



Hearing Transcript

Project:	Norwich to Tilbury
Hearing:	Compulsory Acquisition Hearing 1 (CAH1) - Part 1
Date:	11 February 2026

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

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

00:00:05:00 - 00:00:06:06

Good afternoon.

00:00:08:28 - 00:00:30:29

Can I confirm with the case team that everybody can hear me clearly? And the live streaming of the event has commenced? Yep. Thank you. It is now 2:00, and I'd like to welcome you all to this first compulsory acquisition hearing for the application for development consent for the Norwich Tilbury project, which has been made by National Grid Electricity Transmission, who we refer to as the applicant.

00:00:32:16 - 00:01:02:07

My name is Susan Hunt. I'm a chartered town planner and a planning inspector. I've been appointed by the Secretary of State to lead the panel of inspectors, along with my colleagues Christopher Butler, Jonathan Hockley, Matthew Sims and Kenneth Stone. Mr. Butler and Mr. Hockley are travelling to the venue for tomorrow's open floor hearing in Norwich, and we'll review the recording of this hearing at a future date. For this hearing, I'm joined by Mr. Sims and Mr. Stone, who I will now ask to introduce themselves.

00:01:02:21 - 00:01:10:03

Good afternoon, I'm Matthew Sims, I'm a chartered civil engineer and a examining inspector for nationally significant infrastructure projects.

00:01:20:00 - 00:01:36:10

Thank you. I confirm that all members of the examining authority have made a formal declaration of interest. There are no known conflicts of interest with regard to us examining this application, and together we constitute the examining authority. Or we might hear us referred to as the x ray.

00:01:38:01 - 00:02:03:06

There are other colleagues from the Planning Inspectorate here with us today, and both in Ipswich and online. Our case manager managers are Shaun Evans and Lily Robins, and they're supported by case officers Harrison Coles, Georgie Hannigan and Jessica Dunlop. And it is them who you should contact if there are any issues about the application process in general or the technology.

Arrangements for today's event.

00:02:05:08 - 00:02:24:21

So today's meeting is being undertaken as a blended event, which means it's taking place here in person in Ipswich, as well as virtually on Microsoft Teams and quite a few appearing virtually today. We'll make sure, however, everyone's decided to participate. They'll be given a fair opportunity to have their say.

00:02:27:24 - 00:02:43:00

And before I go any further, I'll deal with some housekeeping and preliminary matters. And everyone, please set all devices to silent. There are emergency exits to the front and the back of this room. The meeting point is in the South Stand car park.

00:02:45:03 - 00:03:16:23

Online participants should make sure their cameras are switched off for microphones. Muted unless they're speaking. We haven't had any requests for any special measures or arrangements today, but if anyone needs any assistance, please speak to the case team. If at any point you can't hear us or wish to speak to us for whatever reason, you need to raise your hand and that in the room, in person or the raised hand function on teams, there's sometimes a delay before we can see the one on teams.

00:03:18:06 - 00:03:57:07

We will have a short break at an appropriate time this afternoon. If any bikes are required before this, please alert the case team. The event is being live streamed and recorded and in our letter, our rule six letter dated the 13th of January, we did explain about the General Data Protection regulations and how that applies to the recordings, which are retained for five years following the Secretary of State's decision. So anyone that participates today, it's important that you do understand that you consent to retention and publication of the digital recording.

00:03:58:09 - 00:04:02:16

If there is anyone that does not wish to be filmed, please alert the case team.

00:04:05:12 - 00:04:19:25

We will only ever ask for information to be placed on the public record. That is important and relevant to the Secretary of State's decision to avoid the need to edit the digital recordings. Please try not to

00:04:21:15 - 00:04:43:03

verbally tell us about private and confidential matters, your address, health issues and financial circumstances, that that sort of thing, because it would have to be redacted out of the recording. If you do feel the need to do that, it's best to put it in writing. So we'll be able to see it as the examining authority, but it will be redacted for the public record.

00:04:47:23 - 00:05:21:17

As explained at the preliminary meeting yesterday morning, and the majority of planning inspectors. Are members of the prospects trade union. We're currently participating in a period of industrial action short of a strike. This essentially means we're not working over and above our contracted hours, and this has been accounted for in the timetabling for this week, so we should all be okay. But just for that reason, and also the reason we are travelling between venues this week is to make sure we don't go over time.

00:05:21:19 - 00:05:25:29

And today, we don't expect it to go anything beyond 4:30 p.m..

00:05:28:26 - 00:05:59:15

And again, just a reminder to keep responses as concise as possible. Try and keep to the advertised agendas, and don't stray into other matters which we've not sought to ask questions on. So if any participant is affecting the efficient running of the event this afternoon, taking up too much time in their submission, they will be invited to put their comments in writing at the next deadline instead. And just just to make it clear that written comments have no less weight than those that are said aurally hearing.

00:06:02:08 - 00:06:23:01

So, as I said, the agenda that's on our the infrastructure planning website, and that was published on the 30th of January in its examination library reference EV 2002. So whoever's participating, it'd be helpful if you had that in front of you so you can see the running order. Um, because we won't display it on screen.

00:06:25:13 - 00:06:54:29

So in terms of substantive matters, the agenda is essentially split into various items to examine the applicant's strategic case in relation to compulsory acquisition and temporary possession. And as was explained in the agenda and also in our rule six letter, individual cases for specific affected persons about specific plots will be dealt with at future hearings and in writing through our written questions.

00:06:57:06 - 00:07:35:01

So we may add other considerations or issues to the published agenda as we progress. And we've we've heard what was said at the open floor hearings this morning and yesterday, and I'm sure the applicant did so that that may well, um, come into our questioning. Um, if you cannot answer the questions being asked again, please just let us know. You put it in writing. That's that's absolutely fine. So does anyone have any questions about how the events being run today, general housekeeping or other preliminary matters before we move on to introductions?

00:07:37:18 - 00:07:41:18

No. All clear. Thank you, Mr. Sims.

00:07:41:20 - 00:08:11:24

Thank you very much. So just to, um, reconfirm a recording of today's hearing will be made available on the Norwich to Tilbury section of the National Infrastructure Planning website as soon as practicable after the hearing has finished. Therefore, please ensure that you speak clearly into a microphone stating your name and who you are representing each time before you speak. If you are at a table with a microphone, please use the button at the base of the microphone. I'm sure you're all familiar with how they work. Um, and if you do end up using a roving microphone, there's no buttons to press.

00:08:11:26 - 00:08:45:18

You can just speak into those microphones. A link to the Planning Inspectorate Privacy Notice was provided in the notification of this hearing. We assume that everybody here today has familiarized themselves with this document, which establishes how the personal data for our customers is handled in accordance with the principles set out in data protection laws. Please speak to the case team if you have any questions about this. So we have been provided with a list of representatives of the applicant and all interested parties who have expressed a wish to be heard at today's hearing. And we're just going to allow people to introduce themselves so that we know who is here.

00:08:45:25 - 00:08:51:25

Um, so firstly, can I ask the applicant to introduce themselves and the members of the teams who will be speaking today, please?

00:08:52:07 - 00:09:24:20

My name is Russell Harris KC. I appear on behalf of the applicant. I shall be dealing a panel with items 1 to 4 and items 6 to 9. Item five will be dealt with by miss Heather Sargeant who sits two away from me of counsel. Other contributors present will be identified as necessary if necessary. You will be hearing from lawyers, mostly because of the nature of the questions today. Um, uh, we've got more here rather than fewer.

00:09:24:22 - 00:09:35:13

But that doesn't mean they'll all be speaking or anything close to it, if any of them. But if you'd bear with us, if it appears necessary to call them, we will identify them when and if.

00:09:35:15 - 00:09:39:21

Thank you very much. That's fine. And, um. Mrs.. Miss. Sergeant, how should we approach?

00:09:41:07 - 00:09:41:27

Um. Miss?

00:09:41:29 - 00:09:57:22

Miss miss, miss. Thank you very much. Um, thank you for that. So we have, um, representatives from Suffolk County Council, and I believe they're all online. Um, can I ask, um, Suffolk County Council to turn their camera on?

00:09:58:15 - 00:10:18:16

Thank you. Sir. Um, Michael Bedford, uh, King's counsel for Suffolk County Council. I think I will be doing the speaking. There are other Suffolk officers where there are Suffolk officers. I being obviously an engaged counsel. Um, there are Suffolk officers also present, but I say I expect to do the speaking. Thank you.

00:10:18:27 - 00:10:38:26

Thank you very much. And just to note, we have representatives from Thrapston and Hampton Parish Council and Ardley Parish Council who have registered to observe the proceedings today. Um, I'll just move on to statutory bodies. And again, online we have um, representatives from National Highways. Um, if they could introduce themselves, please.

00:10:42:10 - 00:10:50:03

Good afternoon. My name is Julie Russell. I'm appearing on behalf of National Highways as the Strategic Highway Authority.

00:10:53:07 - 00:10:53:22

Thank you.

00:10:55:05 - 00:11:04:00

Good afternoon. My name is Monica Glass. Um, I'm appearing on behalf of National Highways in their capacity as the promoter of the Lower Terms Crossing project.

00:11:05:17 - 00:11:10:13

Thank you. That's very kind. Is there anyone else from National Highways Online that needs to introduce themselves?

00:11:14:25 - 00:11:38:26

Thank you very much. So we will just move on to effective persons. And a number of affected persons have registered to observe only. And I will not ask them to introduce themselves. But I have a number of people that have asked to, um, uh, be able to speak. Um, I'm going to go to those in the room first, and we might need the roving microphone for this. We have Gareth Presley.

00:11:41:15 - 00:11:42:24

If you could put your hand up.

00:11:45:02 - 00:11:47:25

Is Gareth on Mr. Presley here or online?

00:11:49:16 - 00:11:59:08

Okay. Uh, we have, uh, Charles Tritton. Thank you. If we could just get the mic to Mr. Tritton so that he can just introduce himself, please.

00:12:01:00 - 00:12:03:20

Charles Tritton of Tritton farming partnership.

00:12:03:24 - 00:12:09:08

Thank you. And we also have James Navy Lux Moore, who's registered to, uh, desire to speak today.

00:12:11:02 - 00:12:12:26

Mr.. Naomi Lux Moore, are you here?

00:12:16:16 - 00:12:29:27

Okay. Thank you. So I will, um, turn in. Now, turn to those who are online via Microsoft teams. We have, uh, Nicholas Cheeseman. If when I call your name, if you could just turn your screen on and introduce yourself.

00:12:30:13 - 00:12:41:01

Uh, good afternoon, Sir Nicholas Cheeseman. As well as being an AP, I'm representing Mr. Rex Webster and the family farm, G. Webster and Son Limited.

00:12:41:08 - 00:12:45:02

Thank you very much. We have, uh, Georgina Langton.

00:12:54:29 - 00:12:56:20

We have Georgina Langton online.

00:12:59:10 - 00:13:07:26

No. If, uh, if you're having trouble. Uh, Mrs. Langton, if you could come put your screen on at some point. Um, we also have, uh, Stephen Humphreys online.

00:13:17:20 - 00:13:22:06

Okay. We don't have Stephen Humphreys online, as far as I can tell. Uh, Emily Tetley Jones.

00:13:26:02 - 00:13:27:04

Good afternoon, sir.

00:13:27:29 - 00:13:28:17

Good afternoon.

00:13:29:04 - 00:13:48:06

Uh, I will be, um. My name is Emily Jones. Phil Fisher LLP. I'll be speaking on behalf of BPA as agents for Ukip. I'm joined by Rosa Simpson at Phil Fisher and she will be speaking as required. Miss Jones and Miss Simpson would be lovely.

00:13:48:08 - 00:13:49:00

Thank you. Thank you.

00:13:49:02 - 00:13:52:05

Thank you very much. Uh, we have Julie Russell.

00:13:57:06 - 00:14:05:24

Good afternoon sir. I have already introduced myself and Julie Russell on behalf of National Highways Strategic Highway Authority.

00:14:06:06 - 00:14:14:00

Sorry, I thank you very much. I read in a different part of my agendas, but thank you very much. Um, and, uh, Vicky Fowler.

00:14:17:04 - 00:14:17:19

Yes.

00:14:17:21 - 00:14:23:29

Um, Mrs., uh, Vicky Fowler, I'm a partner at Gowling w CLG, and I'm here representing Bloor Homes.

00:14:24:07 - 00:14:24:22

Thank you.

00:14:24:24 - 00:14:25:18

Very much. Thank you.

00:14:25:20 - 00:14:27:06

And we have Graham Lucas.

00:14:35:07 - 00:14:47:25

Mr. Lucas. We don't. Okay. We have two other IPS that registered. We have Robin Upton or Hugh and Hugh Miller. Are either of those people either in the room or online?

00:14:51:20 - 00:15:06:20

Thank you. Okay. So thank you for that. Can I just confirm, is there anybody here who has registered to participate that we haven't introduced firstly in the room and anyone online, if you could put your hand up.

00:15:09:03 - 00:15:43:15

Okay. Thank you very much. That's great. So just to reiterate the point to all our participants today for the purposes of the recording, each time you speak, please state your name. And if you are representing someone who it is you represent, that's both in the room and online. And as I mentioned earlier, this event is being live streamed and recorded and will be available to view on the Norwich Tilbury page of the Inspector website. Anyone watching on live stream or at a later date has the opportunity to make any comments about matters covered today in writing by deadline two, which is Thursday, the 12th of March, 2026.

00:15:44:08 - 00:15:48:23

So without further ado, I'll pass to Mr. Stone for the next agenda item.

00:15:49:24 - 00:16:30:04

Good afternoon. Uh, agenda item two is, uh, dealing with the purpose of the compulsory acquisition hearing. Uh, so I'll just briefly explain the purpose of this hearing. The application for the proposed development includes a request for an order granting development consent, which also authorizes compulsory acquisition of land or compulsory acquisition of an interest in or right over land or the temporary possession of land. This hearing is to enable the examining authority to hear and prove the applicant's strategic case in respect of the powers of compulsory acquisition and or temporary possession.

00:16:31:08 - 00:17:19:11

This hearing will help us to consider whether relevant legal and policy tests applicable to compulsory acquisition and temporary possession proposals have been met. To this end, the purpose of the hearing is to inquire into the applicant's strategic case for compulsory acquisition and temporary possession of land and or rights, whether the conditions relating to the land being required for the proposed development, or are required to facilitate or be incidental to the proposed development or met, and whether there is a compelling case in the public interest for the compulsory acquisition provisions overall, noting that no judgment will be made on this matter pending the hearing of individual compulsory acquisition and temporary possession objections at later hearings.

00:17:20:10 - 00:17:32:22

The purpose of this hearing is to consider the matters on the agenda, which was published on the 30th of agenda and as was previously commented, the agenda will not be displayed on screen, so hopefully you've got a copy in front of you.

00:17:34:24 - 00:18:05:14

It is not appropriate to display documents that haven't previously been submitted as part of the examination. So if anybody proposes to refer to a new document, that document will need to be submitted along with your written summary of your oral submissions, so that it is formally entered into the examination, and other parties will have an opportunity to view and comment on it. If, during the course of the hearing we need to refer to a document, we will use a document reference in the examination library.

00:18:06:12 - 00:18:44:21

The purpose of the hearing today is to develop the TSA's understanding of the issues. The essay will lead on questions, and there should be no direct questioning by interested parties unless it is necessary and at our discretion. I would remind participants that the applications for the application for Development Consent Order are examined principally through a written process. However, hearings can be held to examine matters where this is helpful to the parties with an interest in land that is affected by such a compulsory acquisition request, or are known as affected persons.

00:18:45:13 - 00:19:19:07

Affected persons have been notified of the Compulsory acquisition hearing. They have a right to be heard in relation to any objection about the effects of a compulsory acquisition request on their interest in land, and this will be dealt with at subsequent hearings or hearing on those individual cases. For today, we'll be focusing, as I've said, on the strategic case. We've notified all parties affected by the application for the proposed compulsory acquisition powers of this hearing, so that they have an opportunity to comment on that overall approach.

00:19:19:09 - 00:19:52:12

The applicant has adopted those who have made or make a substantive objection to the use of the proposed compulsory acquisition powers, or requested to be heard to address us on the individual cases will be afforded that opportunity and notification of future hearings dealing with individual cases will be published on the project page of the National Infrastructure website beforehand. Please note that the provision is made in the draft timetable for further hearings during the week commencing 27th April and week commencing 22nd of June.

00:19:53:11 - 00:20:26:04

We will be examining the application for compulsory acquisition rights in the context of the powers provided by the Planning Act 2008. Specifically, sections one, two, two, two and one two, two, three. A link to that legislation is available on the main National Infrastructure Planning website of the Planning Inspectorate. But in brief, we will need to test and advise the Secretary of State on whether the land and rights that are short are required to build or facilitate the proposed development.

00:20:26:24 - 00:20:40:23

Whether there is a compelling case in the public interest for the land or rights to be acquired compulsorily, and that what is sought is legitimate, necessary, reasonable and proportionate.

00:20:42:11 - 00:21:12:19

We will also be mindful of the advice set out by the government in its 2013 publication Planning Act guidance related to procedures for the compulsory acquisition of land, which is also available from a link in the guidance section of the main National Infrastructure Planning website. Our deliberations and decisions will also be guided by the relevant human rights legislation, including the European Convention on Human Rights, article six and eight and the First Protocol of Article one.

00:21:13:19 - 00:21:37:26

Ultimately, while considering whether to recommend or allow the application for compulsory acquisition powers respectively, both we and the Secretary of State will take great care to weigh any interference with human rights against the public interest associated with the benefits of the proposed development, and ensure that any interference is considered both necessary and proportionate.

00:21:39:24 - 00:22:09:00

It is for the applicant to demonstrate that all of the proposed compulsory acquisition powers that it seeks are justified within this framework, that all reasonable alternatives to compulsory acquisition have been explored, and that there is a reasonable prospect of it having the funds available to implement any compulsory acquisition rights that may ultimately be granted by the Secretary of State in the time allowed within the Development Consent Order.

00:22:11:00 - 00:22:55:12

While there is a clear and obvious link between our examination of the proposed development itself and our examination of the application for the compulsory acquisition and temporary possession rights, the two are tested on their own merits, according to the case and whatever our ultimate recommendation to the Secretary of State, it is possible that they could grant development consent, but not some or any of the requested compulsory acquisition or temporary possession powers. We would stress that we would form a view over the full course of the examination on each of the requests for compulsory acquisition powers, and whether or not there is a compelling case in the public interest, and not just in the submissions and evidence put before us today.

00:22:57:03 - 00:23:29:14

For the purposes of this hearing. We are assuming that the representatives of the applicant are reasonably familiar with the legislative policy and guidance framework, and with the process that the examining authority and Secretary of State will go through. For those of you less used to compulsory acquisition hearings, we should explain that we may refer to a number of principal documents from the application today. And just to give you an indication of the documents that we will potentially refer to and the examination library references.

00:23:29:24 - 00:24:10:26

We may refer to the Development Consent Order, which is 1 reference AP zero 56. The land plans, which are provided at A.S. 005 to A.S. zero 12 Special Category and Crown Land Plans, which included A.S. zero 13. The Explanatory Memorandum, which is at AP zero 57, the Statement of Reasons, which includes appendices and which are included at app zero 59 and app zero 62 and A.S.

00:24:10:28 - 00:24:46:18

014 to A.S. 017. Mail will also refer to the funding statement, which is at app 063 and the Book of Reference, which the latest version is at A.S. 018. Together, these provide the bulk of the material

relevant to the application for compulsory acquisition powers, and in preparing for this hearing we have looked at all relevant material, including the Statement of Reasons, Explanatory Memorandum, various chapters of the Environmental Statement and the applicant's funding statement.

00:24:46:20 - 00:25:21:25

All of these are available via the examination library at. The references are just read out. The land plans identify all relevant parcels of land and include a label for each that cross-references to the book of reference. The Book of Reference includes a comprehensive table that lists each parcel of land, the past sort, and everybody that has been identified with a legal interest in it. It was the applicant's responsibility to undertake diligent inquiry into the existence of all such affected persons in advance of making the development consent application.

00:25:22:15 - 00:25:53:04

The statement of reasons sets out in detail why the applicant believes there is a compelling case in the public interest for it to be granted compulsory acquisition powers in the draft Development Consent Order, and that these are necessary proportionate, unjustified. You can read these application documents and provide us with your own opinion on such matters in your own written representations, and these are due for receipt by deadline one, which is Thursday the 26th of February.

00:25:54:14 - 00:26:33:21

Finally, may we remind you that the focus of today's hearing is explicitly on the proposed compulsory acquisition and temporary possession powers and the applicant's overall case. We will not be taking any submissions or evidence on any other aspect of the proposed development itself, including its merits or wider concerns. There will be opportunities to write or speak to us on these broader aspects later in the examination, and these are set out in the draft timetable. If you have other issues that you'd wish to raise, you can address those in written submissions at the relevant deadlines or the other hearing sessions proposed in the timetable.

00:26:34:17 - 00:27:13:11

Similarly, we cannot take evidence on the eligibility for, or the quantum of compensation that may be sought or awarded to any individual affected person or the application of the compensation code, as this is strictly outside the scope of our Terms of reference. To complete this preliminary item about the purpose of the hearing. May we request that all affected persons who make an oral representation today submit a follow up written summary of their oral submissions after this hearing by deadline one, which is Thursday the 26th of February.

00:27:14:17 - 00:27:26:08

Written submissions should be based on your opposition to representation Today rather than a new material, but they can include further detail and corroborative evidence.

00:27:28:01 - 00:27:45:03

For those of you who haven't attended proceedings such as these, there is necessary formality and we'd ask you to refrain from interruptions. These are unhelpful to us, potentially disruptive to those who are speaking, and could, in some circumstances lead to an award of costs against the person responsible.

00:27:46:26 - 00:27:58:07

For I come to the substantive agenda items and the applicant's general case. Is there anything of a more general procedural nature that anyone which would wish, would wish to raise?

00:28:03:18 - 00:28:38:15

Nothing in the room, and I'm not seeing anything online. In that case, I will now turn to agenda item three, which is to deal with the applicant's case for compulsory acquisition and temporary possession of land and rights. The agenda. You will see that this is set out in various points, 3.1 to 3.6. We'll deal with those in order. Item three six comments on the applicant's overall case in the round.

00:28:38:21 - 00:29:05:18

Looking at the amount and extent of land sought to be subject to compulsory acquisition, the statutory tests for doing so, including the compelling case in the public interest and the consideration of alternatives. 0.3.1 3 to 3.3 in the agenda. These are focused on the land that is subject to compulsory acquisition, as they are the statutory considerations for such land.

00:29:07:24 - 00:29:15:28

0.3.4 and 3.5 are essentially the same questions, but they are made in relation to temporary possession.

00:29:18:09 - 00:29:50:27

I will turn to the applicant. First, I would suggest you address us in respect of .3.1 through to 3.3. And then we will seek to introduce others or ask any, any comments for any comments from any other parties. But to assist in focusing your comments to me and to us as the expert. I'll make a couple of observations and pull some questions which you which it would be helpful if you could respond to.

00:29:51:18 - 00:30:04:00

Firstly, if you could outline what was the process that you've undertaken to test and refine the extent of land and rights required to ensure the minimum land take.

00:30:06:19 - 00:30:22:08

And are you through this process continuously seeking to subject yourselves to test and refine the extent of both land and rights required in an attempt to reduce the need for CA of them.

00:30:29:01 - 00:30:44:27

Secondly, can you add some further detail and explanation as to how you have implemented the guidance on land rights for the new electricity transmission assets in this case, and what your strategy has been?

00:30:48:19 - 00:31:01:24

Whilst you set out in the statement of reasons that your preference is always to secure land rights on a voluntary basis. How has that been demonstrated in your actions to date?

00:31:04:25 - 00:31:38:24

This issue is raised in the context that many of the representations received from affected persons consistently raise concerns about a lack of meaningful engagement. And we have heard that in a

number of occasions over the open floor hearings to date, the information before us would demonstrate that you have sought to identify interests and had issued draft general heads of terms for negotiations and, in some instances, further heads of terms.

00:31:39:26 - 00:32:05:03

But this certainly does not cover all plots or all people, and is only a limited first step. In many cases, the concerns expressed by affected persons. Note that following initial contact comments that suggestions or alternatives have been put forward, but no further engagement or dialogue had taken place.

00:32:07:16 - 00:32:30:11

I note the statement of reasons at paragraph 7.4.6 states that you have given all apes the opportunity to feed back on alternatives, and we would like to understand what account you have taken of such feedback and how it has impacted on the proposed development, i.e. whether you have taken on board any of the suggested alternatives and feedback.

00:32:33:07 - 00:32:56:17

Statement of reason. Also note that negotiations continue as is normal practice, but there are a significant number of land interests given the overall length and coverage of this scheme, and we need some degree of comfort that you are employing a strategy that will ensure that as many negotiations are resolved before the close of the examination as is possible.

00:32:58:23 - 00:33:41:25

The point here is, therefore, what strategy are your land agent employing to ensure the resolution of agreements? How many staff are they working on? This is what resource is being put into it. What degree of confidence have you that you will secure agreement with? What timescales are you working towards to close off and secure agreements to ensure withdrawal of objections before the close of the examination? And how you maintaining an appropriate level of oversight of the ongoing discussions to ensure that you are tracking your tracking appropriate milestones? And what are your contingency plans?

00:33:44:01 - 00:33:57:14

Thirdly, as a separate matter, concerns have been raised by affected parties as the level of information that is provided in terms of the rights that are to be subject of compulsory acquisition,

00:33:59:07 - 00:34:29:22

the justification and the nature of the activity that this will facilitate. Again, this goes back to concerns about the lack of meaningful engagement. I appreciate that the book of reference and appendices to the Statement of Reason seek to identify the land and rights and purposes for which it is required in general terms, but in many instances instances. The theme of concerns coming through is that where rights are required.

00:34:29:24 - 00:34:43:02

There is no indication of what this may allow or the level of disruption it may cause, which therefore goes to the general matter as to whether there is sufficient clarity as to the purpose for which the land or rights is required.

00:34:45:25 - 00:34:48:07

How are you addressing these concerns?

00:34:50:14 - 00:35:27:26

And finally, and you also comment on how the compulsory acquisition of those elements to the scheme, which you have identified as critical for the security of the connection to the grid, the East Anglia Connection Node Tilbury North substation, and the cable sealing and compound sites are progressing, covering how it is proposed that any compulsory acquisition will interact with other DCU compulsory acquisition arrangements, which may cover the same areas.

00:35:28:06 - 00:35:45:20

This would be a broader theme for the wider examination in terms of interactions with other schemes, but here. Can you explain how the compulsory acquisition arrangements in general terms for such land is likely to be secured and handled between the different schemes?

00:35:47:23 - 00:35:53:00

I've set out a number of very broad issues, I know. I've spoken for quite a while.

00:35:55:21 - 00:36:09:12

I'm happy to reconfirm any of those questions during your presentation. If you want me to come back to you on those. But if you could, between yourself and your colleagues. Address those points.

00:36:12:03 - 00:36:46:21

Russell Harris, K.C. we will certainly do our best to do that in in and insofar as we're unable to um, as. As the lead examiner has indicated, we will have the transcript of today and we will ensure that we reply in the fullest form in writing in due course. But I will do my best, and no doubt there will be notes passed to me from behind if I'm, uh, inadequate. Uh, in that respect, um, I'm going to deal with questions three, one, two, three as they're set out in the agenda with your leave.

00:36:46:23 - 00:37:20:10

And I'm going to do it in a way which responds, um, to the questions that were put in the agenda and have been agreed with the client team. I'll do my best in relation to the other matters, but may well need some time to consider with them how best to respond in relation to that. And that may be to do that in writing as well. Um, question three one this question requests the applicant to explain the extent of land sort to be subject of compulsory acquisition.

00:37:20:16 - 00:37:57:07

And um, so you've done large part of my job for me in your exposition earlier, so I'll keep it brief. The physical extent of the land sought to be the subject subject of compulsory acquisition is set out in full in the book of reference. You've given the reference AWP 059 and shown on the land plans. In short, compulsory acquisition is sought in relation to the region of 6000 parcels of land, mostly associated with the construction, use and maintenance of the project as you've described it.

00:37:57:16 - 00:38:28:02

The extent of land over which at least one form of compulsory acquisition is sought is approximately 38,000m². Not all of that, of course, is taking the land. Some of it is taking a right. Some of it is taking a lesser right. But if you want to have the figure, it's 38,000km². The applicants DCO seeks compulsory acquisition powers for the applicant and UK PM together defined as the undertaker.

00:38:28:06 - 00:38:58:12

Each part of the book of reference, as you've explained, sets out the respect of interest, right or power to be acquired, extinguished or used in relation to each parcel of land. How the respective rights and powers are classified is explained also in the book of reference. As you'll have seen, the nature and legal extent of the particular compulsory acquisition rights ought, as described by class, and is shown on the land plan in a colour.

00:38:58:22 - 00:39:30:12

The classes reflect a hierarchy of interests. And here I introduce one of the ways in which we seek to limit the fullest extent of compulsory acquisition by making sure that we are proportionate, by ensuring that only the reasonable and proportionate part of the land or interest that's actually needed for compulsory acquisition is secured. Um, I was going to ask the team to show on the, um, monitors class one.

00:39:31:05 - 00:40:01:14

Can we show that? Yes. Shown in brown is the most comprehensive of CAA sort. And of course represents those parts of the land where full compulsory acquisition of land is necessary. It sought where full ownership is required, for example, to construct and maintain a pylon base, or here a permanent structure, for example, cable ceiling ends and the like. That's the example shown on screen.

00:40:01:16 - 00:40:38:18

Class two, shown in green, represents the compulsory acquisition of rights over land associated with, for example, the construction, use, retention, alteration, replacement of parts of the overhead line. So green is the overhead line and you've got that shown on the screen. Such rights are associated with the entire length of the overhead line. Proposed class three rights shown in orange. Seek rights associated with the construction, use, retention, and other rights associated with the underground cable system, such as through the national landscape.

00:40:38:20 - 00:41:12:28

And you see an example there. Class four grey covers land where both overhead line and underground cable rights are required. Um, that's where you've got land where you've got some of both of those. And that is distinguished in its own right for purposes that be familiar to you. And it's on the On the line set in on the picture shown above. Um, blue seeks permanent access of permanent rights of access associated with um, necessary routes to access parts of the project.

00:41:13:00 - 00:41:53:00

And um class six, shown in purple seeks permanent rights to undertake drainage works, etc.. And there's an example of that this legal extent of compulsory acquisition associated with this form of mixed pylon and cable provision, the cable here being associated development for the purposes of the act, closely follows that authorized in the TNO and indeed other anceps, uh, in relation to overhead lines going right the way back to breakfast forest.

00:41:53:02 - 00:42:40:29

So we've taken the lessons in answer to one of your questions from those earlier cases where the refinement of requirement for the class of use in relation to the infrastructure has resulted in a multi-class position, such as that required here, there is no part of this line that is, uh, or this proposal, which is, uh, novel in the sense that it hasn't been, um, granted, uh, DCO in the past, and we've taken all those learnings and put them into this project, which is unique in terms of its scale and in terms of its urgency, which I'll come back to in relation to a number of your other issues.

00:42:41:01 - 00:42:59:23

Um, sir, um, in brief, that's our question. That's our answer to question three one. Um, I'll discuss with my team separately. Um, whether there's anything else I need to add in relation to that. Um, having regard to the questions you've asked, I was proposing to go to question three two.

00:43:01:19 - 00:43:43:01

This is the question as to whether the statutory tests for compulsory acquisition are met on all the land, in particular whether the purposes for which the powers are sought comply with section one, two, two of the Planning Act and whether the compelling case in the public interest test under section one, two, two, three of the act is met on all sites. Um, no. Um, sir. Um, in terms of the compelling case of the public interest, the compelling case for the public interest is asked in three, three and again, a compelling case in the public interest for both compulsory acquisition and temporary possession in three, six.

00:43:43:03 - 00:44:16:24

So I'm going to reserve most of what I have to say to three six in relation to that. But I will give an answer and a summary for why we say One. Two. Two. Three of the act is is met in terms of a compelling case here. The answer to this question is that the statutory tests are met. Compulsory acquisition powers can only be granted if the conditions set out in these sections are met. As you've said, and we have relied heavily on the guidance on the use of these sections in practice.

00:44:16:26 - 00:45:02:18

In the guidance, note that you referred to guidance on the 2008 act. Section 1221, two, two, two provides essentially that the land subject to compulsory acquisition is required for the development and that the land or right taken is no more than is reasonably necessary for that purpose, and and is also proportionate. I summarise and so in a strategic sense, relevant to this session, we confirm our views given our history and our experience with other dsos, including recent ones in relation to the BTN, show that the land and rights sort are reasonably necessary and that all times have been sought proportionately.

00:45:03:05 - 00:45:42:04

Importantly and additionally, that is an ongoing process. And if at any time it becomes apparent that rights are no longer required or can be proportionately reduced. Applying a precautionary principle, which I come back to either as a result of this examination or as a result of interface with interested parties, um, or the like, then this will be reflected by removing the relevant land or right in accordance with the provisions of the DCO and in accordance with the guidance.

00:45:42:06 - 00:46:25:15

And you'll have seen there's a category of white land which is rapidly filling up as we are able to become less and less precautionary as the project advances. So for that reason, we say that section one, two, two, two is met. We take some comfort in that from the fact that, um, reasonably recently and in a number of cases before that, that um section has been found to be complied with under guidance with very, very similar overhead lines, very similar, um, undergrounding where relevant, albeit over a lesser area in in East Anglia.

00:46:25:29 - 00:46:56:28

Section one two, two, three requires there must be a compelling case in the public interest for land to be acquired compulsory. The guidance you've mentioned makes it clear that the Secretary of State will see compelling evidence that the public benefit derived from the proposal would outweigh the private loss suffered by those whose land is to be acquired. Now, I'll come back to this. We. We take the view and know that you will take the view that this is a free standing test.

00:46:57:01 - 00:47:30:07

It's a test which falls to be passed separate to an independent of the merits. But of course, it can't be divorced from those merits if those merits give you the compelling case. Um, a fuller answer to this question more generally, is set out under question 36 and in individual um, sessions, which will be heard as you as you've said and in the written representation, dealing with individual parcels.

00:47:30:09 - 00:48:01:02

So we can only at this stage give our generalized position that we think there is a compelling case in the public interest. You will have to statutorily balance that against each of the pieces of land or rights which are required. Um, and indeed we go on to say, including temporary possessions because we think really should apply the same test. The compelling case I've already said. But I said again, just so people are really clear in section one, two, three is a free standing test.

00:48:01:04 - 00:48:43:17

We accept it must be proved in its own right, but as now scores of and and recommendations and decision letters say cannot be seen in isolation from the overall merits of the case, particularly the public benefits associated with meeting the need case. In brief summary, you'll no doubt already appreciate for this proposal. The compelling case is indivisible, linked to, and derives from the fact that the proposal constitutes critical national infrastructure for which there is an urgent national need, which must be met as soon as possible.

00:48:43:19 - 00:49:14:29

I've just extracted three parts of N1 there, which seemed to me to be touching upon all of the questions which you've asked us as part of your introduction, because they give an explanation in, in, in shorthand for, um, many of the, um, assertions and complaints and, uh, understandable, uh, allegations of, uh, as yet shortages of interaction.

00:49:15:03 - 00:49:49:19

And I'll come to, uh. Why? Um, uh, we firstly, don't accept that that is entirely accurate, but we'll explain why. Um, we're in the position that we are and that you have to deal with meeting that need, we say, represent a public benefit, which you you as decision makers and the secretary state is

required to afford great weight. Uh, in 13.2 6 to 8. And there's no reason why this requirement to give it great weight does not apply as part.

00:49:49:21 - 00:50:21:19

Part of the compelling need case. Also, and in a general strategic sense, we take the view, applying the relevant policy and guidance that meeting that CNI need in this case will outweigh private losses. Of course, each specific case we can't pre-judge and neither can you. And on each specific case for CA, you and we will give careful consideration at the appropriate time. But you've asked us for a strategic position and that's our strategic position.

00:50:22:01 - 00:50:54:18

Um, I'll mention section one, two, three. Um, just just to tick it off. Um, section one, two, three provides the further procedural condition that we have made a request for compulsory acquisition or rights over land. And it also requires one of two other things. First, that there is consent to inclusion of the provision which we are seeking across the line, or that the appropriate compulsory acquisition procedure has, in due course, been followed.

00:50:54:20 - 00:51:49:11

That's it's not a tick box, but it is a procedural requirement. That request has been made and we say section one, two, three is that that's met as well. Um, that's our answer to three two in terms of uh, three three, whether there has been consideration of reasonable alternatives to compulsory acquisition. And this is where I will grapple with the question you asked her about, um, as, as best I'm able with, uh, how this process has come about and why it is that not all of the interested parties have been yet consulted and why it is we're in the stage that we are in the particular circumstances of this case.

00:51:50:01 - 00:52:25:29

The main alternative to compulsory acquisition would, of course, be acquisition of land or rights by voluntary agreement. And this question is carefully drafted with respect. The question asks for consideration of reasonable alternatives to compulsory acquisition. We'll go on to consider reasonable alternatives to the project on Friday. Um, but but also a short parcel of today because reasonable consideration of that is necessary as part of this question too.

00:52:26:01 - 00:53:02:15

But the main question is what are the reasonable alternatives to compulsory acquisition? Um, our strong preference has been and would always be to secure land and rights by voluntary means wherever possible. So I tell you formally and categorically, this alternative has and continues to be available to us and will be pursued at all times. You've asked us about whether there are sufficient people on the ground, people to do it.

00:53:02:17 - 00:53:35:18

People to go out and make sure that they contact the relevant parties. We are satisfied beyond doubt that there are. And I'll give you the detail of the scores, probably more than scores of people who are doing that, but no doubt those that are sitting behind me will also note the concern that you've expressed and will consider immediately whether that man and woman power needs to be redoubled. We will do that. And I give that commitment here and now.

00:53:35:20 - 00:54:05:23

But our stance is, um, I haven't got the figures to hand. I'm hoping somebody is compiling them, but the number, range, qualifications and experience of those that are on this position now are probably, as, um, profound as any other. Um, answer that you might have been involved with. We just have the longest, uh, DCO ever sort.

00:54:05:25 - 00:54:40:04

We can give you the figures on that, by the way, 180km or so. We've got, um, 6000 parcels of land. We've got 1900 interactions with, uh, statutory undertakers, and yet we've got an N1 and a new N1, which we say should be given giving very significant way to which requires us to move as quickly as possible and as, um, As quickly as possible and as soon as possible.

00:54:40:06 - 00:54:43:24

Both of those phrases, I'll come back to, um.

00:54:49:06 - 00:55:21:05

Such a preference for, um, securing land and right by voluntary, voluntary means, wherever possible, has led to significant landowner engagement. And we'll give you chapter and verse on this in our um, answered by um, deadline one and will continue a pace through the examination process. In this case, we are clear that such an alternative approach to compulsory acquisition should and will be carried on.

00:55:21:07 - 00:55:56:27

But in parallel with the examination, those representations which state that policy requires compulsory acquisition should always be the last resort prior to Initiating compulsory acquisition process, and I've heard a few of those over the last two days sitting upstairs are understood and represent a general rule, but are not necessarily accurate in the circumstances of this case or indeed cases like it.

00:55:57:08 - 00:57:05:08

So the guidance that you spoke of relating to the 2008 act carefully explains to all parties at paragraph 25 that the general rule is that it should only seek compulsory acquisition if attempts to acquire by agreement fail. But then it goes on to say this. But where proposals would entail the compulsory acquisition of many separate plots of land, such as for long linear schemes, it may not always be practical to acquire by agreement each plot of land where this is the case, it is reasonable for an applicant to include provision authorizing compulsory acquisition covering all of the land required at the outset, and then undertaking the process in parallel with the examination, because otherwise you simply couldn't ensure that something that was urgently needed could come forward as quickly as government requires.

00:57:05:21 - 00:57:38:19

This project is such a case. It's both long and linear, meaning that policy compliant routing is very reliant on successfully achieving with some certainty. If you're going to do it by N5 and N1 and you're going to produce a long linear route, if you're going to do it with some certainty, then you have to ensure parcels of land in series are genuinely going to be available.

00:57:39:04 - 00:58:21:27

The failure to deliver with some certainty in those type of long linear projects where you need in series, um, uh, um, justification and in series production of the line would stymie oftentimes the meeting of a national need. The failure to deliver with certainty one or small a number of parcels has a completely disproportionate effect upon the delivery of a project. Further and subsequent to the guidance which you, um, spoke to? Um, I think I should check the dates on that, but I'm, I'm I'm certain that I'm right subsequent to that guidance.

00:58:22:00 - 00:59:05:26

The project is now identified as critical national infrastructure, for which there is an urgent need. I come back to that. This means that the delays associated with any requirement to complete voluntary negotiations entirely prior to seeking. Prior to seeking powers would potentially stymie the meeting of a national need. This. This entire issue was, of course, considered in the BTN case recently, where the examining authority pointed out that the extent of engagement was relatively low, and that there were a significant number of interested parties who had not been engaged with.

00:59:06:07 - 00:59:39:25

We think we're probably better off than that. But we heard what you said, and we've heard what others have said. What the examining authority said in that case was this, that the applicant requires the powers of CAA and TPI at the outset in order to provide certainty that it will have all the rights required to realise its significant public benefits without the powers of acquisition being compulsorily, they said. There's a risk that the urgent national need for the project could not be met because the land and rights required may not be assembled.

00:59:39:27 - 01:00:10:26

They went on to say this approach to making the DCO in parallel to conducting negotiations to acquire rights by land, by agreement, wherever practical, is in accordance with paragraph 25 of the guidance. And and we say the same. We've listened to what you've said, and we will, as I've said, redouble our attention on that. But we guarantee you that, um, this is a case where compulsion comes last.

01:00:13:12 - 01:00:48:11

The same, same logic applies to our case. Um, uh, things have moved on a little since that, too, because the more general guidance on compulsory acquisition, um, which post dates The 2008 Act guidance, which is in 2024, um, makes it clear a paragraph 28. This is the government's general guidance, which is of some relevance, that delaying the start of a compulsory process can mean, um, the proper progress of a project being lost.

01:00:48:14 - 01:01:24:00

And in those circumstances it may often be sensible, given the amount of time required for the acquiring authority to plan a compulsory acquisition timetable and to initiate formal procedures, and then to undertake the issues in parallel. Um, we say that guidance is also relevant, but we rely essentially on paragraph 250 and also the TNO, um, position. Uh, I will reserve our position to come back on the more detailed questions you've asked about, uh, staffing, etc..

01:01:24:10 - 01:01:55:27

Um, but please accept those with the understanding of the commitment that I've made to you. A second alternative to compulsory acquisition has been to seek temporary possession of land, and, where appropriate, the applicant has preferred the use of temporary powers rather than the compulsory acquisition of land or rights. Because we accept, as you've said, this is more proportionate when the permit acquisition of land or rights is not required. Um, uh, with my second.

01:01:58:07 - 01:02:26:13

And I go on to explain exactly how those temporary possession provisions have been utilized to ensure a minimisation of interference. But they come under a separate question. So I shan't say that now. But I will say again, this issue of the distinction between what you need compulsorily and what you need temporary has been honed by a number of these projects, uh, over the years, including, uh, recently. So just bear with me.

01:02:29:07 - 01:02:31:15

Yes, yes, yes, that's very good. Thank you.

01:02:34:06 - 01:03:05:14

Um, some of the representations that we've heard, um, over the last couple of days and seen in the relevant representations suggest there are other strategic options which should be preferred having regard to national policy N1 and N5. Um we disagree. And for reasons which will be considered by you in writing and again in the issue on Friday, um, we don't agree that there is an alternative strategic option.

01:03:05:16 - 01:03:55:20

That's not for today. But what is for today is this in any event, even these non reasonable suggested alternatives would by themselves inevitably require land and rights in the ownership of parties other than the applicant. So even if you were to go down these other routes, you'd still be looking at compulsion, almost inevitably, as your colleague examining authority said in TNO. So, for example, if you wanted to do more undergrounding, then that would probably bring more compulsory compulsory acquisition into play, given the additional widths of the swathes of land that would be necessary and the category of rights would be different and probably more interfering in relation to those matters.

01:03:55:22 - 01:04:33:28

Similarly, um, similarly for the subsea options, uh, the rights associated with subsea and the need to compulsory acquire them are no less easy or quicker. They would relate to gas pipes, telecoms, subsea utilities, um, uh, Crown licenses, all of those matters. And if you really wanted a real world option to identify that, this isn't necessarily an appropriate option.

01:04:34:06 - 01:05:09:23

Um, look at Sealink. Uh, because in the real world, Sealink involves much compulsory acquisition, has taken at least the same amount of time as we have potentially more, and is not an easier way to get a need met more quickly. We'll come back to a lot of those matters. Um, later. Um. I'm going I was going next to deal with the extent of land, the subject of, um, temporary, um, uh, possession.

01:05:09:25 - 01:05:42:25

But, um, I'm going to pause because, um, you've asked me to deal with the first three questions. 313233. Um, you also asked us to identify how we've taken into account feedback in relation to the, um, interactions that we've had with landowners. Um, and I'm going to ask, uh, Mr. Paul Robinson to deal with that. He sits behind me. Uh, he's an independent consultant, uh, who's been involved with the project.

01:05:42:27 - 01:05:48:20

Um, not for a moment. Uh, one, but from minute ten, I suspect, right at the beginning.

01:05:53:00 - 01:06:02:12

Introduce yourself first, please, Mr. Reason. Paul Royston for the applicant. Sorry. Could you just repeat the question, Russell? So I'm clear what I'm answering.

01:06:06:20 - 01:06:24:20

As to note, to say that you're in a position to help the examining authority with how feedback from the, um, uh, interested parties, uh, and particularly those associated with compulsory acquisition has been considered and fed into the project.

01:06:26:23 - 01:07:06:10

Thank you, Paul Royston, for the applicant. Um, there's the various documents and I will get the references in a moment. Um, that set out the sort of design process and which summarizes the timeline, the various stages that we've gone through. Um, and again, I think it's worth saying that all of the, the change control sort of decisions and, um, that sort of process, the feedback has been reported in various documents, in things such as the app 066, the consultation feedback report, and there's been a number of iterations of that over the various years.

01:07:06:14 - 01:07:38:05

Um, things like the design development report. So app one, two, two, uh, and then previous versions in 2024, um app 359, etc.. And the process itself when feedback comes in. There's a team of people that, um, review all of the feedback, read through it all, identify the changes that people are requesting. Um, we then um, again, other people are then brought in covering various, um, technical disciplines.

01:07:38:09 - 01:08:08:19

Um, in terms of design versus environmental disciplines. So that's heritage ecology and all of those different, uh, sort of considerations. Um, and then the sort of the request is reviewed. Um, considered, um, if the request is a little vague, we do make effort to actually sort of turn it into a, a proper design of where you would actually put an angle. So if somebody's saying put it to the other side of a particular feature, we actually try and work out what that could be.

01:08:08:21 - 01:08:43:21

Applying the same design principles. Um, and then the team sort of evaluates all of those, and we make a decision whether we think it's advantageous or not advantageous. I think there were comments. Um. I'm sorry. And then all of those are reported in those various, uh, documents. Um, I think there was a suggestion about, um, the sort of absence of feedback. Um, again, we haven't taken

approach of responding directly to every individual, um, response, sort of in writing, getting to meet them.

01:08:43:23 - 01:09:08:27

But, um, we do provide the feedback to the land agents, um, that are meeting people and saying, oh, it's all summarized in the documents. Um, uh, that's probably covered the sort of the whole process. So we're saying there are several thousand, um, change requests that are looked at at each of the consultations. Again, that's numbers are summarized in the consultation feedback report.

01:09:10:24 - 01:09:11:12

Thank you.

01:09:11:15 - 01:09:19:28

Thank you. Just on that point, I think what we're looking for, as well as a bit of detail, particularly around the compulsory acquisition.

01:09:20:00 - 01:09:20:15

And.

01:09:20:17 - 01:10:03:22

Possession aspects, not just the overall scheme development, but where micro saving issues and that might be that these are issues that will come up in the compulsory acquisition hearings that we will hold on individual sites. But it's also around and maybe this might be something you take away and provide in writing. Yes. Is how do you engage with those other landowners who are suggesting that there is an alternative to taking either their element of land or micro siting to reduce the impact on their foreign business, their access to their property, the impact on their property.

01:10:03:24 - 01:10:49:24

And it's a general approach. Obviously in this forum we're looking at general. Of course, I suspect those matters will come up in the individual matters. But here what we're looking for is how does that mechanism take on board that. And and then how are those you say you don't go back to the individuals, but how do they know that you're actually taking on board what they're suggesting, what they're considering. And therefore, in terms of the compulsory acquisition request or your negotiation that you are having in terms of reaching a negotiated settlement, if they don't understand or they don't have feedback, how is that working?

01:10:49:26 - 01:11:23:08

Yes. Can I say that what Mr. Royston said was right about the project as a whole. But those feedback reports also have tens of hundreds of, um, change requests that have come about as a result of interaction with landowners. And it's those that I was expecting Mr. Recent to speak to, and he spoke more generally, but that specific generality is then magnified in terms of the way the project has amended itself by reference to interaction with landowners.

01:11:23:10 - 01:12:08:08

What? Just one of the change requests. There are two change requests in this case. One of them directly results from a permanent access, which was engaged with landowners and came and has

come about directly as a result. And we thought long and hard about at this stage a change, but we thought it met the criteria and and it was changed. We will go through them in very great detail in individual sessions, but scores and scores and scores of smaller change requests have come from agents from specific landowners and have been picked up and dealt with incredibly conscientiously, I think, as will be displayed as the process goes on.

01:12:08:10 - 01:12:15:12

I'm conscious of the time. Um, I was going to go to the next questions, but that's your agenda item.

01:12:15:21 - 01:12:48:26

Thank you. Yes. Um, in terms of 3.4 and 3.5, I think, as you say, we've sort of deliberately separated temporary possession, but they are essentially the same question. So much of what you've said in the strategic center will be applicable. And we recognize that. Um, so in a broad sense, I suppose what we're looking at is whether or not there is anything else that we want to add in the context of temporary possession.

01:12:50:03 - 01:13:04:01

Yeah. Can you confirm or summarize the justification for the extent of land sort to be subject to temporary possession? Um, and whether there are any sort of nuances that we should be aware of.

01:13:04:09 - 01:13:36:20

Um, well, the first thing is, I think we accept the general position that we need to justify temporary possession, strictly speaking. Um. Uh, one, two, three doesn't apply, but the same principles should be adopted. Let's accept that then. What we've done is sought also to move to temporary where we can, but within temporary to minimize that as well. And the methodology starts with an identification of the construction methodology. So for example what's the minimum we can do in terms of a whole road.

01:13:36:22 - 01:14:16:25

What's the minimum we need for health and safety. What are the environmental constraints that we need in order to ensure that trees are protected, etc.. And then there is a sort of testing of that, um, uh, by internally to ensure that that is, uh, appropriately minimized, subject to, um, precautions. So we need a precautionary approach to a certain degree because, um, we don't want to be coming back for further temporary provisions. And then as those precautions lessen, more and more land can go into the category that's not needed for the purposes of temporary rights, which is class seven.

01:14:17:07 - 01:14:47:13

Um, in addition to the temporary power sort, as you've indicated, we do an absolute plot by plot, uh, analysis in the statement of reasons. Um, uh, in the way that you've already outlined, um, how can I put this? Our justification for the temporary, um, possession really, uh, goes no much further than our justification for, uh, the compelling case in the public interest.

01:14:47:15 - 01:15:05:05

Uh, in favor of compulsory acquisition. It really here? I think the distinction is not really, uh, a relevant one. So I think subject to that, I, um, can tend to leave it to a summary of this in our written reps.

01:15:09:04 - 01:15:28:18

That would then take us to 3.6, which is sort of the final element, which is sort of just wrapping up that compelling case, as you pointed out, that you defer to that point. So if you can just move to that, and then once we've heard from that, we'll ask whether or not there are any comments from the other parties.

01:15:28:21 - 01:16:00:27

Um, we we say there is a compelling case, and we've dealt with it here in strategic terms and in strategic terms, the public benefits would strongly outweigh the generality of the public loss. Um, it has several components, because the compelling need case cannot be seen in isolation from the merits overall. I'm just going to summarize them today and they'll be referred return to further in written representation in more detail. And on Friday with technical support from engineers and others.

01:16:01:01 - 01:16:33:17

But the first heading is policy. Policy. In this case, um n1 is written deliberately. Um, with, um, the meeting of the needs, uh, in mind. And the decision maker is required to assess all applications for development consent for the types of infrastructure covered by NPS one, on the basis that there is a need for that infrastructure, which is urgent and should be brought forward at pace three, three, six, five and one.

01:16:33:19 - 01:17:03:27

In addition, electricity infrastructure of the type proposed is CNI Critical National Infrastructure, which is so urgent and important that we are told it will in general outweigh any other residual impacts and should be quotes progressed as quickly as possible because of its role in decarbonising the grid. The guidance is also crystal clear that there is, quote, given the time new infrastructure takes to move forward from design to operation And quotes.

01:17:03:29 - 01:17:36:01

Urgent need, especially for low carbon electricity and steps to be brought forward as soon as possible. That guidance to move as quickly as possible and as soon as possible is clearly directly applicable to this scheme and applies to our statutory duties. Also, further, there is a government is clear that there is a need for sufficient energy to always meet demand. This is a security point and with a margin to accommodate unexpectedly high demand. Specifically in this request in this context.

01:17:36:03 - 01:18:22:19

Ian one mentions and it's one of the few site specific references in the N1, the substantial need in East Anglia to have to handle increased power flows from offshore wind generation. There's no limit expressed to the scale of that margin, save that the larger the margin, the more resilient the system will be. Given this urgent need, which is to be taken as proven, given substantial weight to be met as soon as possible. There are those, notwithstanding that, and we heard them yesterday that argued there is somehow more time, and I didn't count the number of times, but five years has been mentioned to meet the needs of the grid, and thus to consider more and different options to meeting strategic needs.

01:18:22:21 - 01:19:02:23

We say that argument is incorrect. As a matter of fact, having regard to the policy, um, unnecessary since all reasonable strategic options have been considered and appropriately rejected already having regard to the guidance on the strategic options in the N5. Deal with that on Friday and we say unreasonable to wait five years since the factual basis upon which the statement is made can also be shown to be demonstrably inaccurate. But putting all that aside, the need is driven by more than simple grid requirements, which are incorrectly alleged to be capable of being postponed, if you like, for five years.

01:19:02:29 - 01:19:35:21

The need which means these ancesps and this particular one are required as soon as possible, is based on a manifold position which provides a really compelling case. All of which means that we shouldn't postpone the meeting of that need for five years or at all. Um, I just want to set up very briefly what what sits behind that first decarbonization, decarbonization of the power sector will lead to a massive increase in demand for non carbon electricity.

01:19:35:23 - 01:20:09:18

Overall. It will and must lead to a significant increase in supply from non carbon sources. That's this case there's Hornsea Three. There's Sheringham Shoal there's North Falls. There's the five estuaries. There's the Tarkine interconnector which in turn means that the need for electricity transmission that can join the enhanced demand with the enhanced supply is truly critical. Niso Clean Power 2030. I'll give you the reference, but it'll be in the note. Annex two. Page six identifies the north and south limbs of this project.

01:20:09:21 - 01:20:47:10

Split for two for nossos purposes and see link as quote. The three projects critical to delivering a network that supports clean power pathways following decarbonisation. All of this is part also of the compelling case. Second, there's a need to avoid or minimize millions or indeed billions of pounds of constraint payment, which otherwise would be borne by the consumer. And that is a real and serious need in the circumstances of this case, and that will be minimized by the earliest delivery of this project.

01:20:47:15 - 01:21:25:02

The increase in demand and supply explained above has an additional consequence in the circumstances of this case because, as you know, government through Niso, has sought to encourage the provision of offshore wind for offshore wind. They have said that the offshore wind, the offshore wind infrastructure, should go ahead and that in the event that the offshore wind can generate but not be transported onto land, then they get paid for the offshore generation in any event.

01:21:25:04 - 01:21:56:06

And that's called a constraint payment constraint. Payments to the offshore producers in this case are estimated by Niso at at least 2.7 to 2.8 billion for every year beyond 2030. That the Norwich to Tilbury project is delayed. That that, sir, is £7 million a day, £7 billion a day payable by the consumer. Um, the choice to postpone delivery.

01:21:56:08 - 01:22:28:24

In that context, five years or anything at all is a serious and we say an appropriate one wouldn't fit with our statutory duties. Indeed, NASA emphasizes the requirement to accelerate delivery of this project in as far as that's possible and not to stall it. And we'll set out where that's set out. But the need doesn't finish there because the national need for energy independence and security is also mentioned in N-1.

01:22:28:26 - 01:22:59:06

It's mentioned in a domestic market sense. In other words, you don't want to be turning up at a hospital which finds that it has no electricity, but also in a wider, more unstable geopolitical context. It's urgent, unnecessary that we have our own independent supply of electricity in this country. And finally, the need is for more affordable energy, More affordable energy, both for domestic and commercial customers to.

01:22:59:08 - 01:23:37:04

Deal with the cost of living and the pressing requirements for economic growth. Beyond the requirements for net zero. Then you add to that net zero and the government's commitments there. And you have a what we say is a holistic, compelling case for urgent delivery, which is the main thrust of our compelling case in the public interest. Similar matters were at play in TNO. But I will just say this there the need case was established to found a strategically compelling case for CPO purposes.

01:23:37:08 - 01:24:08:24

Each case is, of course, different. This is a much, much more important and powerfully, powerfully performing transmission project across energy, national security, economic, commercial and net zero fields in, though perhaps an even more troubling world with much higher constraint payments at play. The constraint payments at TNO were half a million a year. You've heard me say they are more than that here.

01:24:09:11 - 01:24:49:15

The provision at TNO was across two electrical boundaries where across multiple electrical boundaries on the other side of the ledger, the interference with the proposal, with private rights, we think has been minimized by the project team as far as possible. And I explained that earlier, the general operation of the Holford rules, the adherence to the clear policy set out in NPS and five and the NPF ensures at a strategic level, we'll hear the individual cases that the interference with private rights is removed or mitigated, such that the strategic need for the proposals is compelling.

01:24:49:29 - 01:24:53:16

That's our answer to question three six, sir.

01:24:55:01 - 01:24:57:13

Thank you very much, Mr. Sims.

01:24:58:07 - 01:25:33:12

Yeah, thank you for that. Um, I just wanted to go back to a previous point you made about, uh, the white land, the class eight land. Um, you said that it was a rapidly filling up the white area. We haven't specifically asked for land plans to be updated during it. Because. Because you wouldn't do because

you wouldn't expect that not to happen. However, if that white land is rapidly filling up and land is being reduced, we would either welcome submissions of updated land plans or we may well ask for a rule 17 for them. Um, I think it would be very beneficial to us to understand what is happening in that white land.

01:25:33:14 - 01:25:55:16

Uh, and thank you for the explanation of the white land. I wasn't quite sure what you were. You were meaning by it. So that's really helpful. And I think it would be beneficial for apes to understand that there is an absolute clarity in feedback or if that is absolutely happening, that that white land is filling up and they will. We will all be able to see demonstrably the less land that is going to be required.

01:25:55:18 - 01:25:56:23

Yes. Of course. Um.

01:25:59:29 - 01:26:18:24

Harris. Casey. Um, the land will be. You're correct. There is no white land tally as yet. And of course, at the minute, the white land is being filled up in a notional sense for that reason, and the final tally for white land will come right towards the end of the examination as the process proceeds.

01:26:18:26 - 01:26:37:08

Yes, I appreciate that, but I think it would also be helpful to have an interim understanding of that, because if we wait till the end of the examination, there's less understanding and less time for us to come back and ask questions. So it may be subject to a rule 17 and even if it is notional, I think clarifying those points would be, uh, would be beneficial all round.

01:26:37:10 - 01:26:39:12

I agree and accept that.

01:26:44:04 - 01:27:16:19

Okay. Thank you very much for that. Um, just to sort of draw this item to a conclusion. I know it's taken a little bit of time. We've asked some questions. We've been probing the applicant, they've given their response. But I just wanted to open the floor to those other parties who have registered and whether or not there is anything on the basis of what the applicant has said that they would wish to comment on in terms of this strategic case and the overarching element that's in front of us.

01:27:16:21 - 01:27:20:27

Do we have anybody that would wish to make any comment? Can we come in the room?

01:27:22:29 - 01:27:39:12

Nope. We've got a number of hands that have come up. I'll take them in order that I can see them. So number one, I have got, um. Mackay, can you please put your camera on and. Yeah.

01:27:39:23 - 01:28:10:03

Thank you sir. It's Michael Bedford, King's counsel for Suffolk County Council. I think the m k is that the system doesn't seem to be able to pick up a surname. So I think that, uh, that's why the K uh appeared, but there we are. Um, so obviously Suffolk County Council is an effective person, as set out

in the book of reference information to various, uh, plots of land, primarily its highways, public rights of way, and other related land interests.

01:28:10:05 - 01:28:50:22

I'm not dealing, of course, with the detail of any of that for the purposes of what I wanted to say this afternoon, but I wanted to, um, uh, make, uh, two points, I think. Um, the first relates to item 3.1 and the extent of land subject to compulsory, uh, acquisition. Um, and it's in the sense it's the reverse. I think of the point that you were probably probing, uh, in that I think you were probing to ensure that the applicant is not taking more land than is needed to deliver the project.

01:28:50:24 - 01:29:17:23

But there is in certainly our submission. Um, and another principle in terms of considering compulsory acquisition powers, and it goes in part to the compelling case test, which is has the applicant included within the developed consent order all the land and rights that it needs in order to deliver the project?

01:29:19:12 - 01:29:28:23

Because obviously, if it doesn't have sufficient land and rights, then it isn't able to deliver the project.

01:29:30:18 - 01:30:26:21

And so the way that we are looking at this, um, is in this way, first, we're not taking direct issue with the scope of compulsory acquisition and or temporary possession for the project as the project is currently formulated, but as you will be aware from our relevant representations as well as sort of overarching issues of principle of concern, which I don't deal with today, because those are matters for issue specific hearing one and or other hearings, we have also set out detailed concerns about particular aspects of the project routing and its alignment, particularly in section 11 of our relevant representations dealing with various landscape matters.

01:30:27:18 - 01:31:32:15

Now, again, given today's purpose, I'm not going to go into any site specific detail on any of those matters for the purposes of the CAA. But there there is a broad point that we want to Highlight at this stage of the examination. And the broad point is to ensure that insofar as there are alternative alignments and you are considering those, the position is that, obviously, as you would have expected, we have engaged with the applicant during the pre-application consultations and the applicant is aware of the areas where we have concerns, and it's fair to say that the applicant is considered what we have said, and the applicant is not thus far been minded in relation to the areas where we still have outstanding concerns to revise its project to accommodate those concerns.

01:31:33:26 - 01:32:04:12

And whilst obviously we will set out further detail in our local impact report And, you know, we live in hope that that may cause a change of position by the applicant in relation to some of those concerns. We're also realists. And we suspect that it may well be that the applicant is not minded to change its position unless it is given.

01:32:04:14 - 01:33:11:11

If I call it a nudge from the examining authority that the examining authority shares some or all of our concerns about those particular aspects of the root alignment and the treatment of the project for particular areas. Now, the reason why it's important to flag that up at this stage of the process, and that the compulsory acquisition hearing is that we recognize that it is almost invariably going to be the case, subject to a precise consideration of the order limits and the land plans, but it is almost invariably going to be the case that to accommodate a realignment, to deal with the concerns that we have raised is likely to require not only a change request from the applicant, but more particularly the acquisition of additional land and or rights, and probably on a compulsory basis.

01:33:12:22 - 01:33:57:18

Obviously, there may be some instances where the change is within land that the applicant is already engaging with the landowner on other parcels, and it may be that there are some where it can be dealt with through negotiation. But I say our broad assumption is that the type of realignments that we have are in mind could well involve a need for additional land acquisition or acquisition of rights. Were they to be delivered? And of course, that's where we then come to the incense, the process issue, and in particular the requirements of section one, two, three of the 2008 act.

01:33:59:26 - 01:34:29:06

And the way we see it. And again, based on our experience from other examinations, is that changes to a project, including changes that require additional compulsory acquisition or temporary possession, are perfectly possible, provided they're engaged with early enough in the process that the applicant can procedurally bring them into the examination.

01:34:32:03 - 01:34:58:10

But going back to my point that effectively, we think there's likely to need to be a nudge from the examining authority to encourage the applicant to go down that route. What we really want to do is, in a sense, to put on your radar as early as possible those concerns and urge you to engage with those concerns as early as you are able to.

01:34:59:27 - 01:35:39:26

We accept that it's unlikely until after you've seen the local impact reports that you will have sufficient detail to be able to do so. But what we want to urge you to do is to engage them as early as possible, that if you were minded either through written questions or rule 17 requests or otherwise at examination hearings to administer any nudges. It happens early enough in the process that procedurally, we don't then run into a difficulty, the applicant saying almost, well, that's very interesting, never mind all that, but we just simply cannot do anything with it because of the stage we're now at at the examination.

01:35:39:28 - 01:36:18:14

That's what we want to avoid. And that's why, um, with respect to I've slightly hijacked this agenda item to make that point and to make that point in the sense as forcefully as I can at this very early stage. The second point that I just wanted to make. I only make it very briefly, and it's much more related to it is one matters, but it does have a bearing on the compelling case, uh, issue. We take the view that if there are parts of the project that you consider are not justified in their current form.

01:36:23:24 - 01:36:38:05

Then we think it's unlikely you would be able to conclude that the compelling case in the public interest was made out for compulsory Acquisition of elements of the project you do not think are appropriate.

01:36:39:26 - 01:37:25:12

Obviously with a linear scheme. As Mr. Harris rightly said. There are issues there because you can't, just as it were, exclude some part of a linear scheme without doing something else. But we are conscious and I say we'll put this into the post hearing submission. We are conscious. I think there's an example of one of the road schemes in relation to the A63 at Hull, where there was a particular issue about a listed building, whether it should be demolished or relocated, and the x ray was of the view that it shouldn't be demolished or relocated, and consequently expressed the consequential view that there was no justification for the compulsory acquisition either in relation to that part of the project, because the compelling case test couldn't be met if the merits test couldn't be met.

01:37:25:14 - 01:37:38:22

I put it that way round, so I just I say I touch on that, but I say we'll cover the, uh, the detail of us in the posterior submission. Thank you. Those were my observations on what we've heard from Mr. Harris. Thank you.

01:37:39:21 - 01:37:50:20

Thank you very much. I'll come back to the applicant. Once I've heard from everybody else. The next person I have got is, uh, Monica Wagler or from LTC.

01:37:54:02 - 01:38:36:02

Thank you. Sir. Um, I've listened to and and heard what Mr. Harris has to say. Um, and whilst the LTC team does not object to the applicant's project, in principle, um, there are significant interactions between the projects, both spatially and also temporal interactions, and that does have an impact on various land powers. Um, so specifically, the applicant's project has significant overlap with the consented LTC, DCO in terms of the land impacted, and there is a potential for there to be conflicting use of powers over the same plots of land.

01:38:37:14 - 01:39:15:00

There are also concerns about how the proposed compulsory acquisition powers would impact upon the LTC team's ability to deliver on their environmental and community commitments and obligations in the LTC, DCO generally and specifically. So the first thing that we understand that we need to do and, and um, the applicant is also aware of this, is to carry out a further analysis of the interaction between these land plots to fully understand, um, how things are affected and to identify suitable solutions.

01:39:15:14 - 01:39:48:15

Um, unfortunately, to date, we've been unable to do this as we have not received sufficient information from the applicant. Um, in particular, we are waiting for some land planned overlays. Um, I understand that that is being prepared, but I just wanted to make sure the examining authority was aware that that hasn't yet been provided to us. Um, and just to to note that also, um, of course, the applicant on I believe it was on Monday, um.

01:39:50:18 - 01:40:24:21

Provided a notification that option B was being pursued. And obviously we um, that is something that we prefer. Um, but of course we need to also see the land and work plans. Um, as a result of that. So although we are working collaboratively and meeting regularly now, we do need to provide, be provided with some further information in order to understand the issues more fully. Um, and until we have done this, um, we can't definitively confirm, uh, what our position is in relation to certain plots.

01:40:25:03 - 01:40:28:06

Um, and that's all we wanted to say, really, at this hearing.

01:40:29:16 - 01:40:47:03

That's understood. Thank you very much. And I'll defer to the applicant in a moment to pick up on these points if there's anything that they want to raise. Um, third person I have in this section is Emily Tetley Jones from the British Pipeline Association.

01:40:47:24 - 01:40:50:21

Uh, yes. Good afternoon, sir. Um,

01:40:52:07 - 01:41:38:00

so Emily Tetley Jones speaking for, uh, BPA as agents for Ukip and, uh, this is in addition to our representations at, um, our submissions at PDA 11 um ASE 086 and ah 0413 um, United Kingdom Oil Pipelines Limited is, uh, a national fuel operator and is the owner of the 14 inch Thames to Epping high pressure multi fuel line um and benefits from the necessary associated land rights uh relevant thereto.

01:41:38:16 - 01:42:09:21

Uh, that pipeline has a critical role in supplying fuel to major national infrastructure, including the airports, and it is therefore essential that UK operations remain, um, uninterrupted and safely and adequately protected. And any failure to do so would not only pose risks to persons and the environment, but also risk significant disruption to fuel supplies across the country.

01:42:10:08 - 01:42:18:18

And, uh, to to echo some speakers before. Our clients have no, um.

01:42:19:12 - 01:42:49:29

Particularly sorry. Could I just interrupt that? To a certain extent, you're straying into individual and specific matters. Do you have any comment on the general case here? Uh, we've seen your submissions, uh, and the detailed submissions that you've made, and I'm sure the applicants see those. And certainly there will be an opportunity at further case for you to express your view of the change request, etc. hasn't been dealt with, but we're not dealing with the change request.

01:42:50:01 - 01:43:04:07

We're not dealing with specific matters here. We're dealing with the general case. So if there's something in the round upon which you wish to comment on, on on the applicant's strategic approach, then could you focus on that, please?

01:43:04:28 - 01:43:39:13

I'll just make three very short, uh, points, um, if I may, as as you've quite rightly pointed out, we have, um, put an awful lot of detail into our previous submissions. The, uh, the point that we wanted to draw out was that both sides of the fence agree that there is significant mitigation work required for to protect our clients infrastructure 2.5km worth in fact, and currently that is not catered for in the drafting of the order or the scope of the order limits.

01:43:39:29 - 01:44:24:00

And we also wanted to draw to the examinations attention the significant risk posed by AC interference. And we've supplied that as part of PDA 011 and a very happy to supply any further information on that front. And a third and final point in terms of, um, the extent of both temporary and permanent uh rights sought, whilst again, we have no issue with this in principle, um, our clients obviously have 24, seven obligations to the regulator in terms of accessing and keeping safe and operational.

01:44:24:02 - 01:45:02:00

It's, um, it's infrastructure. And so therefore there does need to be an interface agreement on how that how those land rights will be coordinated in exactly, uh, what level of rights take there will be currently there's just quite a large swathe right across the pipeline. So it's not a question of whether or not the applicant needs rights. Of course it needs rights. It's a question of of how, how much and how they are exercised. And we also like to point out that we are in dialogue with the applicants and we are having constructive discussions.

01:45:02:10 - 01:45:18:26

Um, but obviously these issues do need to be moved forward. And we're looking forward to hopefully, um, progressing these matters towards, um, a bilateral agreement that can either be embedded in the face of the order or by private agreement. Thank you.

01:45:20:00 - 01:45:21:03

Thank you very much.

01:45:23:03 - 01:45:41:04

That's all the parties that I've seen in terms of online. I'll just go back to the applicant for any final round up comment on any of that. Um, nothing significant there. If you want to respond in terms of writing, then that's okay to do so. But are there any general comments you would make?

01:45:41:06 - 01:45:50:01

Very happy will reserve our position in relation to Mr. Bedford's point. And we think the other points are individual points and not really for this session. But we've heard what was said.

01:45:50:13 - 01:45:51:18

Thank you very much.

01:45:54:29 - 01:46:10:00

That's been quite a long session. So I think we're going to take a short comfort break and take 15 minutes. So if we can return just after, uh, 4:00. So odd timing, but let's have 15 minutes. So we'll say 4 or 1.

01:46:11:17 - 01:46:14:15

Thank you. The hearing is adjourned.