



Hearing Transcript

Project:	Norwich to Tilbury
Hearing:	Compulsory Acquisition Hearing 2 (CAH2) - Day 2 - Part 1
Date:	30 April 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.

00:00:05:11 - 00:00:07:27

To resume, given that we were here yesterday.

00:00:08:11 - 00:00:12:09

Before we go any further. Can I just confirm that everybody can hear me?

00:00:14:23 - 00:00:20:23

Good, good. Thank you. And can I also confirm with the case team that the live stream and recording of the event has begun?

00:00:24:11 - 00:00:55:20

I would like to welcome you all to the second day of the compulsory acquisition hearing to. In relation to the application made by National Grid for an order to grant development consent for the Norwich to Tilbury project. Given there are different attendees to yesterday, we will go through our preliminary comments again and apologize to those who were in attendance yesterday. My name is Kenneth Stone. I'm a planning inspector and chartered Town planner, and I am joined by my panel colleague, Matthew Sims, who I will ask to introduce himself.

00:00:55:24 - 00:01:00:16

Good morning. My name is Matthew Sims. I'm a chartered civil engineer and a planning inspector as well.

00:01:05:20 - 00:01:46:06

We are two members of the Examining Authority and have been appointed by the Secretary of State to examine this application. The other three members, Mrs. Hunt, who is the lead panel member, Mr. Hockley and Mr. Butler are undertaking other panel duties today, but will watch recordings of this proceedings online at a later date. Our role is to examine the application and to report to the Secretary of State for Energy Security and net zero, with a recommendation as to whether or not the development consent Order should be made. I can confirm that all members of the examining authority have made formal declarations of interest, and that there are no known conflicts of interest with regard to us examining this application in relation to the matters being discussed here today.

00:01:48:20 - 00:02:23:24

The Planning Inspectorate case team here today is represented by Louise Haraway as the case manager, and she is supported by Jessica Dunlop, the case officer. Remotely online. We have shown Evans as case manager and Jennifer Savage as a case officer. Please don't hesitate to talk to a member of the case team. Should you need any help at today's event or with the technology. It is the case team who you should contact regarding any queries with the application process. There is also another colleague from the Planning Inspectorate, the two Maddox in the room who is observing only for training purposes.

00:02:23:26 - 00:02:54:06

If you see us talking to her, today's hearing is being undertaken as a blended event, meaning some of you are present with us at the hearing venue and some of you are joining us virtually using Microsoft Teams. We will make sure that however you have decided to attend today, you will be given a fair

opportunity to to participate and you should be aware that the meeting is being recorded. Before I go any further, I will now deal with a few housekeeping matters. Uh, those that were here yesterday.

00:02:54:08 - 00:03:04:18

Please bear with us as we run through these again? Please, can everybody run? Make sure that your devices, phones, etc. are set to silent.

00:03:06:04 - 00:03:43:21

Uh, in terms of the fire alarm. In the event of a fire, we're not expecting any fire alarm or anything today. Um, but in the event of a fire, please leave all belongings behind and exit the building immediately via the main stairwell. The same route you would have normally used to leave the building. Proceed outside to the green area zone in front of the marquee, and a member of the security or safeguarding teams will meet you and you and your staff, and there will carry out any final sweeps of the building to ensure everyone has been evacuated safely.

00:03:45:03 - 00:04:02:08

No requests have been made for any special measures or arrangements to enable participation of this hearing. And if you do need assistance, please speak to the case team or Online, participants should make sure that their cameras are switched off and microphones muted unless you are speaking.

00:04:04:03 - 00:04:39:13

If at any point during the hearing you cannot hear us or wish to speak to the examining authority. Please could virtual attendees use the raise hand function on teams? There may sometimes be a delay before we acknowledge this. There will be a short break around 90 minutes into the hearing, and we will break for lunch around about 1:00 and have a mid-afternoon break again about 90 minutes into the afternoon session. If any other breaks are required before this, please alert the case team and also if you need any extra support during the hearing.

00:04:39:15 - 00:04:42:00

Again, direct these towards the case team.

00:04:43:24 - 00:05:19:06

As I've said, the event is being livestreamed and recorded our letter of the 13th of January, which we will refer to as the route six letter, explained that because we retain and publish the digital recordings. They form a public record to which the General Data Protection Regulations apply. Planning Inspectorate publishes and retains recordings for a period of five years from the Secretary of State's decision on the Development Consent Order. So if you participate in this meeting, it's important you understand that you will be recorded and that you consent to the retention and publication of the digital recording.

00:05:21:08 - 00:05:49:09

We will only ever ask for information to be placed to the public record. That is important and relevant to the Secretary of State's decision to avoid the need to edit the digital recordings. What we would ask is that you do not refer to private or confidential information in your submissions. If you do feel that they need to refer to something that is private or confidential. Could you please discuss this with the case team first to explore whether this could be submitted in writing and then redacted?

00:05:52:03 - 00:06:25:21

As has previously been explained, the at the preliminary meeting. Previous hearings. You may have been present at the majority of planning inspectors or members of prospect Union and are currently participating, participating in a period of industrial action short of a strike. This essentially means that we are not working over and above our contracted hours. This has been accounted for in our timetabling for this week and for this reason, and also to allow our participants time to travel and for well-being reasons. Today's hearings will be closed on time and not continue beyond 5 p.m..

00:06:26:01 - 00:06:37:17

Thank you for your understanding. We will go through the names of those affected persons who are participating today in a moment. However, here I would like to confirm arrangements for speaking.

00:06:39:17 - 00:07:03:10

Individual persons who are participating are listed who are listed to speak, who are in the room. Firstly, if I deal with those, please come up to the table at the front when your name is called. And then we will ask you to begin. For those affected persons online, when we call your name, please switch your camera on and then we will ask you to begin.

00:07:05:23 - 00:07:26:18

As set out in the agenda. Affected persons will have approximately five minutes to make submissions, after which we will ask any questions if we have any and give the applicant a right of reply. We will then give the affected person an opportunity to make any final comments and give the applicant their final right of reply.

00:07:29:02 - 00:08:01:19

We would therefore like to remind all participants in today's hearing to keep their responses as concise as possible, and to keep to the advertised agendas and not stray to other matters which the examining authority has not sought to ask questions on. If any participant in a hearing is affecting the efficient running of the event, or taking up too much time in their submissions. They will be invited to submit their comments in writing at the next deadline. We would also like to remind everybody that written comments have no less weight than those made verbally.

00:08:03:01 - 00:08:10:04

Does anybody have any questions about the technology or general housekeeping, or any other matters that I've just run through?

00:08:14:07 - 00:08:53:10

Not seeing any hands online or in the room, so I shall move on. This hearing will follow the agenda that was published on the National Infrastructure Planning website on the 20th of April. The examining the examination library reference number is EV 2007. And it would be helpful if you had a copy of that in front of you. In terms of the substantive matters, the agenda is focused on the individual objectives to compulsory acquisition and temporary possession, who have notified us of a wish to be heard at to be heard at a hearing in relation to compulsory acquisition and temporary possession.

00:08:54:00 - 00:09:26:24

The agenda includes at annex A, a running list of those affected persons who have notified us that they wish to make oral representations. It is our intention to move through the list of participants for today, in the order set out in the agenda. Although there are some modifications as a result of changes that have occurred since the publication of the agenda from additional persons withdrawing their requests to attend. The agenda is for guidance only, and we may add other considerations or issues as we progress.

00:09:26:28 - 00:09:54:08

We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions cannot be concluded, then it may be necessary for us to prioritize matters and defer other matters to written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, then can you please indicate that you need to respond in writing

00:09:56:08 - 00:10:05:05

when we take breaks? Those of you who are participating virtually will need to ensure your cameras and microphones are turned off during the break.

00:10:07:17 - 00:10:25:17

Moving to introductions, we would ask that each of the affected persons or their representatives, when they are called to participate, introduce themselves at that point and you state your name and any title you wish to be addressed by and, if appropriate, who you are being represented by.

00:10:27:04 - 00:10:46:13

However, I'm firstly going to ask the applicant and its advisors to introduce themselves again. Could you introduce yourselves stating your name and any title? And if I could hear from whomever will lead the submissions today, and then the others who may make regular contributions. Thank you.

00:10:47:27 - 00:11:13:09

Good morning sir. I am miss Heather, Sergeant, counsel for the applicant. I'll be leading submissions on behalf of the applicant today. And I'll ask the team members sitting to my left to introduce themselves. And as yesterday, sir. And actually, I think possibly more today, there will also be contributions from those sitting behind us. But, um, if it's okay with you, will, I'll remind them in advance to introduce themselves before they first speak. Thank you.

00:11:13:27 - 00:11:14:20

Thank you.

00:11:16:06 - 00:11:19:04

Abigail Walters, a solicitor with Brian Cave. Leighton.

00:11:19:15 - 00:11:23:25

I missed out a little bit. Could you bring the microphone a little bit closer?

00:11:23:27 - 00:11:33:01

Abigail Wall to solicitor Brian Cave Leighton pays now on behalf of the applicant. And we'll also be joined by Tom white, solicitor from Brian Cave. Leighton Posner.

00:11:33:22 - 00:11:42:15

Thank you more and all. Michael Mackay, chartered engineer and project manager for the applicant working for National Grid. Thank you.

00:11:44:20 - 00:11:47:27

Good morning, Daniel Kinsley. Mr. chairman, on behalf of the applicant.

00:11:51:15 - 00:11:54:21

James Fisher, chairman, on behalf of the applicant.

00:11:56:13 - 00:12:00:26

Morning. Josh Crawford, on behalf of the applicant for routing and siting.

00:12:04:07 - 00:12:05:11

Thank you very much.

00:12:10:13 - 00:12:18:11

In terms of those who are listed on the list for today to speak, could I ask the applicant to display the list of participants for today?

00:12:26:12 - 00:13:00:11

Can everyone who is due to speak check that their name is on the list? And I'll quickly read this out. Should be noted that we have received an additional request to attend following the publication of the agenda, and this is noted at 0.14 for Gary Sharp, represented by Holmes and Hills LLP. Mr. Warner, on behalf of Palmer and Klein, requested to be heard towards the end of the day and Bloor Homes have moved from yesterday to today. Also, we heard from Mr. Jones yesterday until we've removed him from today's running list.

00:13:01:00 - 00:13:35:25

We've therefore shifted the order slightly to accommodate these requests. So today's ruling order lists we have SJ, Upton, trustees, Inova Renewables, Northumbrian Water Limited, National Highways, Lower Thames Crossing, National Highways, Charles McLean, Sheringham Shoal and Dudgeon extensions. Uh James French, uh Bianca moller D and J Starling.

00:13:36:12 - 00:14:02:24

Bricklin form solar British pipeline agency. Partners of Leicester Limited. Gary Sharpe. Bloor Homes and Palmer and Klein. And then we'll move to agenda item for following those. And is there anyone here present in the room who is not on that list or who wishes to speak today?

00:14:05:12 - 00:14:14:24

No thank you. And online, is there anybody online who isn't on the list or wishes to speak?

00:14:16:11 - 00:14:19:18

Not seeing any. Sorry, I've got a hand.

00:14:21:11 - 00:14:22:09

Kay. Hitch.

00:14:24:14 - 00:14:38:03

Good morning sir. Yes, my name is Cameron Hyder. I'm from Ward Hadaway LLP. I'm here in place of, uh, Karen Gordon of Northumbrian Water Limited, who can't attend due to, uh, conflicting business pressures.

00:14:38:05 - 00:14:44:08

Unfortunately, yeah. You're still speaking on behalf of Northumbrian Water. So at that time, whenever.

00:14:44:10 - 00:14:44:25

It's.

00:14:45:17 - 00:14:52:06

Whenever it's their turn to speak or Northumbrian Water's time, then if you just introduce yourself at that stage.

00:14:53:02 - 00:14:54:08

Absolutely. Thank you sir. Yeah.

00:14:54:20 - 00:14:55:15

Thank you.

00:15:03:08 - 00:15:38:12

Just to reiterate the point to all of our participants today, for the purposes of the recording, it would be enormously beneficial to us if each time you speak throughout the hearing, you could state your name. And if you're representing someone who it is you represent. Uh, as mentioned earlier, the event is being live streamed and recorded and will be available to view on the Norwich to Tilbury page of the inspectors website. Anyone watching on live stream, or at a later date, has the opportunity to make any comments about the matters covered today in writing for deadline four, and that is Tuesday, the 12th of May.

00:15:40:03 - 00:15:44:07

I will not pass to Mr. Sims to take us through agenda item two.

00:15:44:25 - 00:16:19:16

Thank you very much. So I'm just going to briefly explain the purpose of this second compulsory acquisition hearing. The application for development consent includes a request for an order granting development consent to authorize compulsory acquisition of land or compulsory acquisition of an interest in, or rights over land or the temporary possession of land. This hearing is to enable the examining authority to hear and examine the objections of individual affected persons. This hearing will help us consider the issues raised and whether relevant legal and policy tests applicable to, and compulsory acquisition and temporary possession proposals have been met.

00:16:20:23 - 00:16:52:22

The objective of today's hearing is to develop the examining authority's understanding of the issues and hear oral representations, but I would remind participants that applications for development consent orders are examined principally through written process parties with an interest in land that is affected by compulsory acquisition requests are known as the affected persons. All of the affected persons have been notified of this compulsory acquisition hearing. They have a right to be heard in relation to any objection about the effects of a compulsory acquisition request on interest in their land.

00:16:53:21 - 00:17:24:08

We have previously held a compulsory acquisition hearing, one to which it which allowed examination and comments on the applicant's overall approach. This CA hearing is an opportunity to hear from 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 individual cases. We will be examining the application for compulsory acquisition rights in the context of the powers provided by the Planning Act 2008.

00:17:24:17 - 00:18:10:03

A link to that legislation is available on the main National Infrastructure Planning website of the Planning Inspectorate. But in brief, we would need to test and advise the Secretary of State on whether the land and rights that are sought are required to build or facilitate the development. Whether there is a compelling case in the public interest for the land or rights to be acquired compulsorily, and that is that what is sought is legitimate and necessary, reasonable and proportionate. We will also be mindful of the advice set out in the by the government in its 2013 publication Planning Act 2008 guidance related to procedures for the compulsory acquisition of land, which is also available from a link on the guidance section in the main National Infrastructure Planning website.

00:18:11:06 - 00:18:43:13

Our deliberations and decisions will also be guided by the relevant human rights legislation, including the European Convention on Human Rights, articles six and eight and the First Protocol of Article one. 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.

00:18:44:07 - 00:19:34:15

It is for the applicant to demonstrate that all proposed compulsory acquisition powers that it seeks are justified within this framework, that all reasonable alternatives, 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. While there is a clear and obvious link between our examination of the proposed development itself and our examination of the application for compulsory acquisition and temporary possession rights, the two are tested on their own merits, according to the case, and whatever our ultimate decision recommendation to the Secretary of State, it

is possible that they could grant development consent, but not some of the any or any of the requested compulsory acquisition or temporary possession powers.

00:19:35:09 - 00:20:09:18

We would stress that we will form a view over the course of the examination on each of the requests from compulsory acquisition powers, and whether or not there is a compelling case in the public interest, and not just on the submissions and evidence put before us today. 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 the 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 the principal documents from the application today.

00:20:09:20 - 00:20:43:20

These will be the development consent order, land plans, works plans, the explanatory memorandum. Statement of reasons. Book of reference, Crown Land Schedule tracker, special category, land tracker, Statutory undertakers tracker and the schedule of affected persons objecting to Tampa TPE of their land and rights. In preparing for this hearing, we've looked at all the relevant material, including the documents I've just referenced. All of these are available via the examination library of the project web page of the Planning Inspectorate and National infrastructure websites.

00:20:45:08 - 00:21:25:00

The land plans themselves identify all the relevant land parcels, 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 land parcel, the power sought, and everybody that has identified 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. The Statement of Reasons sets out in detail why the applicant believes there is a compelling case in the public interest for it to become granted compulsory acquisition powers in the Draft Development Consent Order, and that these are necessary, proportionate and justified.

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

Finally, may we remind you that the focus of today's hearing is explicitly on the individual cases of those affected persons who have registered a request to appear before us in relation to the applicant's proposed compulsory acquisition and temporary possession powers. And we will not be taking any submissions or evidence on any of the other aspects of the proposed development itself, including its merits or wider concerns. There will be other opportunities to write or speak to the examining authority on these broader aspects later in the examination, and these are set out in the examination timetable.

00:21:57:05 - 00:22:20:01

If you have other issues you wish to raise, you can address those in written submissions at the relevant deadline or at other hearing sessions proposed within the timetable. Similarly, we cannot take evidence on the eligibility or the quantum of compensation that may be sought or awarded to any individual or affected persons or the application of the compensation code, as this is strictly outside the scope of our Terms of reference.

00:22:21:21 - 00:23:01:24

I just want to say a few words about the applicants change request submissions, which we've accepted been accepted by the examining authority as that consultation, in accordance with the Infrastructure Planning Compulsory Acquisition Regulations 2010 is ongoing. We will not be discussing the amendments to the application contained within the change request during this week's hearings. There is still an opportunity to make relevant representations in relation to the applicant's change request, with the consultation period closing on the 15th of May. However, I would like to point out that the comments must be related only to the applicant's proposed provision for the compulsory acquisition of additional land, as set out in the submitted documents received on the 27th of March.

00:23:02:15 - 00:23:36:17

A further period for written representations will take place, and there will be an opportunity to make oral representations at subsequent hearings. Should these these should and these should be related only to the change requests. And this period, this process will be confirmed after the closure of the relevant representation period. To complete the preliminary item about the purpose of the hearing today. May we request all affected persons who make oral representations today. Follow. Submit a follow up written summary of their oral submissions after this hearing by deadline, for which is on Tuesday the 12th of May.

00:23:37:02 - 00:24:16:06

Written submissions should be based on your representations today rather than new material, but they can include more detail and corroborative or supportive evidence. For those of you who haven't attended proceedings such as these, there is necessary formality and we would ask you to refrain from interruptions. And we ask that there is no clapping, cheering or other similar expressions. These are most unhelpful to us, potentially disruptive to those who are speaking, and could in some circumstances lead to an award of costs against the persons responsible. So before we come to the substantive agenda item and the individual representations, is there anything of a more general procedural nature that anyone wishes to raise before then?

00:24:20:09 - 00:24:27:16

Thank you very much. I will hand back to Mr. Stone, who will take us through the first substantive part of the agenda.

00:24:28:28 - 00:24:29:19

So we now.

00:24:29:21 - 00:24:30:09

Move.

00:24:32:03 - 00:25:04:18

We now move back to agenda item three, which is in relation to the individual cases of objections to compulsory acquisition and or temporary possession. In the agenda, we set out the matters that we think you should cover in terms of your submissions to us and where we have asked that you confirm the plots that you're talking about, provide an outline of the current scope of your objections, and confirm whether the CA or T.P.

00:25:04:20 - 00:25:36:21

powers are objected to and whether there are any issues of hardship and, where relevant, whether the Human Rights Act or the public sector equalities duties are engaged. We'll now hear from each affected person as identified in the agenda running order on which we showed him the list earlier. So the first participants are the SJ Upton, trustees number one and two limited and whoever their representatives are.

00:25:36:23 - 00:25:42:27

So I believe you're virtual. Could you please turn your camera on and introduce yourself?

00:25:44:09 - 00:26:02:18

Hello, my name is Angus Upton. I'll be representing s chaps and trustees number one and two limited, but also Simon James Upton as the individual um, reference number FAA f five five c5 b who's unable to attend today. Um, and like I said, I'm Angus Upton.

00:26:03:01 - 00:26:11:01

Okay. Thank you very much. As I said, you've got five minutes to make your initial representations to us. So if you begin when you're comfortable.

00:26:11:28 - 00:26:35:24

Thank you very much. I'm here to speak on our objection to the compulsory acquisition and temporary possession powers being sought by the applicants. Compulsory acquisition powers are not something an applicant is entitled to. As a matter of convenience, they must be earned through transparent process, robust evidence, genuine option testing, and good faith engagement to avoid and minimize harm in our case. National grid's approach has fallen materially short.

00:26:37:12 - 00:27:12:26

National grid proposes to dissect our operational family farm, located within the metropolitan greenbelts and on the second highest point in Essex, with six pylons TB 176 to TB 181. This would create a permanent and highly visible industrial feature in a protected, cared for and rural landscape. In practical terms, we estimate this would result in roughly ten out of 16 products available fields being rendered inaccessible on vulnerable during National Grid's possession and occupation, impacts that could and should have been mitigated through proper engagement and design.

00:27:13:11 - 00:27:44:19

Our farm contractor, who has no land directly taken, stands to lose 400 acres of workable land just on our holding alone. This puts into question whether it's even viable to farm the remainder of our farm. Because the business relies on economies of scale, the consultation process has felt nothing more like a tick box exercise to secure compulsory powers, with the root and key decisions appearing to have been settled before meaningful engagement began. Fair consultation is commonly assessed against the governing principles.

00:27:44:21 - 00:28:15:04

In summary, consultation must be generally formative. Consultees must be given sufficient and accessible information to respond, adequate time must be allowed, and responses must be conscientious considered before decisions are finalised. In our case, proposals have not felt generally

formative. Key information was withheld or provided in unusable time. Limited formats and material elements such as the 20 acre compound, appeared after consultation on our land. Without any proper opportunities for us to comment.

00:28:15:13 - 00:28:50:20

The issues we raised, such as alternative routes and Access have also been. Not have not been addressed in a way that demonstrates conscientious consideration. On non-intrusive survey licenses, we signed them, and despite that, notices were still issued to undertake surveys when we requested an underlying survey. When we requested underlying survey information, it was withheld despite repeated requests to Fisher German. When it was eventually provided following a Freedom of Information request, it arrived in an unreadable format, as already mentioned via links that expired rapidly.

00:28:50:23 - 00:29:29:27

That is not open engagement. It is also concerning that the applicant is now seeking to remove information sharing obligations from the non-intrusive and intrusive licences currently under discussions. Alternative routes shown in the development plan. Specifically, figure nine were never visited on our farm or neighbouring landowner's land, even after we invited national grader and Fisher German at an early stage and submitted written consultation responses. How can the applicant credibly conclude those options don't work without doing the on the ground work with the people who know the land, and if they have done that work, then it should be explained clearly with evidence.

00:29:30:29 - 00:30:09:18

National grid has not engaged with the practical realities on our holding, and so we cannot sign or agree to the current proposal presented on on heads of terms. No negotiation on individual heads of terms has taken place, including the extent of the option area, which in our view currently worsens land liability and had serious indirect cost implications through severance and injurious affection, none of which appears to have been properly accounted for, including via practical solutions. Ireland forms template entered terms of being discussed with our agents under overarching threats of CPO powers, like the licences, with no room for adaption to pragmatic case by case solution.

00:30:10:09 - 00:30:17:14

One size fits all is not an acceptable approach when seeking compulsory powers over complex, rural, diverse land holdings.

00:30:19:01 - 00:30:54:26

The current proposal runs across a hill. Around ten foot below the highest point of Essex located on our farm. That alone demonstrates. Poor route scrutiny and a failure to meaningfully apply Holford rules. Offshore options do not appear to have been taken seriously, despite proven examples such as national Grids and Essex owned Peterhead Drax Project. Has the applicant generally explored options or simply selected the onshore route that is the easiest to deliver using compulsory powers? Wider implications and indirect costs experienced by running an overhead line through such large swathes of land do not seem to be appreciated.

00:30:54:28 - 00:31:20:15

And why is the Metropolitan Green Belt being so heavily desecrated when alternative routes, for example, offshore or east of Chelmsford, could reduce harm to the green belt where onshore infrastructure is pursued? Undergrounding should properly, properly and transparently be considered, particularly in sensitive areas and most importantly, the impacts are not restricted to the order limits.

00:31:22:01 - 00:32:03:06

Current order limits prevents access into the western half of our farm, which also includes residential and commercial properties as well as our agricultural fields. This is purely due to the lack of access provisions and Ivy Barn Lane being included within the order limits, and seemingly capable of being closed off. This is a fundamental design and justification failure for us for this, for a scheme seeking compulsory powers. I reiterate my previous point that we cannot agree or sign heads of terms in its current form. Your limits on paper may well have been reduced from original iterations, but in practice the order limits are taking much larger areas due to poorly designed boundaries and access proposals serving additional severing additional additional land.

00:32:03:08 - 00:32:05:23

In an attempt to say it's the cheapest option.

00:32:07:08 - 00:32:29:07

We are now engaging with Fisher German regarding survey licences to try and reach a sensible solution around parking and access, which has been welcomed, but it's far too late. These matters should have been resolved through the design process that formed the order limits and the heads of terms now put forward, particularly when it seems there's no wiggle room for these heads of terms. Again, sign it or serve. Notice.

00:32:30:06 - 00:32:32:15

Can I ask you to start wrapping up, please?

00:32:32:22 - 00:33:09:10

I'm in my final remarks now. Thank you very much. So far, the applicant has failed to build trust, work and work with key stakeholders and understand and mitigate the impacts of diverse rural businesses. Seriously scrutinising evidence alternative options, including the offshore and underground options, and properly consider broader and indirect implications and costs beyond the old limits. My final remarks I welcome the examining authority to visit the farm to thoroughly assess the roots and its real world impacts, as previous drive bys held on the 13th of October 25 would not have captured operational consequences, and the severance and loss of access and the lasting impacts of the project will have on the beautiful Metropolitan River.

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

At a minimum, I asked. That common sense is applied by the applicant. How it approaches landowners through meaningful engagement, where actions are followed through rather than arriving as a bully with a notice in the other hand. And I ask examining authority to reject the applicant application in its current form until situations like ours are properly resolved in reality, not just in theory. Thank you.

00:33:34:24 - 00:33:36:04

Thank you very much, mister.

00:33:36:06 - 00:33:37:04

Mister Upton.

00:33:37:23 - 00:33:41:28

Um, can I turn to the applicant and ask for any comments that they may have?

00:33:42:00 - 00:34:13:00

Thank you sir. Have a sergeant for the applicant. Um. We're not. Well, I'm not going to respond to the sort of non site specific points around potential offshore routing or greenbelt or undergrounding because the examination has and will consider those elsewhere. Um, I shall ask Mr.. Going to respond to the criticisms that were made of engagement and in particular to respond to the suggestion that on the heads of terms, there's a one size fits all approach and there isn't any wiggle wiggle room.

00:34:13:15 - 00:34:23:24

Um, and then after Mr. Going, I shall ask either Mr. Crawford or Mr. Royston just to explain what the justification is behind the routing. Thank you.

00:34:25:20 - 00:34:26:07

Thank you.

00:34:26:09 - 00:34:32:28

James, going on behalf of the applicant. Um, we recognize the different advisors on.

00:34:33:03 - 00:35:08:11

Who are advising in respect of the different ownerships in regard to this AP. We are engaging with both agents acting. The most recent meeting was held with Wellington, not on the 20th of April, to continue the ongoing dialogue regarding the heads of terms engagement. And we are seeking to engage with the other agent who is acting on behalf of the 40, sorry, the 74 settlement trustees. Um, going forward, we're more than happy to continue to consider, with positive dialogue, the accommodation works and impact to mitigate the impact on the agricultural Operations.

00:35:08:23 - 00:35:09:17

Thank you.

00:35:15:10 - 00:35:34:29

Josh Crawford, on behalf of the applicant. And just to set the scene again a little bit, if we could get the maps up, please. But and if you're okay, panel, I'm not going to list out all of the exact references verbally. Not in that I'll be referring to multiple iterations of design development reports and consultation reports, etc., but we'll put them in writing afterwards.

00:35:35:08 - 00:35:35:27

Okay.

00:35:36:17 - 00:36:25:14

Okay. So on the screen, um, we've got um, the area in question, which is kind of in, in kind of the center of the, the scheme here, um, affected land. Um, you know, if you've got little locks in the green to the east, the big blue shaded area is Highland Park. Um, and then over to the kind of northwest you've got any common. Um, you can kind of see it quite clearly, I guess, from the map. The reason for the routing is the green shades. And the blue shades are ancient woodlands, quite significant swathes of ancient woodland, the blue being the revised Ancient Woodland areas as designated by Natural England and issued in July and October last year, which further enhanced the areas of ancient woodland in this location, which we need to avoid.

00:36:26:11 - 00:37:08:13

We have looked to many options come in slightly to the west of the ancient woodland, closer to any common, but in order to get back to the routing down towards Ingleton to head south towards Tilbury. Ultimately you do need to cross some ancient woodland. There's also challenges with the gas pipeline that goes through some of the existing gaps and complexity, and trying to route through there. Further west of the woodland you've got, you can just about make them out. There's a small pink shading kind of centre screen to the west of the first block of Ancient woodland, and at the bottom of the screen, another pink shade in which is two scheduled monuments, which is the challenging route, and even further west.

00:37:08:15 - 00:37:46:24

And then we also looked at various options to potentially come to the east to avoid this land. Um, to the south of Highland Park. Grade two listed Highland Park and associated gardens and ancient woodland. We would need to cross the Highlands Golf Complex with multiple pylons within it. And then just to the east you kind of got the the railway, the A12 there. Um, by the river. Wade, you've got multiple grade two star listed buildings and associated scheduled monument. And then further, further kind of transfer of effects to residential and other listed buildings as you route back in towards the alignment that gets done.

00:37:47:15 - 00:37:54:09

Yeah, I think that's probably the summary of kind of why the old red liners had to remain through the airport land.

00:37:55:20 - 00:37:56:24

Thank you very much.

00:38:02:12 - 00:38:08:15

Mr. Upton, have you got anything that you would wish to say in reply to what you've just heard?

00:38:09:05 - 00:38:19:02

My only remarks on the Highlands golf course complexes, that it hasn't been operational for a number of years, and it's actually, um, empty, non-agricultural land.

00:38:27:05 - 00:39:14:00

Just what Mr. Stone is writing down. Obviously, people that weren't here at the hearing yesterday won't have heard, including Mr. Upton, that we had a discussion about, um, accesses and, and, um, the National Farmers Union, um, highlighted a concern from some of their members about, um, the and

uncertainty about some of the accesses. So we've asked for some more information about that. And I know you mentioned that, Mr. Upton, in terms of accesses, um, across the land. So if there is any further specifics that, um, the concern you about what's in the proposals, then, um, please put them in writing specifically because the applicant has committed to ensuring that they review those access rights, the kind of the permanent access rights and the roots.

00:39:14:11 - 00:39:45:24

So there's an opportunity to highlight some of those concerns. The other thing that I just wanted to pick up from Mr. Upton's commentary, and possibly I didn't understand, was you mentioned about access to the western part of the farm. We didn't we hadn't talked about severance at all in yesterday's meeting, but I didn't know whether that was a reference to some of your land being, you know, subject to severance or whether it was just a bit of an unknown about how you're going to cross haul routes and that sort of, you know, detailed matter.

00:39:46:04 - 00:39:57:10

Um, so we've still got a couple of minutes left. So I didn't know whether Mr. Upton, you wanted to just explain a tiny bit more about what you meant by that and give the applicant an opportunity to to respond.

00:39:58:10 - 00:40:27:10

Yeah. So so the Current alignments goes from pretty much a perfect straight down the middle dissection of the farm. So everything to the western side, in theory at the moment, from what we've been told and spoken about, because we haven't discussed any permanent rights with crossing the whole road or alignment, is that the western side of the farm, but would be without access due to the main access and the of the farm being from the little road on the eastern side of the farm?

00:40:27:15 - 00:40:30:28

I presume you're talking about during construction rather than construction?

00:40:31:00 - 00:40:32:06

Yes. Yeah, yeah.

00:40:32:11 - 00:40:43:22

That's what I thought you you meant. And, um, I was concerned to hear that that's how you, uh, where you're thinking was. I just asked the applicant to respond on that point of reference.

00:40:47:16 - 00:41:12:15

James, going on behalf of the applicant just to confirm the position, the ongoing dialogue that's intended with the AP regarding the impact of construction would form discussion points would form crossing, or we would have discussion on crossing points to mitigate the impact of severance of agricultural land during construction. In some cases, small areas may be unavoidably severed during construction, but that would then be dealt with as a compensatory item.

00:41:13:20 - 00:41:16:18

I would welcome that discussion.

00:41:17:24 - 00:41:18:22

Thank you both.

00:41:19:00 - 00:41:30:19

Could I just get a bit of clarity on when your next engagement is due to be, or whether you've set up any meetings, or when that discussion is going to take place?

00:41:32:01 - 00:41:35:01

We don't have a fixed date yet, but from the back.

00:41:35:03 - 00:41:35:18

Of.

00:41:35:20 - 00:41:43:03

Of of today's discussions, more than happy for the team at Fisher Chairman to reach out directly to the AP or indeed their agents and set that up.

00:41:44:18 - 00:41:49:19

Okay. Thank you very much. Mr. Upton, do you have any final comments that you wish to make to us?

00:41:50:01 - 00:41:51:16

No. Thank you for the opportunity.

00:41:52:02 - 00:41:52:26

Thank you.

00:41:54:20 - 00:41:57:14

I got nothing back from the applicant. Thank you very much.

00:42:00:27 - 00:42:16:12

So if we can move to the next party. Those people. Representative of Innova Renewables, please. I believe you're virtual as well. So if you can turn your camera on, um, and introduce yourselves.

00:42:16:21 - 00:42:17:13

Thank you.

00:42:17:23 - 00:42:18:16

Thank you sir.

00:42:18:18 - 00:42:55:05

Hopefully you can hear me. Okay. Um, my name is Steven Humphries. I'm a partner in the Planning and Infrastructure consenting team at Ashford's LLP, and I'm here acting for Innova Renewables Limited. Um, the Norwich Tilbury project interacts with two of India's consented renewable energy projects. Um, the first is Hall Farm, which is a 400 megawatt battery project located to the south of

Norwich substation. It was consented in July 2025 and approved layout plan has been submitted into the examination.

00:42:55:17 - 00:43:26:04

Um Park Gate is the other project. That's a 23 megawatt solar farm located to the north of Riven Hall, consented in December 2023, and again, an approved layout plan has been submitted into the examination as well. Um, the Norwich TV project, as I say, interacts with both schemes. Both are within the order limits and are subject to powers of compulsory acquisition. It never disputes the use and extent of power sought over its interests. For the reasons I'll explain.

00:43:26:15 - 00:44:02:26

Um, it should also be noted that, uh Innova, through its subsidiary Hall Farm Solar Best Limited, is a statutory undertaker by virtue of a generation license which was issued for the whole farm uh best scheme by Ofgem on the 2nd of April 2026. Um, in respect of that site, Innova considers the proposal will cause serious detriment to its undertaking as per section 127 of the Planning Act because it will limit potentially severely or entirely its ability to operate should the best infrastructure be impacted by this project.

00:44:02:28 - 00:44:44:21

This point hasn't yet been addressed by the applicant in its response to D2 submissions, which is when Innova made that or updated the examination. Um, on that point, uh, turning to the two sites, whole farm. Um, in Respectful Farm, there will be project overlaps. And there are two main concerns from an officer's perspective. The first relates to what it describes as the eastern swathe of land. Um, despite National Grid knowing about Geneva's consented scheme before it submitted the DCO application, and the attendant overlaps, and also a revised layout, having been sent to National Grid before National Grid submitted the application.

00:44:44:23 - 00:45:23:23

This land remains in the order limits, and this is of significant concern to Innova. This area of land includes the main best facility and compulsory acquisition powers are sought over its entirety. National grid's position is that this land was included in the scheme as a just in case. That's just in case being founded on India's battery project not being granted planning permission. Clearly that consent has now been given and was provided as a say before the application was submitted and National Grid's position on this is set out in the Design Development Report app 122 at deadline three.

00:45:23:25 - 00:45:54:01

National grid provided a somewhat self-contradictory response to question Jen 1.13 from the TSA's first written questions, where they've provided that the option to utilise the eastern corridor within the current DCO order limits may be one. The applicant seeks to investigate further if of benefit to either party, pending the outcome of the ongoing attempts to re agree a design solution. From Minerva's perspective, this is a material shift and isn't something that Innova can support.

00:45:54:03 - 00:46:33:01

In any event, it's disputed that National Grid can now seek to shift its position on justification in this way at this late stage. Um, as I say, given the planning permission was granted before the Norwich Tilbury application was submitted, it's clearly not needed and that area should be removed from the

DCO. The second issue at all, farm, relates to project interfaces in the western portion of the site as it stands. National grid is proposing to locate pylon RG four um in a consented flood attenuation pond in Ava's scheme will also be impacted by National Grid's Hall roads.

00:46:33:03 - 00:47:07:19

There'll be crossovers with Geneva's consented cabling run as well, going towards the Norwich substation. And this is all set out in written submissions. Um, but National Grid has said that it will not change its position. And in any of us perspective, all that's required to resolve a significant conflict is a minor shift in National Grid's apparatus. For example, RG four could be moved a short distance, I believe a number of meters to avoid an interface, but National Grid's position has been that any interfaces are in Ava's concerns.

00:47:07:21 - 00:47:42:10

Then they are for Innova to resolve. Um, more significantly, in the context of this hearing, National Grid has consistently said that Innova should amend its project or face the exercise of CPE powers. Innova considers this is an unreasonable position to take, given the small adaptations that need to be made to National Grid Scheme to accommodate both projects, and fundamentally runs against the compulsory purchase tests that National Grid says it is advocating. Um, India's position is that in both of these scenarios at all farm, the section one, two, two tests are not met.

00:47:42:22 - 00:48:13:27

National grid has not given consideration to alternative solution to these project interfaces, and it's demonstrable that the eastern swathe is not necessary for the development. National grid's case on the eastern swathe is weak, and it's now shifted its position on this by suggesting that the outcome of further negotiations within A could result in it being required. This is all new and as Innova has consistently said, is not it will not be acceded to by Innova. Um, in terms of the second site, Park Gate.

00:48:14:05 - 00:48:51:22

There are again project overlaps. For example, a pylon is located in the middle of consented solar panels. A hall road lay down area and scaffolding will impact panels and consented landscaping. Given these conflicts, it's unclear and also in the context of the consent having been issued in December 2023, it's unclear to another why National Grid has taken the approach to impact the solar farm in such a way. Innova doesn't consider that National Grid requires CPE powers over the site as their alternative designs and approaches, which could limit the interactions.

00:48:51:24 - 00:48:53:18

And at this stage, in everything.

00:48:53:20 - 00:48:54:17

I asked you to start.

00:48:54:19 - 00:48:57:03

To draw your comments to your conclusion.

00:48:57:06 - 00:49:32:13

Yes, sir. I think I have one final point just at this in terms of negotiations, which I'll go on to. But in terms of the use of the CP powers at this stage, I never objects to their inclusion. But that said, discussions are ongoing about resolving these conflicts and interfacing and engagement on Parkgate has been more positive. National grid has provided draft terms to seek to agree a mutually favourable position. That's acknowledged, and these discussions on this are ongoing. To an extent, I would would commend National Grid to open negotiations on Whole Farm in a similar manner.

00:49:33:03 - 00:50:04:24

Just touching on negotiations very briefly. So as conscious of time as you've flagged, um, to an extent on whole farm and in other fields, and considers that National Grid has embellished its portrayals of negotiations, interactions, and the progress that's been made. It made points of the statement of common ground. But from India's perspective, this is a rolling commentary and doesn't stake common or uncommon ground and is not agreed at this stage. Um, National Grid's position has been entrenched on all farm.

00:50:04:26 - 00:50:45:24

And from India's perspective, they have not changed or adapted or made concessions, despite somewhat leaky rationale for placing operators on its site, but also in respect of the eastern swathe in the order limits. Um, a very final point in terms of, uh, there are some reference to um, agreements and uh plans having been provided in respect of Hall Farm. Um, in of his position is that National grids erroneously said that somehow India has reneged on a potential agreement relating to the location of his infrastructure at Horse Farm, and it contends that it should have a national grid content.

00:50:45:26 - 00:51:11:15

It should have been consulted on changes from Geneva's perspective is different. From its perspective, it kept National Grid in the loop on on those plans and consistently kept updated in terms of its layout, and as such, it maintains its position that the powers of compulsory acquisition over over the site are not required. As I say on Park Gate, negotiations have been more positive and things are progressing. Thank you.

00:51:12:04 - 00:51:12:28

Thank you.

00:51:13:21 - 00:51:26:03

Um, a number of points there. Um, obviously it's gone on a little bit longer than we would have wished, but, uh, if you could, uh, pick up some of the headline points there and, uh, come back to us.

00:51:26:05 - 00:52:05:05

Thank you. Sir, I have a sergeant for the applicant. I shall hand over to Mr. Mackay in a moment. Um, but I do want to respond firstly to the assertion that, um, National Grid's position has been entrenched and that National Grid hasn't made any concessions in relation to Innova. You may already be aware, and sir, from having considered the documents, but the Eastern corridor route was identified as preferential. And so the western corridor, which is now being proposed, is something that National Grid and worked to put forward to enable in others development at Hall Farm still to come forward.

00:52:05:07 - 00:52:36:08

So there's already in that and shift and accommodation or a concession, as it were, from the preferential option for National Grid towards something that would accommodate in this project alongside um, there was then a period I understand, of at least a year and a half of collaborating between National Grid and Innova and then, um, as the APS representative just mentioned, there does appear to be a disagreement in terms of factually what happened next.

00:52:36:10 - 00:53:10:26

But National Grid's position in relation in particular to this flood attenuation pond that is now causing it at the moment a conflict between our proposals and innovative scheme. National grid's position is that that was an amendment that never made to its planning application without consulting National Grid, so that a solution could be found in order to avoid where we've ended up, which is that Innova has a planning permission that isn't fully consistent with the eastern option. Sorry, the western option, which is what we'd been working on to try and enable the two schemes to come forward together.

00:53:10:28 - 00:53:45:10

So the background survey is somewhat more complicated, um, than an assertion that National Grid hasn't done anything and is just requiring Innova constantly to adapt and to change its proposals. We don't accept that as an accurate, fair or balanced account of what's been going on here. But I will pass over to Mr. McKie and in case there's anything he wants to add on the background, or particularly on Hall Farm, what the latest position is in terms of this issue around the flood attenuation pond and where national grids see the options and the potential to work towards a solution there.

00:53:45:19 - 00:53:46:13

Thank you.

00:53:48:09 - 00:54:23:21

Michael McKee for the applicant. Um, first of all, I'd like to thank Inova for their ongoing engagement and welcome the chance to respond and to do so. I'll I'd like to provide some context as to the historic engagement and expand further on what Sarjeant has said. We've been engaging substantially with Nova since late 2023, and the outcome of that engagement was the inclusion of the two corridors within the DCO. Um, for alignment purposes, we had a preference for the eastern corridor, but, um, for both projects to proceed, um, elastically and mutual agreement.

00:54:23:24 - 00:55:19:08

Uh, there was the inclusion of the two corridors, um, with the entity potentially being noted in either the intention of that two corridor solution, as I said, was to enable both projects to proceed. Um said, Substantial engagement and for quite a while now within, within, over. In December 2024, we provided updated plans to another detail on the locations of our assets and pre and over town and country planning application. That town and country planning application was approved, as respondents noted, in July 2025, and as part of that within the delegated report, you can see National Grid has returned in no comment that no comment was based on an outdated design and did not allow for the inclusion of forward consultation or comments on the inclusion of a drainage basin situated over assets such as permanent access Hall Road and Tower RG four.

00:55:19:15 - 00:55:49:21

And if we were consulted, we would have had comments on that inclusion. Um, so we've subsequently engaged further with Anova on that. Um, further drawings were provided and between the engagement and those drawings provided, a note or position was evidence to Inova that a DCO change application, which was promoted by Inova and was not desirable to the project, is unfairly onerous. Um, no. I'd like to address.

00:55:49:23 - 00:56:20:19

Yes, the two points post on the eastern suite and the attenuation pond impact as they are interrelated. The eastern suite and the maintaining orbit within the DCO is, as noted and based on a two project solution which was previously reached, um, that the inclusion of the two corridors allows for further design options to be investigated and to remove that. Now, where we don't have a mutually agreeable design, where we once did would be premature.

00:56:21:03 - 00:56:53:06

Um, on to the attenuation pond impact, which I've already discussed there. Um, it was noted that. Ah, sorry, North Tilbury um, position on this is entrenched. I would say that's untrue. Um, as part of our engagement with Inova, we have and proposed several solutions, one of which, being North Tilbury, would amend their apparatus within the constraints of the DCO. However, we needed cooperation from Anova also on the size, location and position of their attenuation pond.

00:56:53:15 - 00:57:23:18

Um, we have had some positive engagement on that in that Anova recently. Come back and said, um, yes, it may be something they are willing to investigate further. Um, as a result of the conversations they have had with the local planning authority. Um, but it is going to be sort of investigated further. Um, so based on the historic context of this, the request for both parties to take reasonable steps to address is a fair and equitable one, in my own view. Um, that's all my comments.

00:57:23:20 - 00:57:24:12

Thank you.

00:57:26:17 - 00:57:27:11

Thank you.

00:57:29:04 - 00:57:36:18

You've got no further comments. Can I just ask you to address the comment that, um, you know, or a statutory undertaker

00:57:38:09 - 00:57:49:09

and whether or not that's a position that you're accepting and whether or not you're taking that forward and you're putting them into the statutory undertaker, uh, schedule, I'm going to address that.

00:57:50:00 - 00:57:56:09

Um, so that's something we'll just need to double check, I think. And then we can. It's so acceptable to you.

00:57:56:16 - 00:58:13:07

They made that comment in their deadline to representation. So obviously this will be in their, uh, summary of their oral representation. So if you can address that point specifically as well within your response.

00:58:13:09 - 00:58:23:14

Sir. Thank you. Mrs. Walters has already given me a note to follow that one up. So we'll look back to see what was said and then, um, provide you with clarification on where we are on that. Thank you.

00:58:23:16 - 00:58:24:19

Thank you very much.

00:58:24:24 - 00:58:55:21

That obviously picks in to your later on where we've got the statutory undertakers schedule, where if they are going to be a schedule statue undertaker. We would want them notified in that so that we can track that through as well. Um, yes. In over. Do you have any comments that you wish to come back on, conscious that this has been a bit of back and forth, um, bit of issue between the two parties about clarification, etc.

00:58:55:23 - 00:59:05:17

and don't really want to get into too much of that detail. No, that can can be addressed through written correspondence, but do you have any comments that you wish to make?

00:59:05:29 - 00:59:37:00

Yes. Just a couple of a couple of minor points, if you don't mind. Um, yeah, I completely agree. I mean, in terms of exchanges, we can provide detail of those exchanges in writing. Um, I think anybody's position, particularly on this on the western parcel, is that some very minor change can changes can such an extent make the issue go away? They are being discussed. But the comment that was made in terms of that being progressed by the LPA, I mean, fundamentally that's National Grid's position, saying that Innova should progress that itself.

00:59:37:17 - 01:00:28:18

And at the moment, whilst that may well be under discussion, it's not something that's settled. Um, no comment was necessarily made on the justification, the shift in justification for including this eastern swathe. And I think that, as I say, that's the biggest issue or one of the main issues on on Hall Farm. Um, the comment made was that moving the eastern swathe now would be premature, and that potentially subjecting it to a change application couldn't be done because it's, uh, I think it was said that it's a resource issue or that it's unfairly onerous as the comment that was used, which I don't think is necessarily the test, if you're seeking to include powers of compulsory acquisition over somebody's land, if they're not justified, you don't then just retain them and say, well, we can't remove them because it's unfairly onerous on an applicant to retain their inclusion within the application.

01:00:29:03 - 01:00:59:21

Um, I think the applicant, from our perspective, could do with providing more detail on its justification for its inclusion, because, frankly, what's been said today runs contrary to what's been provided previously, as I say. I appreciate the point made around change and accommodating

accommodating the scheme. Because the Western corridor was originally used, it was sorry, the eastern corridor was originally used and then it was shifted over to the western corridor.

01:00:59:23 - 01:01:41:29

But given that consent was granted, there is no need for those powers to be sought over the best site. And what I'm hearing thus far and what I've read, I can't understand the justification for it. And I don't think it's fair to say that it's premature to remove it, because there is no chance that that Innova is going to accede to it being allowed over that area. I don't understand how, um, the discussion somehow, in National Grid's view, are suggesting that that following those discussions, it may suddenly become acceptable for it to be allowed in that area or acceptable in that area of land.

01:01:43:00 - 01:01:47:24

I think that's that's all the comments I've got. But as I say, we'll put we'll put comments in writing. Thank you sir.

01:01:47:26 - 01:02:07:03

Yes, I appreciate there's still a bit of, uh, negotiation and discussion ongoing between you in terms of the eastern and western route and that that probably needs to be taken offline. And a further conversation had around that. But I shall not ask for the applicant's final comment.

01:02:07:08 - 01:02:44:29

Um, so thank you. Um, I mean, I don't think the justification is unclear. Um, Mr. Humphries is saying still that we've not resolved yet. I hope that we do. And I was encouraged to hear that his view is that with some minor changes, hopefully we can resolve, particularly the issue around the pond in the western corridor. But at the moment, we're not quite there yet and we're working towards resolving that. So, um, whilst that's the position, then our case is simply that there is a potential need, um, for the eastern corridor to remain in play, just simply pending kind of satisfactory resolution around the western corridor.

01:02:45:01 - 01:03:19:10

And I don't I mean, this is something else we all need to give further thought to, but, um, there are obviously other examples where we've moved, um, land into class eight, where we've reached the view that we don't anymore need to seek, um, compulsory or temporary powers over it. So, um, it's really, you know, this is the current position, but obviously assuming that more positive progress can continue to be made in respect of whole farm, then there are options that we can progress. That will mean that we may be able to, um, move the position onwards in relation to the eastern corridor.

01:03:19:12 - 01:03:23:11

It's just as we're here before you this morning. We're not quite there.

01:03:23:13 - 01:03:33:20

No. Appreciate them. Okay. Thank you very much. Thank you all. If we can move on. Can we?

01:03:35:24 - 01:03:38:25

Turn to Northumbrian Water.

01:03:42:19 - 01:03:45:15

Apologies. Um.

01:03:45:17 - 01:04:02:02

Morning, sir. Um, Cameron Hyder from Ward Hadaway, LP. He here on behalf of uh, Nottingham Water Limited. Um, who I refer to as N.W.A. Um, assuming you can hear me. Okay. I'll begin. Yeah.

01:04:02:04 - 01:04:02:19

Thank you.

01:04:02:21 - 01:04:32:20

Very much. So. Okay. So. Well, um, who also operate? It should be pointed out under the trading name of, um, Essex and Suffolk Water is a statutory undertaker. Um, a landowner affected by the order and a statutory party for the purposes of the 2015 regulations. Um, they are a appointed water undertaker, uh, for parts of Essex and Suffolk.

01:04:33:06 - 01:05:05:07

Um, the project, um, affects, uh, a number of operational water assets and, uh, several parcels of land in freehold ownership within the limits as well. So, um, those interests are currently proposed to be subject to compulsory acquisition of rights and powers of temporary use. Uh, and at present, uh, no protected provisions or side agreements have been concluded between NWR and the applicant.

01:05:05:17 - 01:05:51:24

Um, and in those circumstances, and we all cannot confirm that the compulsory acquisition of land or the acquisition of rights over land would not cause serious detriment to the carrying on of its statutory undertaking. Uh, the He said the examining authority will be aware that compulsory acquisition in those circumstances would be contrary to the provisions of sections one, two, seven and 138 to the Planning Act. And we would ask that it is noted that the standard protections for undertakers, in part one of schedule 16 of the draft DCO submitted at deadline three Document reference RCP 304 are not accepted by SWL.

01:05:53:07 - 01:06:26:22

Um and we are principal concerned today relates to little Waltham pumping station uh business critical operational asset uh the land plan section F revision B so exam library reference as 010 show powers of temporary use affecting land at and adjoining the pumping station. The affected parcels in the Enderby Icefield ownership are identified in the Book of reference revision B, reference A.S.

01:06:26:24 - 01:06:59:16

019 as F 391, F 393 and f 396. Um. In terms of the critical nature of the assets, Little Waltham Pumping Station is essential to and the real supply operations, and we're always strongly opposed to any compulsory powers, whether permanent or temporary, which could interfere with access to the site, restrict operational flexibility, or otherwise impede the safe and continuous operation of the pumping station.

01:06:59:27 - 01:07:25:07

Um. The applicant has indicated that the temporary power is was sought to enable a temporary water supply connection to a construction compound, but NWR has made clear that the pumping station already serves significant existing supply demands and without detailed and agreed technical analysis. And we all cannot support any proposal that relies upon a connection from this asset.

01:07:26:22 - 01:07:56:20

Importantly, in this context, temporary use powers are not low risk and can present operational and safety concerns equivalent to permanent interference. It will be. Worthy for the examiner to note that little Wolfram supplies around 1300 properties with mains water and without the pumps on, and UL would struggle to supply all properties, and those that may still receive some supply would only do so at a greatly diminished water pressure.

01:07:58:16 - 01:08:34:27

So, given the risk of serious detriment, the relief sought by NWR is limited and targeted and we all request the reclassification of parcels. F3 91, F3 93 and F3/96 is class eight land in the Book of Reference and land plans, with the effect that they are not subject to compulsory acquisition or powers of temporary use. Discussions are ongoing between Ward, Hadaway and the applicant solicitors regarding aside agreements and bespoke protective provisions for SWL.

01:08:35:14 - 01:09:20:27

Um. The protections currently under discussion would, if formally agreed, offer appropriate safeguards for Little Waltham and prevent operational interference. However, it is important to note that an impasse has been reached between SWL and the applicant on another scheme, which is intended to form the basis on which the protections are to be documented as part of this scheme, and that impasse relates to the applicant's proposed requirement that we are to contribute to the costs of providing alternative operators necessary for NWR to exercise its statutory functions, and we are concerned that the cost contribution mechanism proposed by the applicant in substance has a similar effect to the cost sharing regime provided for under sections 85 to 91 of the new roads.

01:09:21:10 - 01:09:24:23

You can come to a conclusion, please. Yeah.

01:09:25:03 - 01:09:57:04

Uh, I'm nearly there, sir. And, uh, and then the view this would effectively introduce, uh, cost sharing through the DCO process, notwithstanding, uh, that the applicant has not sought to invoke those statutory powers, uh, expressly through the order. Um, finally is assessing the interaction between this project and its own internal upgrade works and other proposed initiatives affecting its network. Therefore, uh, reserves dispositions pending completion of those assessments.

01:09:57:06 - 01:10:00:05

And that concludes my submissions. That's it.

01:10:01:15 - 01:10:05:26

Thank you very much. Can I go straight to the applicant, please?

01:10:05:28 - 01:10:17:03

Thank you. Sir, I have a sergeant for the applicant. I'll turn to Mr. McKay first. And then Mrs. Walters, sir, I think is able to respond. Um, on the side agreements point in particular. Thank you.

01:10:20:14 - 01:10:23:08

Thank you. Michael McKee for the applicant. Um,

01:10:24:26 - 01:10:49:22

yes, in principle, to the agreement to stand off. What competition has been agreed. I appreciate that it's still being formalized. Um, but I'll look more towards my colleague Abigail, um, to speak on that.

Um, generally, our engagement with Northumbrian Water is positive. I'm optimistic about it and reach an agreement in terms of both the statements of common grounds and any sort of site and protective provision agreements within the DCO. Um, that's all from me. Thank you.

01:10:52:06 - 01:10:55:03

Yes. It's our understanding that there is. Um.

01:10:55:27 - 01:10:59:14

Can you just be a bit closer? You might need to bring the microphone a little bit closer to you.

01:10:59:16 - 01:11:00:01

The base

01:11:01:25 - 01:11:42:20

is the applicant's, um, understanding that there is, in, um, heads of terms or, um, sort of largely negotiated legal agreement which deals with little Waltham pumping station. We understood that whilst the documents are not in place yet, that the principles around Little Waltham Pumping Station was substantially agreed and that that can be put in place in due course. Um, and that obviously, um, land within the operational substation boundary of Little Waltham Pumping station is um, not required and can be put into class eight, but we will confirm which plots that relates to um subsequently in writing.

01:11:43:17 - 01:12:27:15

Um, generally there's my understanding is there's a good level of agreement in relation to the side agreement with the one of the main outstanding points simply being that SWL, um, have included drafting recently around standing off all future projects, which is, I think, what has just been referred to in relation to site wide review of NWR assets. And we are just waiting for some information on that before we can, um, move forward with the drafting on the documents, which has been with us since the 30th of March, and we're just waiting comments from SWL on both the side agreement and the protective provisions in relation to the betterment slash cost sharing point that has been raised.

01:12:27:18 - 01:13:02:16

I understand from colleagues that this point has been discussed between SWL and National Grid in the context of the Sealink project, but it hasn't been raised by Noel to the Norwich to Tilbury lawyers. So we will need to come back on the exact wording around those provisions once it's raised with us, and we can speak to SWL about that and the Sealink team to see where that's at. But there has been a

good level of engagement between National Grid and NWHL, and we would hope to be able to conclude agreements with them in the near future, subject to those remaining outstanding points.

01:13:03:21 - 01:13:04:15

Thank you.

01:13:07:03 - 01:13:17:12

Can I just. Sorry to interrupt. Can I just confirm? Did you say that the the plots of land that were mentioned, the three plots of land. It's already been agreed. They're going to be class eight.

01:13:17:14 - 01:13:32:26

Not all three of them are necessary. I think we just need to check the position. We know that we don't need to come into the little Waltham pumping station to do anything with temporary possession powers. Okay. Outside of the boundary, the little wolf and the pumping station. We may still need some temporary possession powers.

01:13:33:24 - 01:13:52:17

Michael, the key for the applicant. Um, it was noted previously that these aren't, um. The allowance within the DCO is for a temporary water supply to the nearby compound. And there's also provision in the DCO for this to be anchored in if not able to be reached. So if we do need to start it off, yes we can.

01:13:52:23 - 01:14:06:15

Okay. And that obviously, um, there's another part of land outside of um, uh, the water, um, that we're talking about that is there would be potentially, uh, in the same position.

01:14:06:17 - 01:14:10:03

Yes. That's still the temporary water supply to compound.

01:14:10:05 - 01:14:10:29

Yeah. Okay.

01:14:11:01 - 01:14:12:01

Thank you. Thank you.

01:14:28:08 - 01:14:33:06

Thank you very much. It seems to be a bit of progress. We'll come back to.

01:14:35:14 - 01:15:06:18

Northumbrian water in a second. Could I just ask you to clarify a little bit there about the protective provisions? They were obviously saying that, um, they wouldn't wish to rely on the standard protective provisions and would wish to see specific protective provisions included. Is are you in negotiations to include specific protective provisions for this Undertaker in the DCU? And how are they progressing?

01:15:06:23 - 01:15:41:10

Yes, we're in negotiations with them to conclude specific protective provisions. Initially, negotiations had been going relatively well. In the last few days, we've been notified that there may be a point in line with the discussions which NWR were having with Sealink, so we just need to take away that new point that's just been raised. I consider where we're at on that point, but we would hope to resolve that position and then we can continue. Negotiation would expect to include bespoke protective provisions for SWL in the DCO at deadline six, subject to concluding discussions.

01:15:41:18 - 01:15:49:10

Okay. Thank you very much. Could I come back to Northumberland Water? Do you have any final comments on what you've heard?

01:15:50:09 - 01:16:23:20

Only briefly, sir, to note that I would agree with Miss Walters that the the negotiations between solicitors have been very good. Um, however, I don't think I would necessarily agree that the point raised in relation to potential cost sharing is a recent one. Um, it's, you know, relatively long standing one, certainly one that my client's been very aware of. Ceiling had been mentioned. Um, we felt it was prudent to ensure that once agreement on that is reached for consistency, that can be carried across into this scheme. We're just very concerned from a development yesterday that it looks unlikely that the agreement will be reached, so that that that is my concern for the moment.

01:16:23:22 - 01:16:25:12

So which is why it's been raised.

01:16:26:11 - 01:16:30:26

Thank you very much. And any final comments from the applicant?

01:16:31:02 - 01:16:45:20

No, sir. Just to say that this is a well, certainly this is this has only reached our legal team, I think, in the last couple of days, specifically in relation to this project. But obviously now we're aware of the point we can take it forward and swiftly.

01:16:45:26 - 01:16:46:14

Okay.

01:16:46:16 - 01:16:47:17

Thank you very much.

01:16:49:15 - 01:16:58:22

Thank you all. So if we can conclude that one and then we move to the next party, which is uh, National highways, Lower Thames crossing.

01:17:04:09 - 01:17:05:24

Yes, I think so.

01:17:10:06 - 01:17:14:01

And I can see a camera has been switched on.

01:17:15:03 - 01:17:20:03

Yes. Thank you sir. Um, I'm just waiting for people in the room to, uh, settle.

01:17:20:12 - 01:17:41:22

Yeah, just just to move around. I'm just to give a little bit of prior warning. Um, considering or considering. I'm just going to say that we'll probably take our mid-morning break after we've concluded with the lower Thames crossing. Um, and deal with that issue, and therefore, we will deal with them

01:17:43:13 - 01:17:58:16

National highways as a, as a separate entity, which we will deal with next after the mid-morning break. But police work, right? Okay. You want to make your submissions to us?

01:17:59:04 - 01:18:43:21

Thank you very much, sir. Um, so my name is Monica Wells, and I'm from law firm TLT. And as you said, I'm appearing on behalf of the Lower Thames Crossing project. Our primary concern, and we have mentioned this before, is the significant spatial interactions between the the two projects in terms of the locations of Lower Thames crossings, consented works and the proposed works of Norwich to Tilbury and then the associated land requirements. We're also concerned about the significant temporal interactions between the project in terms of the respective construction programmes and methodologies, which would mean at the same plots of land might be needed by both LTC and National Grid at the same time, for different or for the same purposes.

01:18:44:18 - 01:19:20:25

Uh, in particular, there are also concerns about how the proposed compulsory acquisition powers would impact upon the Lower Thames Crossing team's ability to deliver on their environmental and community commitments and obligations in the LTC. DCO at Compulsory Acquisition Hearing one, we stated that we would need to carry out a further analysis of the interaction between the land plots in order to fully understand the interactions and identify suitable solutions. We said at that time that this had not been possible, as we hadn't received sufficient information from the applicant.

01:19:21:05 - 01:19:51:07

Um, things, including land plan overlays to carry this out. Unfortunately, although the applicant and the Lower Thames Crossing teams, um, technical teams, have been meeting regularly, the land plan overlays showing option B only are not yet available to the Lower Thames Crossing team, and until that information is available, we cannot fully crystallize what the issues are and its concerns. Therefore, and Lower Thames Crossings concerns therefore remain unchanged.

01:19:51:25 - 01:20:21:01

Um, having said that, we we have had positive interactions with the applicant and we envisage that the interface between the two projects will be managed through a side agreement. Um, and as I said, as some progress has been made on the drafting that the detail is lacking and that detail will be lacking until option B, only plans and documents have been provided and and considered by the Lower Thames Crossing team. That's all we wanted to say today. Really.

01:20:23:10 - 01:20:35:28

Thank you very much. Um, could I just turn to the applicant and maybe you can give us a bit of clarity as to when or why the plan B hasn't been provided yet.

01:20:36:00 - 01:21:23:00

Have a site for the applicant. Thank you. I shall attempt to do, um, both conscious obviously also of the rule 17 letter that I think relates to this too. So, um, we have sought to bring forward, um, the submission of the scenario B documents as far as we can. We are in a position now where, um, we will be able to submit by deadline for the works plans in relation to section H and document 8.15.1 proposed project design for scenario 18 and a document that relates to permanent features, and also a new document which is to be called a class of Rights plans.

01:21:23:02 - 01:21:56:09

Well, a set of class of rights plans. And I'll turn to Mr. Weeks in a moment. Who can explain, um, particularly in relation to that last document, how that will assist. But my understanding is that those documents will provide, um, the key information to enable Lower Thames Crossing to, you know, move consideration forward and then the remaining documents. So, um, the land plans, the draft eco, the statement of reasons, the book of reference, construction, traffic management plans, the remainder of the suite we are working on.

01:21:56:11 - 01:22:38:16

But, Um, we've had to sort of focus in the first instance on that first set of documents I mentioned, and then our work's filtering down so that we're working to have the full set of documents available by deadline five. Um, but we've expedited what we think are the key sort of core documents to enable consideration to progress. Um, and we'll be submitting those by deadline for. So that's the sort of headline response there. But I will just pass to Mr. Weekes, who I think can, um, put some meat on the bones in terms of what those documents that we will be submitting by deadline for will actually achieve and why it is that we haven't been in a position to, you know, update the entire suite by deadline for.

01:22:38:18 - 01:22:39:10

Thank you.

01:22:42:13 - 01:23:15:28

John Weeks for the applicant. Uh, just yeah, just to clarify, so there are, um, the design work for the scenario B option has been undertaken, um, and completed so that the layers and information design information can be shared with LTC. That information will inform the update of the works plans. And as we said, we'll update a design figure to show that information so that people can see that a deadline for and then with respect to the class of rights plans, that would effectively be just that.

01:23:16:00 - 01:23:41:06

It will be the class of rights in the affected area in section H that will be shared as a separate new figure, so that people can see the impact of the class rights we're looking for. That will be the class of rights that will be reflected in the land plans that will be submitted later on, once all the plot, plotting and drafting of those works are complete. But the classes will be available for the for the areas so that they can be shared.

01:23:42:10 - 01:23:53:06

So in effect, it's a subset of the land plan that you're doing in relation to that particular location to clarify what class of rights you're seeking.

01:23:53:28 - 01:24:11:24

Yes. So it will be the classes. It won't have the plot by plot information on it. So that that will come with the update of the land plans and the book of reference. But it will show all of the classes we need and where that's required. So and again, those layers can be shared with LTC so that they can see that.

01:24:11:26 - 01:24:20:28

Will have layers on a plan so that LTC can overlay that or, or that will be overlaid so that LTC can see how that works.

01:24:21:02 - 01:24:21:19

Yes.

01:24:21:21 - 01:24:22:08

Yes, sir.

01:24:22:13 - 01:24:39:12

Sorry Sam. Island for the applicant. If I could just add that we have shared the first draft of the GIS information that will feed into the plans to be available at deadline for with the Lower Thames crossing on the 27th of April. And we discussed that at a meeting with them on the 28th of April.

01:24:41:09 - 01:24:58:05

Yeah. I was just going to ask for clarity, because you did just say, I believe that the the layers are available for Lower Thames Crossing. So I was going to ask why they haven't been shared. And you've just told me that they have been shared. So, um, is that. Is that knowledge that you have? Um.

01:25:00:09 - 01:25:30:21

Yes, sir. Um, I was aware that something was shared. However, um, obviously the team has not probably had a chance to consider that. Yes. Um, given how recently that's been shared. No, but the preliminary view is that something further is also needed. So I'm glad to hear that something will be shared. Uh, deadline for obviously, until we have that information, until we have those things at deadline for. Can't confirm that that's going to be sufficient, but, um, it sounds positive. So that's a good step forward.

01:25:31:01 - 01:25:50:07

And of course, if if there's vital information that is useful, don't you know, you don't feel that you can't share things outside of deadlines. Obviously they need to be put into the examination. But just like you've shared layers here, you know, don't don't feel that you need to if there's important information that can be shared to allow that assessment to carry on. Obviously that's that's part of the discussions that are happening behind the scenes.

01:25:52:10 - 01:25:56:03

And you were saying that in terms of.

01:25:58:08 - 01:26:28:03

This will be managed through a side agreement. Um, can we get a bit of clarity on how that would work and whether or not that's an interface with the examination or whether that's offline or whether that would be done, concluded before the examination concludes. And therefore we can take account of it, or whether or not that's a matter that you're negotiating separately as a commercial agreement between the parties.

01:26:30:22 - 01:26:33:17

Sorry, sir. Is that a question for the applicant? Sorry. Yeah.

01:26:33:23 - 01:26:34:23

Looking at the applicant.

01:26:35:04 - 01:26:35:19

Okay.

01:26:36:00 - 01:26:38:26

Apologies. Tom White, on behalf.

01:26:38:28 - 01:26:39:17

Of the applicant.

01:26:39:27 - 01:26:40:12

Indeed.

01:26:40:14 - 01:27:03:01

The the intention is that it's had two terms for a side agreement in the usual way to be negotiated in parallel to the examination and the intention, obviously, to complete that by deadline. By deadline seven, albeit given the complexity of the issues that may or may not be possible. But clearly we will do our best to to work to a timetable that achieves resolution of the issues satisfactorily before the end of the examination.

01:27:03:25 - 01:27:11:10

That was the answer I wanted to hear. Thank you. Um, LTC, have you got any final comments on what you've heard this morning?

01:27:11:25 - 01:27:15:12

Uh, no. No, sir. Nothing further than what I've already mentioned.

01:27:15:24 - 01:27:21:18

Thank you very much. And from the applicant, in that case, it is, um,

01:27:23:03 - 01:27:46:12

coming up to 11:30. So I think it's an appropriate time to take our, uh, mid-morning break. Um, on that basis, we will take a break for 20 minutes until, uh, ten, two, 12. Uh, and after that, we will hear from National Highways. Uh, the hearing is adjourned.