments and parameters that are set out in the design principles and parameters and commitments document, which the latest version is REP one-seventy eight and that includes a commitment to

00:17:57:04 - 00:18:34:16
keep or install the cable at a minimum depth of one point two meters below ground level, which unless there's a particular obstacle that would prevent that from happening and therefore the applicant's position is that your normal agricultural activities are able to resume with the cable being located at that depth. In the unlikely event that it's not possible to install the cable at that particular depth, then compensation would be payable for restrictions on the use of that land going forward as result of the shallower depth of the cable.

00:18:37:24 - 00:18:48:04
There was also a point raised about impacts on junction and limp boxes, the parameters again set out the kind of

00:18:50:07 - 00:19:28:27
the commitment simulation to that and where the applicant obviously where manhole covers are required, so where there is an element of surface level infrastructure required, then that would be located within field margins where reasonably practical to do so or other locations that have been consulted with the landowner on that. And then if it's not practical to place them in those field margins, then we would be looking to demarcate the area with fencing so that there wouldn't be any inadvertent damage either to the applicant's equipment or to the landowners machinery.

00:19:29:11 - 00:19:48:01
And then there would be compensation for the fact that, that fenced area was not available for farming usage. So the applicant's position is that, see, the need for the scheme and the benefits of the scheme outweigh any private loss, but that the private loss that is suffered is able to be adequately compensated for.

00:19:52:15 - 00:20:29:07
Thank you. I'm just taking stock of the fact that there's very constructive discussions between Mr. Prentiss and the applicant, yet there are still matters that seem to be unresolved and have been brought to the examination as though they either haven't been discussed or we're hearing them for the first time. In terms of the dialogue between the applicant and Mr. Prentiss, are you able to discuss the points that you bring to us today, Mr. Prentiss, as part of those discussions or not? Issues such as

alternative routes with the cable corridors? Are these points that could be raised as part of your discussions with the applicant concerning the heads of terms? Thank you.

00:20:32:22 - 00:20:51:27
Richard Bringsley, the landowners, I think they need to be discussed on a case by case basis, but not for today. I think that's got to be between us, the landowners and their agents. I think the number of alternative routes is significant and variations. I think we need to come back to you with those

00:20:51:29 - 00:21:07:15
details. I just wondered whether you're in a position to commit to have those discussions with the applicant to address the points you've raised in your written representation. Could those points be raised in discussions with the applicant when discussing the heads of terms? Thank you.

00:21:07:20 - 00:21:10:02
Yes, quite happy to have those conversations.

00:21:10:23 - 00:21:13:12
I'm looking to the applicant to see whether they are agreeable to that.

00:21:26:04 - 00:21:43:11
Adam Canning on behalf of the applicant. I mirror some of Richard's comments there about points that we're discussing in our heads terms negotiations, particularly around drainage, junction boxes and impacts on farming. It's all part of the discussions that we're having and hope to make further progress.

00:21:46:02 - 00:21:50:19
Thank you. That is helpful. Malid has a question for the applicant only. Thank you.

00:21:52:09 - 00:21:59:18
Yes, probably a question for Mr. Prince. There's been a very brief discussion of link boxes and

00:22:02:16 - 00:22:36:23
joint base, etcetera. And are you aware, Mr. Prentiss, of the various outlined management plans, particularly the construction management plan, operation management plan? Because, obviously, they contain measures to seek to protect uses such as agricultural uses, probably fair to say. And it would be helpful if you've not already seen those, if you perhaps could engage with those on the measures they include. I think they probably include, in fact, would you like the app just to sort of just set out in terms of how they might relate to some of the concerns that Mr.

00:22:36:25 - 00:22:56:23
Prentiss has in terms of Drainage, Pharmaccess, LinkBox, Joint Base about the measures that are in there because it would be helpful I think that Mr. Trentis was you might be aware of those or not, I'm not sure. But if you've got comments on those to give to the applicant then we would certainly encourage a dialogue about those because those do appear to be relevant to some of the concerns that you are I

00:22:56:25 - 00:23:31:02
think we're aware of them. The trouble is there's no detail. So a landowner needs to know where a box is going to go. If it's in the hedge line, that's absolutely fine because he can carry on driving his tractor through his field and carry on as if East Pine never existed. If it's fifteen meters into the field and he has to drive around it every time he wants to spray his field, combine his field, cultivate his field, that is a significant impact. And yes, compensation can be paid, but he's still got to drive around it and the money never really covers the aggravation.

00:23:31:04 - 00:23:45:19
So yes, we are aware of it. We're aware of what they want to do. What we'd really, really like to do is actually have some detail so we can actually advise our clients about what's happening. It looks like we're building a motorway, but we don't know where

00:23:45:21 - 00:24:19:06
the junctions go. And if there's any particular comments you want to make on the level of detail provided, obviously then discuss that with the applicants. And by all means, put that into the examination because that may or may not be helpful. Obviously, it depends on whether or the applicant is willing to make any changes to those documents. But those documents are they are quite key, aren't they, to the actual construction process and how this project goes forward in construction and beyond. So I would certainly encourage that engagement to see if there can be any movement or dialogue in terms of timing up some of those requirements as is reasonable, of course, for both parties.

00:24:19:08 - 00:24:21:09
I don't know if you want to comment on that.

00:24:22:13 - 00:24:33:29
Claire Broomfield, for the applicant, yes, as Mr. Prentiss said, he's aware of the outline management plans, and they obviously seek to provide a framework within which the detailed design of the scheme

00:24:36:04 - 00:24:55:25
will fit. So as is typical for NSIP projects of the scale, the level of detail in terms of the specifics that Mr. Prentiss is asking for just aren't available at the moment. So the applicant's position is to therefore seek to include commitments in the outline management plans that will

00:24:58:02 - 00:25:11:05
give a framework for when that detailed design is carried out. So for example, the location of link boxes and those sorts of things are very much dependent on type of circuits, the number of circuits, the length of cable that has been

00:25:13:05 - 00:25:49:17
ordered for this particular scheme. So that detail level isn't available at the moment. But what we have got in the outline management plans is commitments to try and locate those in the least disruptive location practicable. But that is unfortunately as far as we can go, which I appreciate is frustrating for landowners who would much rather have greater specifics about the scheme, but that's just not unfortunately available at this point in time. We are looking at ways in which we can perhaps provide

a bit more clarity, particularly in relation to drainage in the outline management plan specifically for the cable corridor.

00:25:49:19 - 00:26:15:11
And we're aware that there have been discussions going on in a voluntary context, and it would be useful for those commitments to be replicated in the outline management plans because we're obviously mindful that perhaps not everybody would sign a voluntary agreement, but they still are entitled to have the same protection in relation to drainage, for example. So that is an ongoing exercise, and you can expect the outline management plans to be updated, if not for the next deadline then the deadline Thank

00:26:16:10 - 00:26:33:04
you. And we would encourage obviously the outline management plans are outlined and obviously we know the policy and guidance and advice except from the use of Rochdale envelope, etcetera. But for example, there could be some site specific circumstances raised by Mr. Prentiss on behalf of his clients.

00:26:35:04 - 00:27:03:12
They did maybe before the examination or not, where it might actually be advantageous to have a bit more further detail, if I can use that word, in this particular site specific circumstances. I don't know if there is, but I'm just it's just a suggestion where there might be able to be some sort of tightening up, but there are particular things that can be included in them. Because I've seen that before where there have been these discussions and those discussions have been quite helpful in terms of whilst there's still an outline management plan, there is a little bit more sort of site specific sort of position, which might be able to address some concerns.

00:27:05:10 - 00:27:34:16
Keb Broomfield for the applicant. Yes, definitely. And I know that there are a number of other landowners who may well be speaking today or have submitted representations in relation to very specific activities that take place on their particular fields, which are not sort of the general arable usage that Mr. Prentiss has referred to. So we are exploring ways in which there could be further commitments included within the outline management plans to provide for those very specific

00:27:36:04 - 00:27:45:05
land uses or specific impacts that might arise depending on the timings of the works. But yes, as you say, if landowners have very specific

00:27:46:24 - 00:28:02:11
site requirements, then we would encourage those to be raised as part of the heads of terms negotiations, appreciating that obviously the heads of terms are being discussed sort of at a higher level for all landowners and then will come down to be discussed in a more site by site basis.

00:28:07:08 - 00:28:09:13
You. Mr. Prentice, do you have anything further to add?

00:28:10:19 - 00:28:11:17

No.

00:28:12:11 - 00:28:13:17
Thank you very much indeed.

00:28:15:21 - 00:28:21:21
Can I ask if John Fry or Anne Fry are present? Mr. Fry, can you come forward please?

00:28:31:14 - 00:28:36:27
Mr. Fry, thank you. I understand you're representing your good self and Anne Fry. Am I correct?

00:28:37:23 - 00:28:40:16
Yes, that's correct. Mr.

00:28:40:18 - 00:28:42:02
Pry, the floor is yours. Thank you.

00:28:42:14 - 00:29:16:06
My wife and I live at the old rectory in Saxiom Navigate, a grade two star listed house and curtainage designed by Sir John Soane in the eighteenth century. Via our MP and in responses by East Paisola to the planning inspectors, we learned that our house and garden are no longer subject to compulsory purchase. Other previously threatened properties along the AIR route include the war memorial have also been excluded from compulsory purchase.

00:29:16:23 - 00:29:41:02
We have however ever received nothing from East Pie confirming this. We request therefore that the applicants confirm in writing to each of the previously threatened properties along the AR route through Saxiom Get... Nethergate and elsewhere that the issue of compulsory purchase, temporary possession, or other compulsory rights impacting them have been removed.

00:29:43:06 - 00:30:27:20
The AR route, however, is still planned to pass through our village. Total weight of the vehicle is a hundred and forty six tons and a width of four point eight eight meters. The road width is only four point one one meters at its narrowest point outside our house. The vehicle will therefore overhang the sides of the road. This is further exaggerated by the curve in the road. The plan produced by Winds Transport published at page fifty eight of volume three appendix eleven point one indicates a required overhang of four forty millimeters on our side of the road and five twenty millimeters opposite.

00:30:28:18 - 00:30:51:25
I should also note that the drawing on page fifty eight is inaccurate, showing an incorrect positioning of the retaining wall, the eighteenth century retaining wall. This vehicle overhang means will hit retaining wall and railings and require the ancient U hedge to be cut back or felled.

00:30:53:11 - 00:31:30:19
The hedge had its annual trim last week and further cutting is likely to destroy it. The hedge is the lead photo in the village conservation area document. So while the threat of compulsory purchase has

been removed, the threat of damage to our grade two star listed property is not. Our neighbors fear similar damage to their listed houses. The applicant states that trimming, cutting of vegetation, by presume, I mean, mature trees, including mature trees, will only be carried out with the permission of the landowner.

00:31:31:18 - 00:31:43:04
So what would happen if permission is refused? Will an alternative route be sought or will some form of compulsory instrument be used?

00:31:45:14 - 00:32:21:18
So may I suggest the planning inspectorate that an extremely inaccessible site has been chosen by the applicant for the transformers on-site seven f, both for construction and for future maintenance. All routes to the site are unsuitable. The one through Saxiom Nethergate being particularly so with likely damage to many listed buildings, trees, road and drainage infrastructure, and wildlife. There are many alternative options for transformer sites with far better access routes from the a one forty and b one five two seven.

00:32:22:17 - 00:32:38:14
Might the applicants be persuaded to choose a more accessible site for the transformers with less damage to our environment. While it might not be optimal for East Pye's costs, it would reduce dramatically the damage of the project to our community. Thank you.

00:32:40:23 - 00:32:53:27
Thank you, Adrian. Just to reassert that this hearing is concerning the compulsory acquisition matters. I note the point you've raised. I will ask the applicant to respond to you, but I suspect they're only obliged to respond to you on the matters of compulsory acquisition and temporary possession.

00:32:54:16 - 00:33:07:12
I think it's linked together in that we don't believe that the route is feasible without some form of compulsory action or voluntary agreement by ourselves.

00:33:09:00 - 00:33:32:20
To try to think in two important points, I'm sure the applicant will come back to you in terms if I'm correct, it's to confirm in writing that CA and TP powers no longer apply to your property. And the second point you raised is concerning the cutting back of hedges which you say require the landowners consent. And if I understand correctly, you may not provide that consent. Am I correct?

00:33:32:25 - 00:33:40:10
We read in recent submission from applicants that they would only do cutting of vegetation with the owners consent.

00:33:40:29 - 00:33:46:13
Mr. Fry, thank you indeed. Perhaps to the applicant if you're willing to address both points. Thank you.

00:33:48:18 - 00:33:57:19

Claire Broomfield for the applicant. I wonder if it might be helpful if we brought up sheet three of the land plans just so we can all be clear that we're talking about the right plots here.

00:34:05:02 - 00:34:06:24
Just wait for the plan to come up.

00:34:08:17 - 00:34:15:21
While it does, the other point as well is the potential inaccuracy in the drawing mentioned regarding the position of the retaining wall.

00:34:17:28 - 00:34:40:22
Cleburne Field, the applicant. Yes, I've noted that. I don't have anybody here who can comment on that, but it's a point we will take away to double check. Similarly, I obviously don't have my transport expert here to talk to how an AIL vehicle would be maneuvered to talk through how it would be able to access

00:34:43:06 - 00:35:03:13
down the existing highway, but may well be that that's a topic for a further issue specific hearing in terms of having somebody speak to the practicalities of it. Obviously, aware of the SWAT path analysis that's been undertaken, but in terms of having somebody talk you through it, then that could

00:35:03:15 - 00:35:05:01
be provided in case.

00:35:05:06 - 00:35:15:25
That may be the case, as you said, without committing, of course, yet to the exact agenda. Do we make the action an action point, the one that points about the inaccuracy of the drawing just so that can be looked at that can be a

00:35:16:06 - 00:35:26:06
Fair Greenfield. Yes. My understanding is that the issue that was raised was in relation to where the location of the retaining on drawing. that And

00:35:26:18 - 00:35:42:03
as always, that might involve actually useful a discussion between yourselves before you put something in writing to us because it may be that that might be helpful and might iron out any misunderstanding from either side on the drawing. That might be something which could help.

00:35:44:00 - 00:36:16:21
Gabriela from the applicant. Yes, we can make arrangements for perhaps there to be a call to discuss that point perhaps after the hearing. So looking at the plan that has been put on the screen there, so that identifies that temporary possession powers are being sought for the extent of the public highway in this location.

00:36:16:23 - 00:36:41:00

So it's correct and we did write to landowners, as I understand it, to confirm that we were not seeking compulsory acquisition or temporary use powers over land outside what we understand to be the public highway extent. So these are in terms of houses and gardens, those are not included within the extent of the land here.

00:36:42:23 - 00:37:15:28
However, it is typical NZIP projects because there is, I guess, a certain degree of uncertainty in terms of the actual extent of the public highway to include that within your temporary possession powers so that to remove any uncertainty in terms of ensuring that you can remove any street furniture or carry out any works to verges, etcetera, when undertaking those works.

00:37:16:12 - 00:37:21:28
So that's why it's all been included in that area.

00:37:24:03 - 00:37:59:22
So that was just to clarify that there are still temporary possession powers being sought in relation to the road here. So I didn't want there to be any misunderstanding of what was still included within the DCO application. But the spatial extent of the temporary possession powers are as shown on that plan, so they don't extend and cover any private properties. Obviously, in terms of notifying people as part of the book of reference where any land is being included,

00:38:03:00 - 00:38:22:15
it's an obligation on the applicant to identify any person who may have an interest in that plot and where that land is part of the public highway and that highway is not registered and the freehold is not registered to the local highway authority. There is a presumption

00:38:24:03 - 00:38:30:06
that the owners either side of that highway own up to the midpoint of the subsoil of the road.

00:38:33:27 - 00:39:01:04
Whether they may not do, but that's the legal presumption that applies in the absence of any evidence to the country. So when it's even if you're not doing any works to the subsoil because we've included the plot within the book of reference. We have to name all of those persons we think might have an interest in the subsoil and we were therefore required to write to everyone. One to establish their interests and then two to notify them of the scheme. So

00:39:02:26 - 00:39:12:14
that was reasoning why people received letters from the applicant in relation to the neighboring properties along here. It's a statutory

00:39:14:05 - 00:39:24:28
obligation for us to both identify and notify potential owners of the subsoil, even though the works that we're looking to undertake are to the surface of the highway in this location.

00:39:25:24 - 00:39:41:02

I have one question. I'll return to Mr. Fry, if I may. But my question is in relation to the uncertainty regarding the highway boundary. Have the local authority provided you with any assistance in determining the edge of the public highway or the extent of the public highway? Thank you.

00:39:43:07 - 00:40:11:17
Claire Broomfield for the applicant. So the extent has been based on the mapping that's been provided by the local highway authority. And so it's based on the mapping that's part of their database. However, it is acknowledged that sometimes that mapping can be incorrect when you actually get on to the site. So that's why typically most nationally significant infrastructure projects will include temporary possession powers where it's known that they might want to do some works

00:40:13:19 - 00:40:14:13
cover that.

00:40:15:22 - 00:40:49:07
Seems quite an important point because it's of concern to Mr. Fry that the scheme may have an impact on his property or indeed his hedgerows. So I wondered whether there was practicality of us meeting with the highways inspector on-site to provide absolute certainty on the extent of the public highway. It seems pretty apparent from site observation what the extent of public highway is, whether it's done with the local highway inspector or the applicant's team. I'm surprised to hear that that's still uncertain, that there's a lack of certainty given the interest we're getting from this location regarding the movement of AILs.

00:40:49:21 - 00:41:06:20
If there's uncertainty about the extent of the public highway, I put it to you, how can your consultants accurately determine the movement of an AIL vehicle through the village? Surely it's fundamental that the edge of highway is absolutely known and there's complete certainty on that.

00:41:09:13 - 00:41:19:25
Claire Bloomfield, for the applicant. So obviously the highways consultants have been out and measured what they consider to be the extent of the highway in terms of part of the assessment

00:41:22:04 - 00:41:26:21
of the AL suitability for that REIT. I think that is

00:41:28:16 - 00:41:45:06
slightly separate from the considering it from a property perspective. So obviously, there's the sort of the spatial extent of the actual gap that's available there. And us wanting to make sure that there aren't any tiny slivers from a property perspective that would prevent

00:41:46:26 - 00:41:48:09
those movements taking place.

00:41:50:05 - 00:42:11:03
Thank you. That probably comes back to the point about the hedge row. So in terms of is it on the public highway, is it on private property? If this cutting back to be done, is that done by the local

highway authority or by the landowner? I So still come back to the point the clarification on the extent of the highway is fundamental be it to the AIR movements, but also to the question of compulsory acquisition.

00:42:26:22 - 00:42:56:26
Claire Broomfield for the applicant. Obviously, to the extent that hedges overhang a public highway, then the highway authority have general highways powers to cut back vegetation in terms of obstructions to the highway. So there's sort of a range of powers available to the local highway authority in in that case. I think I will need to... In terms... I don't have the ecologist or whoever here to speak to this particular

00:42:59:10 - 00:43:38:05
this particular hetero in terms of whether or not it does need to be cut back in this location, but the temporary to the extent that it any hedge row is located within this yellow area, then we would have the ability under the DCO to do those work subject, though, to the management plans that provide other constraints about the timing and nature of hedgerow related works. But the temporary possession powers would enable any hedgerow any vegetation that's located within that yellow area to be cut back, for example, from a property power perspective.

00:43:38:07 - 00:43:54:01
And then the management plans would deal with the actual nature of the hedgerow activities. But it doesn't give the ability to to go on to effectively Mr. Fry's the other side of the wall, if that makes sense, and do any works to the hedgerow there.

00:43:56:15 - 00:44:19:06
Thank you. I don't want to leave with the point, but I think it's important that there is clarification on the extent of the highway, the edge of highway through this village and whether that's a matter for the applicant to engage with local authority. At some point in the very near future, but just to provide certainty to the examining authority, that is clarity on the extent of public highway and it's not in any doubt.

00:44:20:17 - 00:44:51:20
Clever and field for the applicant to avoid disappointing you, don't believe we will get that level of certainty that you're looking for. From the local planning authority or the local highway authority here, we can definitely engage with Norfolk County Council and see if they can provide the confirmatory statement that you're looking for. I can't obviously speak for Norfolk County Council in terms of whether they would be prepared to confirm that position. Obviously, we've based it on our investigations of the site and the mapping that's been available.

00:44:51:22 - 00:44:56:09
But I don't want to promise that Norfolk County Council will provide an absolute certainty.

00:44:56:11 - 00:45:20:04
Fully accept you can't commit for the council, but it would be good for you to engage at this stage with the local highway authority and determine if it's possible for somebody to establish with the highway authority or the applicant preferably the highway authority, what is the extent or the edge of

highway through the location through the village? Thank you. Mr. Frey, do you have any further questions or need any further clarification? I just would like

00:45:20:06 - 00:45:30:18
to say that plan, the yellow plan is extremely vague and if you give this permission that basically allows the applicant to do anything they will through the middle of our village.

00:45:47:23 - 00:45:52:22
Can I ask please if Mr? Pointer is present? Mr. David Pointer.

00:45:57:09 - 00:46:04:03
Okay. I believe Mr. Rich Dunham is joining us virtually. Mr. Dunham?

00:46:12:27 - 00:46:13:26
Dunham, can you hear me?

00:46:15:00 - 00:46:16:23
Yeah. I can hear you. Can you hear me?

00:46:17:05 - 00:46:19:27
Yes. I can. Mister Dunham, floor is yours. Thank you.

00:46:21:08 - 00:46:32:06
K. So I am representing myself. I'm my wife, Amanda. I believe she was down to speak as well. However, she's not present today.

00:46:34:06 - 00:46:50:15
I understand that a lot of what I'm gonna... Well, the main point why I'm joining has been covered today already, but I will... I'll proceed anyway. So

00:46:52:07 - 00:46:56:10
we... Myself and my wife are joint owners of the Cedars in Longstratten.

00:46:58:14 - 00:47:11:22
And I understand the the the the main subject today is compulsory acquisition and affected land interests rather than compensation or wider planning objections. I'm aware of that. However,

00:47:13:24 - 00:47:38:10
my concern is how the applicant has identified and assessed people who may have category three interests. So our home is grade two listed property, and majorly beside proposed East Pye Solar development of sites four a and four b. The applicant's own heritage material puts the scheme at around seventy meters from the Cedars at its closest point.

00:47:40:15 - 00:47:50:15

On the nineteenth of September, we formally asked the applicant to assess each of us as potential category three persons and consider including us in the book of reference.

00:47:52:06 - 00:48:24:22
The applicant acknowledged our request and said it had been passed to his dedicated lands team. I chased it again on the seventh of October, but we still haven't received a land interest questionnaire or a clear property specific explanation of what assessment has been carried out and why we haven't been included. So I'm not asking the panel to decide whether we're entitled to compensation. I understand that's a separate process. I'm simply asking whether our interests have been properly considered in the applicant's land referencing process.

00:48:25:02 - 00:48:43:28
If they have, I'd like to know what criteria were applied and why the applicant decided not to include us. If they haven't, I'd like that assessment to be done and the book of reference corrected where appropriate. I'd be grateful if the applicant could answer that clearly for us. Thank you.

00:48:45:01 - 00:48:51:11
Mr. Dunne, thank you indeed for your submission. I will allow the applicant to respond. Thank you to the applicant. Thank you.

00:48:53:27 - 00:49:28:02
Claire Breenfield for the applicant. So as we discussed in this morning's section of the hearing, there are specific criteria that are applied when considering whether somebody is included as a Category three interest. Particularly, we're not aware of Mr. Dunham having any rights, so like a right of way or an easement within the order limit that would trigger them being included as a Section ten claimant during construction of the authorized development.

00:49:28:11 - 00:49:29:22
So we are

00:49:31:20 - 00:50:09:21
the ability to be considered as a Category three interest would therefore fall to whether they fell within Part one claim. As I mentioned this morning, Part one claimants relate to those receptors that we think would experience physical factors as a result of the operation of the scheme. So we talked about noise and potential glint and glare effects. My understanding, noting that we have been requested in the questions to provide confirmation as to why those who've requested to be added as a Category III interest have not been added as a Category III interest.

00:50:09:23 - 00:50:17:28
So that answer will come through in writing as part of that process. But my understanding is that

00:50:19:17 - 00:50:54:13
this particular property has not been assessed to experience either of those physical factors during operation of the scheme such that it would result in a diminution in value. So my understanding is that the property is located whilst, obviously, it's very close to the edge of the order limits. It is located

approximately one hundred and forty meters away from any of the solar development operators. So there's obviously much greater distance between the property and any noise generating equipment.

00:50:54:15 - 00:51:01:17
So in the strict application of the Category three test that we've been applying here,

00:51:03:09 - 00:51:16:24
My understanding is the CDES has not been identified as being a property that would suffer from physical factors during the operation of the scheme such that it would be potentially eligible to make a relevant claim.

00:51:18:29 - 00:51:20:00
Thank you.

00:51:21:22 - 00:51:31:24
Tom gave mention to a land interest questionnaire. You may not be in a position to answer the question, but is it possible you could as an action point just to confirm whether that questionnaire is in the system, if you will?

00:51:38:14 - 00:52:11:13
Claire Broomfield of the applicant. So land interest questionnaires are sent out where we think somebody might have an interest that's listed in the book of reference. So it's to confirm who is the owner of the property, if there are any occupiers, any other interests. But in case, we have not identified this particular receptor as being a category three interest, and therefore, don't need to carry out any further land referencing because we don't need to put them in the them in the book of reference. So that is why the land interest questionnaire hasn't been sent.

00:52:12:02 - 00:52:44:05
Just to be very clear though, let's see the applicant has inclusion within the book of reference doesn't prohibit the making of a claim. So if somebody were to consider themselves eligible to make a claim once the scheme was operational, the fact that they had not been included in the book of reference doesn't in no way prevents them or makes them ineligible for making a claim. The book of reference lists the persons that the applicant considers might be eligible to make a claim based on the information that it has available to it.

00:52:44:07 - 00:52:49:04
And in this case, that's the output of the environmental impact assessment. Thank

00:52:49:26 - 00:52:59:23
Mr. Pramford, thank you. So aside from your clarification today, has the applicant been in contact with Mr. Dunham to clarify the position? Thank you.

00:53:09:23 - 00:53:30:22
Clearing for the applicant. I don't have the confirmation, but it sounds like Mr. Dunham hasn't received any confirmatory correspondence on that. So we can definitely look to doing that. Obviously,

there will be, as I said, that information in the responses to first written questions, but I'm going appreciate that that's going to be a very long document and

00:53:33:19 - 00:53:45:20
might not wish to scroll through the entirety of that, so it may well be that we can provide him with an extract of our response to that so he doesn't have to go and find it. You.

00:53:45:22 - 00:53:51:13
Mr. Dunham, do you have any further points please to raise in respect to what you've just heard?

00:53:52:25 - 00:54:01:27
No further points as long as we do get that contact from the applicant and the confirmation of what assessment has been carried out and why we haven't been included.

00:54:50:17 - 00:54:53:28
I'm just making a final call for Mr. Pointer, David Pointer.

00:54:57:13 - 00:54:58:12
Is online?

00:55:00:05 - 00:55:05:03
David Pointer? David Pointer? This is Pointer? Okay, thank you.

00:55:07:08 - 00:55:20:18
There's no further affected persons who wish to speak today who are present to speak. I can see hands raised at the back of the room and maybe an opportune time to take some questions. You've raised your hand first. Can you please come forward please? Thank you.

00:55:25:19 - 00:55:27:19
Thank you. Can you state your name please?

00:55:27:21 - 00:55:30:08
Lisa Quinn, I'm a researcher for BEPS.

00:55:33:06 - 00:55:37:28
I I did the... Based on the last

00:55:39:16 - 00:56:21:18
point with the CIDRs, I did the research of our site for a and b. And the cedars, I don't know where they're actually working out the point for the cedars, but they're actually... And I know you're going tomorrow to have a look. They're actually... The cartilage for the cedars is literally fifty meters to site four a and twenty five meters to solar to site four b. So... And they're a three story property, so therefore, glint and glare, they were looking out over four at a the front and they'll be affected at the back as well as the rest of the properties on the cartilage for the cedars.

00:56:24:19 - 00:56:32:06
It's Quinn, thank you. So just to confirm, you measured the distance from that property to the extent of site A and site B, Yes. am I

00:56:37:12 - 00:56:41:00
To the applicant, if you've got anything to respond, I'd be most grateful. Thank you.

00:56:43:01 - 00:57:01:23
Claire Broomfield for the applicant. So the distance that I was referring to was from the property to where work numbers 1A to C could be located, so the actual solar panels themselves. Obviously, there are buffers around the actual solar panel infrastructure.

00:57:03:25 - 00:57:57:26
If it would be of assistance, we can provide a little screenshot showing where we've measured from and to as an action. Would be helpful. So that there's clarity. Obviously, I did recognize that the actual order limits are much closer than that. But what we're looking at is in considering physical factors, the distance from any noise generating apparatus is what was considered as part of the assessment. And then obviously from a glint and glare perspective, that's a modeling exercise that is undertaken to establish which properties would actually experience Glint and Glare depending on a whole variety of factors, which I don't obviously have a technical expert to speak to today, but that the modeling would consider which properties are likely to actually experience Glint or Glare depending on configuration, location of the sun, location of the property, etcetera.

00:57:59:04 - 00:58:05:28
Ms. Brumfield, thank you. In the interest of responding to Ms. Quinn effectively, you could submit that information into the examination, that would be much appreciated. Thank you.

00:58:08:19 - 00:58:10:14
Ms. Quinn, do you have any further comments to make?

00:58:10:16 - 00:58:11:06
The

00:58:12:21 - 00:58:48:09
panels on-site 4A are going to be going east to west as tracking and the seed does actually faces west at the front and east at the back. So glint and glare, especially from the upstairs windows, I believe will be a real issue. Bear in mind, the whole lane or whole farm solar, which is a very small solar field that abounds East Pied foray to the west, already gives glint and glare when the sun's on it even at a low rate, and they're they're fixed north south.

00:58:49:11 - 00:59:01:13
So I believe the cedars are going to be quite impacted at the front. And obviously, the garden goes right down to the boundary, which is an open boundary to 4B at the back.

00:59:03:14 - 00:59:14:00

Quinn, thank you. The applicant has made clear their expert isn't available today. So I'm not sure the applicant is actually able to respond to that particular point. I would rather ask the applicant to respond acknowledging their expert isn't here today. Thank you.

00:59:20:09 - 00:59:23:27
I can see one of the hand raised. If you want to come forward please. Thank you.

00:59:36:24 - 01:00:06:11
Good afternoon. My name is Sandra Mullet, and I'm speaking on behalf of BEPS and Great Malton Village. I would like to talk about is the compulsory purchase and the public rights of way. We would like to raise concerns regarding the compulsory purchase proposals affecting one hundred way RB nineteen, Narrowgate Way RB eighteen and f b fourteen and fifteen. These are established rural routes forming part of the network of public rights of ways.

01:00:06:13 - 01:00:09:05
Sorry. Could you just repeat those, please, for my note? Sorry.

01:00:10:08 - 01:00:18:00
R b nineteen, r b eighteen, f p fourteen, and f p fifteen.

01:00:20:12 - 01:00:43:05
K. I... Reviewing the book of reference and the land plans, we're concerned about the extent of the land and the rights the applicant is seeking to acquire. Four of the plots numbered nineteen zero zero eight, nineteen zero zero nine, nineteen zero one zero, and nineteen zero one two cover a combined area.

01:00:43:07 - 01:00:47:08
Mr. Monarch, sorry. Can you repeat those again, please? Thank you. Thank you very much.

01:00:47:12 - 01:00:50:23
Sorry. Nineteen zero zero eight nine

01:00:50:28 - 01:00:52:23
No rush. Just Yeah. Thank you.

01:00:53:16 - 01:01:07:09
I'm trying to get my timing. That's okay. Sorry. So they all start with the number nineteen. Let's put it that way. And so you've got zero zero eight zero zero nine zero one zero and zero one two.

01:01:10:13 - 01:01:11:07
Thank you.

01:01:11:12 - 01:01:44:29
They cover a combined area of six thousand four hundred and six square meters. It involves tracks and hedgerows of the right of way networks. What concerns us is the applicant is seeking two different types of compulsory acquisition. The plot nineteen zero zero eight covering four hundred

and ninety six square meters of narrow gateway, the applicant is seeking powers to acquire the freehold. In terms, this could mean permanent ownership of part of an established rural route.

01:01:45:19 - 01:01:54:19
This also applies to f p fourteen and f p fifteen, both in site one b, which is the substations.

01:01:56:10 - 01:02:29:05
The remaining part of Narrow Gateway and one hundred Lane, the applicant is seeking new rights and restrictions, particularly affecting existing private access. Our our question is quite straightforward. Why are these different powers necessary? What will they mean for the people who currently reuse these routes? We are particularly concerned about one hundred Way, which is proposed as the access route for the National Grid substation. We recognize that access will be needed during the construction and for future maintenance.

01:02:29:25 - 01:02:38:24
However, we question whether the extent of the compulsory acquisition being sought is proportionate to the actual long term operational requirements.

01:02:40:14 - 01:03:19:09
Could temporary construction access, together with more limited permanent rights, achieve the same purpose. At present, we do not feel the information is presented clearly enough for local residents to understand exactly what will change. We therefore ask the examining authority to require the applicant to provide three things. First, a clear detailed plan showing precisely what land is required and what physical changes are proposed. Secondly, an ex... Explanation of why permanent ownership is necessary at Narrowgateway and wider rights and restrictions are required over a hundred lane.

01:03:19:28 - 01:03:55:19
Thirdly, confirmation that existing rights of way will remain protected with any proposed closures, diversions or restrictions clearly identified and justified. We fully appreciate the infrastructure requires access, but these routes are also an important part of our countryside life. Compulsory purchase is a significant power, and we believe the applicant should demonstrate that it is seeking no more land or rights than are generally necessary. We would also ask that they list all other footpaths and private rights of way that may be affected throughout the whole of the scheme.

01:03:56:11 - 01:03:56:26
Thank you.

01:03:58:13 - 01:04:11:07
Ms. Thank you for your contribution. Perhaps to the applicant first, whether it's at all possible to provide a plan of those particular footpaths. I appreciate it's short notice, but it's footpaths that were listed by Ms. Mullet.

01:04:13:13 - 01:04:17:22
To put them on the screen, thank you. If that's possible.

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

In terms of the land where the land plans are for those public rights way or the actual access and public rights of way plan?

01:04:26:05 - 01:04:28:03
I think that the land plans preferably, yes.

01:04:31:14 - 01:04:34:25
Just see if it could be brought up. You.

01:04:40:14 - 01:04:42:23
Claire Bloomfield for the applicant. Obviously, the

01:04:44:16 - 01:05:19:26
land plans don't necessarily show that the so there's also the access and public rights of way plans that show the locations of the public rights of way in a bit more detail. It's important to note that, obviously, we're talking here in the context of compulsory acquisition powers in terms of the ability to temporary close or permanently close a public right of way, that's a separate statutory power. Compulsory acquisition powers don't give you the ability to alone don't give you the ability to close public rights of way.

01:05:20:03 - 01:05:53:01
The TCO, however, does include provisions for the temporary closure of public rights of way as a result required and necessary as a result of the scheme. And the way those powers would be utilized would be controlled via the outlined public rights away and permissive pass management plan. So there is the ability to close where it's required for safety reasons during construction, for example, existing public rights of way, but it's a management plan issue in terms of how that's controlled.

01:05:53:17 - 01:06:23:17
The reason why the applicant has sought compulsory acquisition of the freehold of this area of land, I already explained that it's not possible to acquire a leasehold interest under the compulsory acquisition regime. But if you were to exclude public rights of way from your compulsory acquisition powers, then the existing landowner would be left with owning the freehold of little strips of land,

01:06:25:12 - 01:06:38:00
but not no longer owning the remainder of the land. And so the applicant's position is it's not appropriate to leave a landowner being the owner of and responsible for

01:06:39:16 - 01:07:12:23
little strips of land and amongst the site. That's in contrast to the example I mentioned earlier where we'd looked at private tracks, for example, whereby it wasn't necessary for the applicant to seek the freehold of those private tracks where they are utilized by the existing landowner to access other land, for example, and therefore, rights only had been sought over that land. So that's the reason why Freehold acquisition has been sought over those plots.

01:07:12:25 - 01:07:24:29

But from an impact on the usage of the public rights of way, then that's controlled under other powers within the DCO and within that outlined public rights of way and permissive mass management plan.

01:07:26:24 - 01:07:31:01
Ms. Bloomfield, thank you. In order to provide some comfort to the points raised by

01:07:32:19 - 01:08:03:01
Ms. Mullet, it's the case that Freehold potentially will be with the applicant, but the right of way would still exist. Its line, its alignment would not be affected. And I presume its maintenance would still be carried out by the local highway authority. So it will be maintained and still a functionable and serviced right of way. So after it's been reopened, shall we say, if it's been managed closure during the course of construction, post construction it returns back to a right of way as Ms.

01:08:03:03 - 01:08:06:14
Mullet knows it to be. So the ownership is REPRESENTATIVE:] not

01:08:13:22 - 01:08:59:05
Yes, that's correct. So who is the landowner is not relevant, as it were, in terms of its status as a public right of way. And so it would continue to be a public right of way. As I said, the DCO does include provision to temporarily suspend usage if required during construction. But post construction, then that would continue to be a public right of way. And in terms of ongoing maintenance of that, then to the extent additional that maintenance requirements are being put in place that go above and beyond what is the current situation, then those will be set out in the outlined public rights of way permissive paths management plan.

01:08:59:29 - 01:09:24:00
So there's obviously at the moment, there's proposals to have to manage the vegetation either side of those public rights of way in a particular way and Hetero Heights and those sorts of things. That... Those are not currently obligations that apply to the landowner as landowner. But once the applicant has completed construction of the scheme, then it would do those additional obligations under that management plan.

01:09:26:00 - 01:09:42:10
Thank you. So in terms of the temporary closure, am I writing my presumption that you would consult with the local highway authority, the public rights of way team in relation to any diversion and the suitability of a diversion route while right that away is temporarily closed?

01:09:50:15 - 01:09:57:22
Claire Bloomfield for the applicant. Yes, we're just trying to find the relevant paragraph number, but it's paragraph 4.4.7 of the outline management plan.

01:10:55:15 - 01:10:57:27
Can we continue? I

01:11:00:00 - 01:11:01:06
was waiting for your reply, sorry.

01:11:01:08 - 01:11:21:21
Apologies. No, we were just checking. Obviously, there were other in the there's provisions in the outline management plan and then the actual articles in the draft ECO themselves under the highways provisions contain the sort of procedure to be followed. But it's a separate statutory regime to the compulsory acquisition regime.

01:11:22:15 - 01:11:25:11
So from my colleague, miss Taylor, has a question.

01:11:26:17 - 01:11:39:22
Can I can I just ask for a bit of clarification on on this narrow gateway? Why the part of it is permanent rights and part of it is compulsory acquired.

01:11:52:21 - 01:11:54:07
Nineteen series. Yeah.

01:12:19:06 - 01:12:47:07
Clear Bloomfield for the Atkins. We're going to take that point away and just double check the reasoning for that particular section. Obviously, the bit that's blue is just for the cabling, so we don't need to be the owner of the plot nineteen eleven and nineteen thousand and nine, but we will just double check the justification for nineteen thousand and eight. I don't have that specific plot reference to hand. Thank you.

01:13:27:23 - 01:13:28:17
Springfield?

01:13:29:18 - 01:13:42:18
Clever, you're the applicant. Yes. We're gonna have to check. There's I haven't got a confirmed answer. So in order to make sure I give the correct answer, I'm confirm it in writing. Thank you. And apologies, said cable, I meant overhead line. You.

01:13:43:24 - 01:13:45:19
Ms. Smaller, do you have any further clarification?

01:13:46:06 - 01:14:20:13
Just interested. They say that they are taking all of Narrow Gateway because it means that or taking that part of Narrow Gateway because it means the landowner wouldn't then be left with little strips. But if they move the map up, they're only taking part of it. Why aren't... If I'm right, why aren't they taking all of Narrow Gateway? Sorry. It does... Doesn't seem... It seems weird that they would take a tiny chunk. Also, I'd also say in their footpath plans, they haven't mentioned that that part of narrow gateway will be any closed...

01:14:20:25 - 01:14:55:17
The blue part of gateway is managed, I think. But that pink... The pink bit or the bit of... And what we call the covered by way is not under any managed or closed part of the of the public right of way

scenarios. It just seems that it doesn't... I don't know. I just can't understand why they're not taking the whole of that narrow gateway if what the lady is saying is if they don't want to leave a landowner with tiny bits of land.

01:14:56:07 - 01:15:13:18
Just leave it with you. Also, narrow gate... Hundred lane, which is further down, which is under blue, why, again, have they only taken parts of one hundred Way if they need it for? Why do they need to take parts of one hundred Way?

01:15:15:04 - 01:15:21:13
Just the point. I can't understand why they need to take those small sections of one hundred Way.

01:15:24:10 - 01:15:29:28
Smile, thank you. I'll ask the applicant to respond but it may be by an action point. Ms. Brumfield?

01:15:32:05 - 01:15:40:12
Clevering for the applicant, yes. So in respect of the plot we were just talking about I said I'd come back in writing in respect of that one because I don't have a

01:15:42:00 - 01:16:00:17
confirmed response fee at the moment. So we will come back with an action for plot nineteen thousand and eight. In terms of the other plots, I think we were just being referred to you now. Sorry. Apologies. I wasn't clear which particular plots were being...

01:16:02:07 - 01:16:07:00
Sorry. R b nineteen. Oh, RB... Nineteen zero one zero.

01:16:14:06 - 01:16:31:20
CapEx, the upkeep. So in respect of nineteen zero one zero, then rights are being sought because there's potential for cable crossings between those two plots. So because it's only cabling needed and that's the reasoning for that is my understanding.

01:16:33:00 - 01:16:41:22
So essentially, the portion that's shown blue of one hundred Way is essentially a part of the corridor or would traverse the corridor for a cable route, am I correct?

01:16:48:13 - 01:16:55:12
Claire Broomfield, the applicant, yes. So we have the ability to place the cabling anywhere within that section.

01:16:57:21 - 01:17:00:27
Broomfield, thank you. Just one final point. Thank you.

01:17:00:29 - 01:17:09:28
I just want to ask if the portion to the right, that means the same with the Hall Road crossing. They can put the Hall Road crossing anywhere within that blue area.

01:17:17:25 - 01:17:20:19
Sorry, I'm not quite clear what you're asking.

01:17:20:21 - 01:17:35:25
That's where they got the second portion of blue within the pink area. I presume that's so they can then put the haul road from the Bair site into site 1B anywhere along that blue route.

01:17:38:19 - 01:17:43:23
Just to confirm, you're looking at the blue strip that's either side has got pink on the side,

01:17:43:25 - 01:17:45:04
is that Yes, that's right.

01:17:45:06 - 01:17:45:23
I

01:17:46:12 - 01:17:48:05
presume that's for the Hall Road.

01:17:48:29 - 01:17:51:26
I'll pop the question to the applicant and perhaps they can clarify.

01:17:54:01 - 01:17:55:07
Ms. Bloomfield?

01:17:57:03 - 01:18:00:09
Claire Bloomfield, the applicant. We're just double checking before I respond. Thank you.

01:19:10:01 - 01:19:18:20
Claire Broomfield for the applicant. So, yes, just to confirm that position in respect to that specific question about whether...

01:19:20:24 - 01:19:28:27
About the micro citing of the construction access to go from the plot from the south through to the plot to the north,

01:19:30:19 - 01:19:38:14
at the moment, yes, there is the flexibility to microsite that within that blue area.

01:19:40:26 - 01:19:47:22
Springfield, thank you. So just to confirm, it is in fact part of the whole route, it's for an access route The purpose of gaining access.

01:20:05:21 - 01:20:12:11

Care Bloomfield, the applicant. So yes. So my understanding is it's sort of both. So it's obviously, there'll be

01:20:14:06 - 01:20:37:05
construction vehicles associated with the Bears and then there will be other construction activities going that north south across that route with access being taken from the highway further to the south. So if we sort of zoom out perhaps of this plan that might be helpful just to give a bit of context. So access is coming from the south as you can see,

01:20:39:13 - 01:20:40:09
The little

01:20:40:29 - 01:21:13:20
blue and pink area down to the south there. So access of the highway comes up that blue strip that's north south. You go into then the main plot and then construction traffic will then continue northwards through the site. So it doesn't go back onto the public highway. It's sort of an internal access route for construction purposes as part of that. But then also there will be cabling as well linking the south site to the northern site there.

01:21:15:03 - 01:21:18:24
That's helpful. Thank you. Thanks for clarification. Ms. Mullen, thank you for your questions.

01:21:23:03 - 01:21:35:18
Doctor. Barry, we are going to take a break now. We're returning at fifteen forty. Perhaps there's agenda item six, which would allow people to ask questions. But we are taking a break now. We will be returning at fifteen forty. Thank you very much.