

## Hearing Transcript

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| <b>Project:</b> | Morgan and Morecambe Offshore Wind Farms Transmission Assets         |
| <b>Hearing:</b> | Compulsory acquisition hearing 14 <del>th</del> <sup>th</sup> Part 1 |
| <b>Date:</b>    | 2 May 2025   |

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**M&M\_2MAY\_CAH1\_PT1**

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**FULL TRANSCRIPT (with timecode)**

00:00:06:14 - 00:00:07:18

Good morning everyone.

00:00:10:28 - 00:00:35:27

Welcome again. It's now 9:30 a.m. on the 2nd of May, and I'm starting the first compulsory acquisition hearing to be held in respect to the application by Morgan Offshore Wind Limited and Morecambe Offshore Wind Farm Limited for an order for development consent for the project called the Morgan and Morecambe Offshore Wind Farms transmission assets.

00:00:37:21 - 00:00:49:22

We'll introduce ourselves fully in a few moments before we do that. Please bear with me while I deal with a few few housekeeping issues. First of all, can everyone in the room hear me?

00:00:52:06 - 00:00:53:23

And online as well, I hope.

00:00:58:20 - 00:01:02:13

Please confirm the meeting recordings and the live streams have started.

00:01:06:23 - 00:01:15:09

Yeah, I'm getting thumbs up. Um, and have there been any requests for reasonable adjustments or arrangements to enable participation in the meeting?

00:01:17:12 - 00:01:18:28

No. Not aware of anything.

00:01:22:06 - 00:01:43:24

Uh, I understand that there are no fire alarm drills planned for today, so any alarm should be treated as real. And if the alarm sounds, please exit this room. Uh, the various fire exits which are positioned around the room. Please do not re-enter the building until you're told it is safe to do so.

00:01:47:04 - 00:01:51:17

The toilets are out of the doors where you came in and turned to the left.

00:01:54:11 - 00:01:56:25

Moving on to, uh, introductions.

00:02:00:06 - 00:02:08:29

Being appointed by the Secretary of State for Energy Security. As a member of this panel to carry out an examination of the above application.

00:02:10:17 - 00:02:16:13

Good morning. I am David Cliff and I have been appointed as the lead member of the panel by the Secretary of State.

00:02:17:27 - 00:02:25:09

Good morning. My name is Maria Rocha, and I've also been appointed by the Secretary of State as a member of this examining authority.

00:02:26:19 - 00:02:33:18

Good morning. I'm Richard Morgan. I've also been appointed by the Secretary of State as a member of this examining authority.

00:02:36:07 - 00:02:46:13

Thank you. I confirm that all members of the examining authority have made a declaration of interests responding to the planning Inspectorate's conflict of interest policy.

00:02:48:02 - 00:03:14:21

Also present today are members of the case team. Case manager is Sean Evans, sitting over there to my left and is supported by Caroline Hopewell. And by Rebecca Luxton. They're all here at the venue. They're also supported by Mr. Tim Hall and Ryan Simon online. If you have any questions or concerns about today's event, then please contact a member of the case team.

00:03:16:16 - 00:03:26:14

Your audiovisual and internet services today are provided by CP five, who have a team located at the back of the room. Thank you to them.

00:03:28:13 - 00:04:00:11

That's the team from our end. Um, now, if I could turn to others that, um, uh, intending to speak. Um, I first of all want to acknowledge and welcome those who are either attending or watching the live stream. Uh, thank you for joining us. Um, there are a number of specific individuals and organizations who have indicated they would be attending and wishing to speak, and I would like to take brief introductions from them before we go further. So please, may I ask who's appearing on behalf of the joint applicants?

00:04:02:06 - 00:04:17:16

Good morning. Uh, my name is Liz Dunn. I'm a partner at Burgess Salmon, and, um, I am representing the applicant, uh, on joint matters and, uh, Morgan Offshore Wind Limited on matters that are specific to Morgan.

00:04:20:05 - 00:04:22:29

Thank you. And anyone else from the applicants?

00:04:26:21 - 00:04:27:06

Yeah.

00:04:29:06 - 00:04:42:08

Good morning. I am Laura Fuller from Burgess Salmon. Uh, as my colleague, listen, I am representing, uh, Morgan Offshore Wind farm. Uh, but also will make representations on behalf of both offshore wind farms.

00:04:44:28 - 00:04:48:29

Good morning. My name is Jeffrey. Start out I'm the land manager for the Morgan Offshore Wind farm.

00:04:51:10 - 00:04:51:27

Good morning.

00:04:51:29 - 00:04:59:09

I'm Eddie Dakin from doctor McLaren and we are instructed on both Morgan Offshore Wind Farm and Morecambe Offshore Wind Farm.

00:05:00:25 - 00:05:04:27

Good. Good morning I'm Gary Breen and I'm representing Morecambe Offshore Wind Limited.

00:05:07:07 - 00:05:11:28

Good morning. Anthony McNamee a legal adviser to Morecambe but also speaking for both applicants today.

00:05:13:25 - 00:05:17:15

Good morning. Harry Stubbs and I'm representing on behalf of both applicants.

00:05:19:28 - 00:05:23:21

Thank you very much. Um. Fylde Council

00:05:25:19 - 00:05:29:11

not here today. Blackpool Council.

00:05:30:18 - 00:05:43:21

My Isaac Nicholson are for DWF. I'm acting for Blackpool Council in their capacity as administrative authority and landowner. To my right is Catherine Knight. I'm also from DWF and Rob green from the council.

00:05:44:18 - 00:05:45:11

Thank you.

00:05:54:08 - 00:05:57:27

Helical technology. Good morning.

00:05:57:29 - 00:06:11:14

My name is Steve Knell. I'm on behalf of Helical Technology, who are a business that has, uh, premises on, uh, part of the land that is in question.

00:06:11:23 - 00:06:26:00

Thank you. Thank you, Mr. Nel. And welcome. We did see you earlier in the week online. Um, but if I dodged around the camera, we can see you. See you today. Thank you for coming. Um, is there anyone from the Canal and River trust?

00:06:30:13 - 00:06:36:01

No. Hands up! Um, okay. Moving on. Um. Sheila Hall.

00:06:41:01 - 00:06:42:01

You know, I think I think.

00:06:43:11 - 00:06:54:01

Yeah. I'm a local farmer, and I'm only planning to speak if there's any points come up that I. there. I feel I could add to the discussion this morning.

00:06:54:20 - 00:07:00:02

That's fine. Thank you for joining us, Mrs. Hull. Um, Amanda Hull.

00:07:02:14 - 00:07:06:14

No, I don't think there's any sign there.

00:07:08:08 - 00:07:10:07

Um, Mitchell and riding school.

00:07:16:26 - 00:07:29:14

Hello, I'm Richard Ellis. Uh, I'm representing Midland Riding School today, along with my mother, Wendy Ellis. And we would only like to speak if an issue is raised that we would like to add to as well. Please.

00:07:30:08 - 00:07:33:03

That's fine. Mr. Ellis, thank you for for joining us.

00:07:35:06 - 00:07:38:00

Um, National Farmers Union.

00:07:41:21 - 00:07:42:16

Good morning.

00:07:43:14 - 00:07:47:28

Yeah. Louis Staples, representing the NFU and NFU members. Thank you.

00:07:52:02 - 00:07:56:20

Thank you, Miss Staples. Um, Adam Vance.

00:07:58:23 - 00:08:12:03

Uh, morning. Adam Picker Vance from, uh, fhp chartered surveyors, uh, representing several landowners. I'd like to speak in respect of item three, please.

00:08:16:02 - 00:08:19:03

Uh, thank you for joining us, Mr. Vance. Um,

00:08:20:22 - 00:08:24:12

did I hear that you were only going to be available till 11:00?

00:08:25:00 - 00:08:26:14

Correct? Unfortunately.

00:08:29:06 - 00:08:40:29

Right. Um, we'll, um, probably have a break at 11, so we'll we'll, um, come back to you before, uh, before that break. Um. Thank you. Thank you for joining us.

00:08:41:08 - 00:08:41:24

Thank you.

00:08:42:28 - 00:08:45:04

Um. Richard Fernvale.

00:08:48:07 - 00:09:00:27

Good morning, Richard Armitstead Barnett, chartered surveyors representing a number of landowners along the project. My reservation is to input where relevant during today's proceedings, if that's possible.

00:09:03:18 - 00:09:07:11

Thank you very much. Mr. Purnell, thank you for joining us today.

00:09:09:27 - 00:09:18:17

Um, is there anybody else, either in the room or online who might want to speak later?

00:09:22:00 - 00:09:23:00

Uh, morning, sir.

00:09:23:02 - 00:09:44:18

I'm Peter Roberts with Blackpool Airport and Blackpool Council. I'm not entirely sure whether Alice Paul of DWF is online or not. No doubt he'll speak up for years, and my client is currently having discussions with the applicant, so they'll be returning in due course, hopefully. But again, we would only tend to raise issues as necessary.

00:09:45:23 - 00:09:52:06

Thank you, Mr. Roberts. Um, so, as with Mr. Paul, your Blackpool airport and Blackpool operations.

00:09:52:27 - 00:09:55:15

I'm also Blackpool Council. I'm wearing all three hats.

00:09:55:19 - 00:09:56:04

Right?

00:09:56:06 - 00:10:03:23

Right. Okay. I'm the council, the landowner and the airport surveyor. But obviously DWF are acting for the council.

00:10:03:25 - 00:10:04:25

Yep. That's fine.

00:10:05:14 - 00:10:28:08

Sir, if I may clarify tonight, DWF, uh, Mr. Peter Robertson, surveyor, who has been instructed, we've got joint joint instructions between Blackpool Council, um, and Blackpool airport in order to ensure a collaborative approach and easier working arrangement to hopefully come to an agreement. We reserve our position and will update the examining panel in due course.

00:10:28:26 - 00:10:34:15

Thank you. Thank you. Anybody else either in the room or online?

00:10:37:12 - 00:11:08:10

Right. Um, let's. If I could move on a few preliminary points concerning, the running of this event. Um, this would be a blended event. So it allows attendance both in person and virtually through Microsoft Teams. Uh, we thus the examining authority are attending the meeting. Um, as are several of the attendees for those attending virtually. Please be rest assured that you have our full attention.

00:11:08:25 - 00:11:46:04

Uh, even if we are at times not looking directly at the camera, uh, to avoid visual and noise distractions. Please keep your cameras and microphones off unless we invite you to speak. And, um, particularly for those in the room. Please make sure that, um, the sounds, uh, switch off. Uh, we're likely to continue this morning's business. Um, with a 20 minute break around 11 a.m.. Uh, we aim to finish no later than 1 p.m.. Uh, so we we will not be, um, continuing the hearing beyond 1:00 pm.

00:11:47:00 - 00:12:00:09

Uh, we will obviously keep the timings under review. Um, for virtual attendees, if you decide to leave the meeting during the breaks, then you can rejoin using the same link provided in your invitation email.

00:12:02:20 - 00:12:39:00

Uh, a brief mention of the, um, General Data Protection Regulation, although this was, um, mentioned, uh, in more detail at the previous meeting, at previous hearing this week. Um, but just to emphasize, um, a link to the planning inspector's spectra, its privacy notice was provided in the notification of this hearing. Um, I assume that everyone, um, is familiarize themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws.

00:12:39:15 - 00:13:16:13

Please speak to the case manager, Sean Sean Evans. If you have any questions about this. Uh, can I also remind, um. Everybody that we shouldn't be taking photographs, um, in this hearing? Um, so please, again, have a word with the case manager. Um, if at any time you, uh, would like to do that because, um, uh, that in itself is, is something which should not be allowed normally. Uh, a recording of today's meeting will be available on the relevant application page of the planning Inspectorate's website as soon as practicable after this meeting.

00:13:21:03 - 00:13:56:11

Uh. Moving on. This is the first compulsory acquisition hearing for this application. Uh, an agenda was published on the 28th of March. That's PG 006. Uh, and these are the only matters for discussion today. It's not intended to discuss all matters relating to compulsory acquisition. Today, some matters will be pursued through written questions or at future hearings. Indeed, individual affected persons should they wish to be heard at a future compulsory acquisition hearing and invited to submit their requests.

00:13:57:00 - 00:14:03:15

Um, a deadline one in the examination timetable, which is Tuesday the 20th of May.

00:14:05:07 - 00:14:28:17

A final point, um, regarding post hearing actions, should they arise during this hearing? We would ask that the applicants, as they did yesterday, um, make a note of of action points as they emerge. And at the close of the meeting, we intend to go through the entire list of hearing action, which will then be agreed and thereafter published as soon as practicable.

00:14:31:17 - 00:14:38:19

Um, the assumption is that post hearing actions will be dealt with by deadline one Tuesday the 20th of May.

00:14:42:13 - 00:14:45:16

Any questions at all? Please raise your hand.

00:14:49:28 - 00:15:05:27



Right. I'll move on to agenda item number two, which is the purpose of this compulsory acquisition hearing. And could I ask you please, to put the agenda, uh, up on the screen, uh, just so people can see that.

00:15:08:00 - 00:15:49:06

Thank you very much. Um, we will be raising written questions, which will be published on the 17th of June. Uh, but in today's hearing, we do have a number of preliminary questions, uh, which we wish to raise so that we can get a clearer understanding of the joint applicants position. Um, we will ask. We'll be asking these points a little later. Moving on to the purpose of this hearing. The compulsory acquisition. Hearing number one. This is to examine the joint applicant strategic case for compulsory acquisition, which we will often refer to as CCA and temporary possession.

00:15:49:17 - 00:16:08:26

We often refer to that as TP of land and rights. These will include how the relevant statutory and policy tests under the Planning Act 2008, um and the Department for Communities and Local Government guidance for compulsory acquisition would be met.

00:16:10:16 - 00:16:41:03

Next, the Joint Applicant Strategy and criteria for determining whether to seek powers for CA of land, CA, CA of rights or TP of land. Also consideration of alternatives to compulsory acquisition and temporary possession, and also consideration of the extent of land sought to be subject to CA and TP. Um, we'll be looking for an update on negotiations with landlord landowners.

00:16:41:25 - 00:17:07:04

We'll be talking about the purpose and adequacy of the funding statement. Uh, and, um, we'll always have at the back of the mind the, the statutory test where there is a compulsory, compelling case in the public interest for the compulsory acquisition and temporary possession provisions overall. Does anyone either in the room or watching virtually wish to raise any points in this stage?

00:17:10:19 - 00:17:11:12

Thank you.

00:17:12:11 - 00:17:15:06

I'm going to move on to agenda item number three now.

00:17:19:22 - 00:17:36:12

And this is the applicant's or the joint applicant's approach to compulsory acquisition and temporary possession. So can I ask that they briefly briefly set out its case and including the masses identified as agenda item number two.

00:17:36:14 - 00:17:37:02

Thank you.

00:17:38:20 - 00:18:09:11

Thank you. Thank you sir. Liz Dunn, on behalf of the applicant. Um, so the first point I think, uh, in item two, um, is how the relevant statutory and policy tests under the Planning Act 2008 and the

Department for Communities and Local Government guidance for compulsory acquisition would be met. Um, and the relevant sections of the Planning Act 2008 a section one, two, two, which is the purpose for which compulsory acquisition may be authorized.

00:18:09:18 - 00:18:45:12

Section 123 the land to which compulsory acquisition can relate. Section 127 statutory undertaker land uh and sections one two, sorry 131 and 132 of the Planning Act, which relate to the compulsory acquisition of commons or open space, land or or of rights. right. And just for the purposes of this application, we'll come on to it later. There is no compulsory acquisition of open space. There's the acquisition of rights, but not the compulsory acquisition of open space land under section one, two, one.

00:18:45:14 - 00:19:41:14

So that doesn't apply. So the applicants have included a suite of documentation that provides the case for the CAA of land and rights needed for the project, and the detailed information about the land affected and the land and the rights and powers sought. And that includes the statement of reasons, which is as 009 the Book of Reference as 011, the land Plan as 019, the Development Consent Order as 004, and in particular part five of the Development Consent Order Schedule seven A and seven B and eight A and eight B, and the Planning statement app two three, three, which sets out the need case for the project as the electrical infrastructure required to deliver the new clean energy generation from the Morgan and Morecambe generation assets.

00:19:42:02 - 00:19:52:24

As you've said, the relevant guidance for compulsory acquisition under the Planning Act 2008 is the Department for Communities and Local Government Guidance, which is the 2013 guidance

00:19:54:10 - 00:20:40:18

which I'll refer to as the Planning Act guidance as we go through. So starting with section one, two, two and one, two, three of the Planning Act that states that an order granting development consent may include provisions authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the conditions in subsection two and three are met. The condition in subsection two is that the land is either required for the development to which the development consent relates, is required to facilitate, or is incidental to that development? Or is replacement land to be given in exchange? And as we've said, um, there is no replacement land either set for this application.

00:20:40:24 - 00:21:13:27

And the second condition under subsection three is that there is a compelling case in the public interest for the land to be acquired under section one two, three, one. An order granting development consent may include provision authorizing the compulsory acquisition of land only if the Secretary of State is satisfied that one of the conditions in subsections 2 to 4 apply, and the relevant one here is that the application for the order has included a request for compulsory acquisition of the land to be authorised.

00:21:14:25 - 00:21:51:06

Those tests are then supplemented by the general considerations set out in the Planning Act guidance, to which the Secretary of State will have regard in deciding whether to authorise the compulsory

acquisition provisions in the DCO. Those are that under paragraph eight. All reasonable alternatives to compulsory acquisition, including modifications to the scheme, have been explored, and there is a need for an applicant to demonstrate that the proposed interference with the rights of those in an interest in land is for a legitimate purpose, and is necessary and proportionate.

00:21:51:18 - 00:22:38:09

And I'll cover that when we come on to consider alternatives to compulsory acquisition and temporary possession. Paragraph nine of the guidance requires the applicant to have a clear idea of how they intend to use the land it proposes to acquire. And that there is a reasonable prospect of the funds needed to deliver the scheme being available. And I think we'll cover that separately in terms of the funding statement. Um, under paragraph ten, there is a reminder in the guidance that the Secretary of State must ultimately be persuaded that the purposes for which an order granting compulsory acquisition of land are legitimate, and they are sufficient to justify the interference with the human rights of those with an interest in the land affected.

00:22:38:13 - 00:23:15:10

With regard to the provisions of article one of the First Protocol of the European Convention on Human Rights, and in the case of the acquisition of a dwelling, article eight. And as we know, there is no acquisition of dwellings for the purposes of this project. So article eight does not apply. Um, as I've said, the applicants consider that the condition in section one, two, two, uh two is met in the order of all of the order. Land identified is either required for the joint transmission project or is required to facilitate or is incidental to that project.

00:23:16:02 - 00:23:47:22

So people sometimes ask, what does required mean for the purposes of this test? And the answer is that it is necessary in the circumstances of the case. I.e., for example, it's not indispensable, but it is needed to deliver the scheme proposed. Um, there is case law regarding the meaning of the word required, and in particular the Court of Appeal case in Sharkey and another versus the Secretary of State for the Environment and South Buckinghamshire Council.

00:23:48:06 - 00:24:19:27

And this was in the context of a town and country planning application. And there the court stated that this was a local authority compulsory purchase. Um, the local authority do not have to go so far as to show that the compulsory purchase is indispensable to the carrying out of the activity, or the achieving of the purpose. Or to use another similar, um, similar expression, that it is essential. I believe the word required here means necessary in the circumstances of the case.

00:24:20:28 - 00:24:22:28

So the Compulsory

00:24:24:21 - 00:25:06:19

acquisition guidance. The Planning Act guidance sets out the general considerations which are to be applied when considering whether compulsory acquisition is justified. And paragraph 11 states that um, for the test of it being able to be required, the promoter should be able to demonstrate the satisfaction of the decision maker that the land in question is needed for the development for which the consent is sought. The decision maker should be satisfied that the land acquired is no more than is

reasonably required for the development, and in respect of the the land being needed to facilitate the project.

00:25:06:21 - 00:25:37:12

That second limb of section 122, two. Um, there is very useful guidance again in the Planning Act guidance at planning at paragraph 11, which explains, um, how, for example, the compulsory acquisition of land for the purpose of landscaping the project, which is relevant here in the context of the substations where that is sought and in respect of the justification for the compulsory acquisition of land for landscaping or similar works.

00:25:37:24 - 00:26:35:09

The guidance says that in such a case, the Secretary of State will need to be satisfied that the development could only be landscaped to a satisfactory standard. If the land in question were to be compulsorily acquired, and that the land to be taken is no more than is reasonably necessary for that purpose and is proportional. This is the guidance that the applicants have followed, and the examining authority will also be aware of the provisions in the national Policy statements regarding compulsory acquisition and in particular, section 4.1.8 of in one National Policy Statement, Ian one and paragraph 2.6.5 and 2.6.6 of Ian five, which recognised that the compulsory acquisition of land may be needed for onshore electrical infrastructure such as new substations, and for associated mitigation effects such as for landscape enhancement or biodiversity net gain.

00:26:35:27 - 00:27:19:20

Also, the paragraphs 2.6.2 and 2.6.3 of National Policy Statement in five recognise that where rights in land cannot be acquired by agreement, it may be necessary to seek to acquire those rights compulsorily through a development Consent order. It also states that paragraph 2.6.4 that permanent rights are preferable to voluntary way leaves because they clearly are permanent, and the policy also recognises that it will be for the Secretary of State to consider an application for such rights under the provisions of the Planning Act in respect of the next part of section one, two, two.

00:27:19:22 - 00:27:52:06

At section one, two, two, three the need. There is a need, as I said, for the Secretary of State to be satisfied that there is a compelling case in the public interest for the granting of those compulsory acquisition powers. And paragraph 13 of the Planning Act guidance states that for this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be taken.

00:27:52:28 - 00:28:31:16

Goes on to say that Parliament has always taken the view that land should only be taken compulsorily, where there's clear evidence that the public benefit will outweigh the private loss. Um, paragraphs 14 to 16 of the Planning Act guidance explain that to determine where the balance of that public interest lies, the Secretary of State will weigh up the public benefits against the private loss, and the guidance also recognizes that there's likely to be an overlap between the factors the Secretary State has in in regard to determining whether to grant development consent and whether to authorize the compulsory acquisition of land.

00:28:32:18 - 00:29:26:03

Um, that compelling case in the public interest is ultimately a matter for the Secretary of State, who will make that decision based on the examining authority's report and the material in the application. But the applicant's position is that the public benefit for the transmission assets, as needed, to deliver almost two gigawatts of new renewable energy generating capacity from the Morgan and Morecambe offshore wind farms is both clear and compelling. The this project is supported and the generation that it will be connected is supported by a cascade of international and national obligations that combined to put the United Kingdom on a path to reduce carbon dioxide emissions and create safe, affordable, reliable energy with a strong focus on UK generation and security of supply.

00:29:26:25 - 00:29:56:27

National Policy Statement N1 presents a clear and compelling case for the need for new electricity generating capacity in order to meet the UK's net zero target by 2050, and the urgent need for new capacity to meet this. There is also now a identification of critical national priority infrastructure which, subject to the meeting of the of the mitigation hierarchy. This.

00:29:57:07 - 00:30:28:19

This project benefits from paragraph three of NPS and one urgent outlines that urgent need. And we now also have the clean power at the Clean Power Mission 2030 mission set up by the the Labour government, which is now enshrined into Ian one through the changes that have been made there. And I think the UK government has made it clear that offshore wind plays a key role in achieving net zero and decarbonisation targets.

00:30:29:06 - 00:30:51:13

Um, we're now looking at a target of 50GW by April 20th. Sorry, that 50 gigawatt target was set in April 22nd, and that's now been further endorsed by the Clean Power Strategy 2020 2030. And Morgan and Morgan will will make an absolutely critical contribution to the UK meeting those targets.

00:30:55:12 - 00:31:33:20

Decisions coming through the consenting system like this one have to have regard to that need for new renewable energy, energy generating capacity and the urgency of that need. We say that decision makers should be doing that by forwarding substantial weight to energy policy objectives, as well as those set out in the national policy statements, and that enhanced support that is given for both offshore wind and the transmission elements by the identification as critical national priority infrastructure.

00:31:35:16 - 00:32:13:27

Um, the case for the joint transmission project is urgent and important. Um, but there are wider benefits that need to be taken into account, and those are set out in the statement of reasons. And we did touch on those yesterday. Um, there is the delivery of biodiversity benefit through the enhancement of habitats and increased connectivity, the socio economic benefits. We talked about, um, as set out in the statement of reasons, um, that which identifies the potential for 255 employment opportunities for local residents in the study area, and that is within a 60 minute drive time.

00:32:13:29 - 00:32:46:09

So we discuss that in the context of files, but it is in a local context around that area during both development and construction. And. And of up to 50 such jobs during operations and maintenance, the applicant's commitment to a skills and employment plan, which will be worked up in conjunction with the local authorities and with the with the county council, um, in order to deliver, um, the sort of investment in training and jobs so that they can be brought forward.

00:32:46:15 - 00:33:05:04

And also, uh, supply chain engagement through regional partners of the Offshore Energy Alliance. Um, so that's the applicant's case. Uh, for the compelling case, we can come on to those other elements, um, in respect of, um, private loss and other matters.

00:33:07:22 - 00:33:46:06

Thank you. Thank you very much for, um, for that. Um, we did talk about alternatives. Um, uh, previous in the previous hearings, um, and you referred to the, um, compulsory acquisition guidance. Um, and the reference that, um, uh, that makes, um, you, you say in the, um, the statement of reasons, uh, that, uh, significant effort has been put into and continues to be put into, uh, agreeing a negotiated solution with each of the persons affected by exercise of the CCA powers.

00:33:47:05 - 00:34:10:03

Uh, reading through the relevant representations. This doesn't appear to be the impression of many of the affected persons whose land is subject to the application, uh, for camp powers. Um, how do the applicants intend to, um, overcome the, uh, this impression that many affected persons of God. Thank you.

00:34:10:18 - 00:34:22:14

So on behalf of the applicants, I think the applicants will just explain the engagement that has taken place where we are now and what will be happening going forward in respect of engagement with with those affected.

00:34:29:04 - 00:35:03:12

Taken on behalf of the applicant. Um, the projects have been, um, engaging with landowners since July 2022, when we initially issued correspondence. Since this date, we've been engaging with them in relation to surveys, both intrusive and non-intrusive. Um, due diligence around ownership and land interests and undertaking meetings to obtain feedback on the proposals. And more and more latterly, we've been talking to them about drainage matters. McLaren have been the principal point of contact for landowners over the last three years, and issued correspondence on behalf of both of the applicants.

00:35:04:00 - 00:35:09:00

Um, Jacquie and Gary are going to talk a bit about the collaboration and engagement on landowners?

00:35:11:14 - 00:35:29:08

On behalf of the Morgen project. So the projects have been seeking to collaborate through the process and are absolutely committed to continuing to do so. And this includes engaging collectively in respect of the voluntary agreements, seeking to negotiate tripartite heads of terms and options where that's practicable. Um,

00:35:31:02 - 00:35:54:15

the land agreements are engineered, um, to try and reduce that bureaucratic burden on landowners and indeed their agents, with the aim of providing clarity and consistency throughout. As projects working together, we've collaborated tirelessly on the principle terms of that. And as I'm sure you can imagine, there's a lot of work that goes on behind the scenes to make sure that those tripartite, singular agreements can actually deliver for both projects.

00:35:57:27 - 00:36:30:12

Yes. So a tripartite agreement is, um, it's it has three parties to it. So it has the Morgen Morgan Offshore Wind Farm, the Morecambe Offshore Wind Farm and the respective landowners that it's looking to address. Um, so wherever possible, we've sought to align, uh, not only the sort of, um, administrative and bureaucratic burden on landowners as a result of two projects, but we're also trying to do that in terms of the physical impact as well. So looking to, uh, merge survey campaigns, looking to merge intrusive licences, etc.,

00:36:30:14 - 00:36:45:25

so that, you know, from a from a landowner perspective, it is it is, to all intents and purposes, one set of agreements, rather than duplicating everything and having that potential for inconsistency between the two. So trying to make it really clear and and concise.

00:36:49:23 - 00:37:30:11

Gary Green, um, speaking on behalf of both projects, as Miss Dalton has alluded to, that we started consultation with landowner mid 2022 and we've had landowner meetings. We've sent out the landowner interest questionnaires. We've sent out scheme updates and in terms of voluntary agreements, we have sent out the first set of heads of terms back in February 2024, and we then issued a populated set on the 8th of November 24 to all landowners. And following that, we had feedback from the NFU about landowner engagement and had suggested a open floor meeting with their members.

00:37:30:19 - 00:37:38:17

And we took the NFU up on that offer. And on the 4th of December we met with all landowners affected by the scheme.

00:37:41:15 - 00:37:51:26

That we used that meeting, we used that meeting as an opportunity to describe the construction scenarios as outlined in the. Yes. And we also give them an.

00:37:52:09 - 00:37:56:08

Excuse me, you said you met with all landowners affected by the scheme and.

00:37:56:10 - 00:37:59:08

We invited all. We invited all to a meeting in Saint Martin.

00:37:59:10 - 00:38:00:24

I invited them all. Sorry. Yeah.

00:38:02:16 - 00:38:33:02

So we talked to him about practical matters of what the scheme would look like, what a joint pay would look like, what a link box would look like. And we then opened the floor up to individual questions. And two of the main themes that came out of that meeting for, for the projects was drainage was a concern for, for landowners and the lack of project engagement. So the project took a commitment to meet with landowners if landowner wanted a meeting.

00:38:33:04 - 00:38:41:13

We're always hoping to attend the meeting and from there and the project's have attended meetings with landowners along with the agents and McLaren.

00:38:44:00 - 00:39:07:17

And then post that meeting in December. We have been working with the the land agent group, who formed the majority of landowners, um, to agree a set of heads of terms. Um, I think I can say that we are, if we have them in a form that is ultimately agreeable by everybody to be populated in the coming weeks and reissued to landowners.

00:39:12:14 - 00:39:17:11

On behalf of the applicants, I'm just going to go through a bit of an update, so it probably reaches into one of the other agenda.

00:39:17:17 - 00:39:53:14

Yeah. Can yeah. Can we can we wait for a moment on on that for the update? Because we'd certainly like to hear that. But before we go there, um, can I just, just, um, uh, revert to the discussion we had yesterday, which is the extent of the land sword. Um, we we did discuss it quite a bit in, in, um, I issue specific hearing one. Um, but just one of the clear messages coming out of that was that the prospect of two construction scenarios could well extend the time limit beyond ten years.

00:39:54:09 - 00:40:09:06

Uh, and there's no certainty that a farming business can easily revive its operations, including business contracts and employment of staff. Um, I just wonder if you want to comment further on on what was discussed yesterday about that.

00:40:14:19 - 00:40:16:17

Uh, list down on behalf of the applicants.

00:40:16:19 - 00:40:49:18

I think there's two parts to, uh, this response. The first is from a from a CCA perspective regarding the justification for the land, uh, the land that is sought for the project. Um, and I think it's also the, uh, consideration of the nature of the rights that are being sought over that land as well, insofar as whether they are they are temporary or permanent, uh, whether they are whether we're looking at compulsory acquisition or whether we're looking at, uh, acquisition of rights effectively.

00:40:50:11 - 00:41:27:01



Um, and I think going back to, uh, the, the, my starting point around, um, the test being that the land is necessary and necessary, i.e. it is no more than is needed for the project. Uh, and we talked, um, at the issue specific hearing regarding, um, the, uh, the cable corridors the size of those cable corridors in respect of each project. Um, and then, um, and then the, uh, the area over which the project, um, over which the project would be able to take permanent rights once the cables are installed.

00:41:27:20 - 00:42:06:22

Um, and the applicant's position is that that all the land that is identified is required for the purpose for which it has been identified as we went through. Um, through the issue specific hearing, uh, clear plots are identified work numbers, the activities that will be taking place in those areas. Um, and just, um, possibly moving on to, um, but but it is an important In consideration. Throughout all of this, the applicants have taken the approach of um, of of minimising their impact on the land wherever possible.

00:42:06:29 - 00:42:38:10

As I said, um, the compulsory acquisition of of land is limited to the substation, uh, plots and the associated mitigation around that. So the landscaping. Um, and the reason compulsory acquisition is required of those plots is because they are effectively they can't be used by anybody else after that, and that is required for the project in order to be able to maintain those, uh, everywhere else. Uh, the applicant is either seeking temporary possession.

00:42:38:12 - 00:43:10:03

So the temporary use of land in order to carry out the works that are identified. Uh, and then the, um, and then the compulsory acquisition of rights, um, which will essentially be the ability to maintain the cables within land and to access that land for the purpose of. Purposes of inspection and other matters. So fundamentally, the applicants are starting from a position of seeking to minimise the effect on land.

00:43:10:06 - 00:43:24:21

Through that approach, the alternative would have been to seek rights initially over the whole of the application. The whole of the order limits obviously save those those plots that are subject to compulsory acquisition.

00:43:24:29 - 00:43:26:18

I think we appreciate.

00:43:26:20 - 00:43:27:19

That that further.

00:43:27:21 - 00:44:11:15

Yeah, I think I think we appreciate that. And and you you talked about the tests earlier and, um, clearly spoken um, strongly about, um, that land is, uh, reasonably necessary for, for the project. Um, but, but but as you outlined earlier, it's also got to be proportionate. Um, and, and in this case, given the width of the proposed order limits and the construction scenarios involving separate timelines, um, I think it's, um, it'd be useful to, to, to to hear you respond as to whether or not that is proportionate.

00:44:11:17 - 00:44:33:17

I think the necessary is, is, is a, uh, is an easier argument for you to make. But as I say, bearing in mind the separate timelines and the, um, the width of land that's being taken for, for for whether it's CA or temporary possession, um, is, is is, you know, how how can you say that that is actually proportionate?

00:44:34:08 - 00:45:12:04

Uh, less than on behalf of the applicant. Uh, the land is proportionate, um, because it's required to deliver two projects, as we've said, that must be both capable of being delivered independently from each other. And if you look at the, um, the, uh, width of the line, the width of the cable corridor that's being required for each of these projects. It is analogous to other projects across the country. It's not an excessive, um, not an excessive, um, cable corridor for temporary works or for permanent, um, and um, so it there's nothing disproportionate about it.

00:45:12:18 - 00:45:48:03

Um, what we will talk more about is how, um, when we come to exercise those powers in are working in particular areas, we'll be working with landowners to ensure that that those things are managed. Um, and I'll pass over to somebody else to talk about that. But fundamentally, um, uh, in terms of the compulsory acquisition case, uh, the land is needed. It is proportionate. Uh, considering, uh, the approach for, um, as I said, that both projects require to be able to construct independently.

00:45:48:19 - 00:45:54:15

Um, and uh, and as I've said, it is needed for the project, so I'll pass over to some.

00:45:54:17 - 00:46:26:15

I think what I want to hear more about is the separate there's two projects, two construction scenarios. And that's really I hear what you say about the, um, uh, other DCO applications and, and, uh, the, the width of the corridor is, is similar, but, uh, as you've said before, uh, um, on a number of occasions, this is a sort of groundbreaking project in that you have two separate companies and therefore two separate construction scenarios.

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And, and the question really is to what extent is that proportionate?

00:46:41:09 - 00:47:16:13

Uh, good morning. On behalf of the applicants. Um, just just picking on some of the some of the points. Um post consent for these projects. Um or post examination. The dialogue with landowners wouldn't stop and it would always continue at that point. Um, and at that point, going forward, we would then begin to engage much more detailed on accommodation works and mitigation plans, retorting to the construction scenarios. Uh, the general principle, uh, of those discussions is to allow for that continuous operation of farm businesses so far as reasonably possible.

00:47:17:07 - 00:47:53:19

Um, the dialogue and works will all happen in advance of entry with all affected parties to build up those mitigation plans, and they would be specific to businesses and holdings. Um, these discussions are ongoing now as part of the voluntary agreements to an extent. Um, but the real detail would be ironed out during the detailed design, which is probably very normal process in development and

linear project development. They would always be led by the Alos and the actual liaison officers. As my colleague Gary mentioned, uh, which is sort in the outline Code of Construction Practice reference AP 193 who is appointed by the projects? Um.

00:47:54:01 - 00:48:38:09

It is often the case that any lead contractor delivering the project works would also instruct their own, who would then work in partnership with those. Uh, as partnerships across I suppose, across the route, there's several different types of agriculture and rural businesses that are being affected, such as the dairy, uh, dairy units, beef units, arable and mixed livestock, uh, and also equine. All these businesses will have, you know, differing, um, farming calendars and requirements that will need to be addressed. Uh, such things that will be then picked up in those discussions include sort of fencing specifications, accommodation works which would differ in each case, or holding or potentially fail to field and plot to plot sometimes for the for the for the use that needs to be there.

00:48:38:11 - 00:49:15:10

And they would all be designed, um, to impact, uh, sorry, mitigate the impact in each case as, as far as possible. Um, the only such examples of that theater fencing specs would be, you know, account for things such as grazing plans, uh, herd movement plans, um, fodder replacements, water supply movements and numerous other points there. Um, I suppose the example of some of the projects where, you know, the fencing specifications would differ would sort of be post and rail and post and rope and stop proof, um, and varying types utilized to ensure that the retained land outside of those working widths, uh, is able to be utilized fully.

00:49:15:19 - 00:49:47:20

Um, and then that includes obviously the movement of water supplies, uh, and installation of new water troughs, etc., to, to allow the grazing continue and business use across the working width as those fence line plans are developed. Um, that would need to be the ability to obviously install crossing points across that working width to allow access to both sides of the, um, the works. They are pretty, uh, typically done at that detailed design stage to understand what the farming calendar will look like through construction, and how best to implement those as we move forward.

00:49:48:10 - 00:50:17:17

Um, I've worked on numerous projects where your previous examples where we've had full box crossings used, um, where the working widths are staged in, um, and, you know, they are used obviously to, to allow livestock to pass freely, um, across. And obviously they accommodate different uses such as, you know, dairy herds twice a day milking or three times a day or whatever it might be, um, arable machinery movements where, you know, they can be designed specifically to allow for combines to pass without having to remove the header.

00:50:17:27 - 00:50:48:18

Sorry. Um, I think Mr. Stubbs, isn't it? Yeah. That was very helpful analysis. And and and I think we'll hear more from you later. Um, and, you know, thank you very much for that. I'm just a little bit aware that we've got 1 or 2 people who aren't going to be here. So do you mind if we move on to negotiations, which I know your colleague was about to start talking about? Pounds. Um, uh, and I think it'll be really useful for us to have that. And then I'm aware that we've got to we want to hear from Mr.

00:50:48:25 - 00:50:52:28

Vance for for who disappears. So, um, if we move on to.

00:50:53:00 - 00:51:24:22

Just one moment, Liz. Done. On behalf of the applicants, um, would it be helpful for us to submit a note which compares the cable corridor for this project in terms of there being six circuits with other projects in terms of cable width, which I think will perhaps indicate where there is. It's it's certainly, um, very similar to, if not smaller than a number of projects. And I think that might assist in terms of your points around, um, scale of impact on, on.

00:51:25:18 - 00:52:02:13

I, I think we're aware of other projects where that's applied. Um, I think as I said earlier, it's the fact that we've got two applicants and two projects here and, and two very separate projects. Um, and, and, um, you know, you you've mentioned this, um, uh, you know, on a number of occasions. And that's the big difference because that's imposing a longer time scale. So that, that that's the bit that I think is really, um, uh, you know, causing issues from, from farmers, but, um, uh.

00:52:02:29 - 00:52:36:12

Move, move move move. Moving on about the negotiations, because, um, I noticed that Miss Staples wants to come in and Mr. Picker as well. Uh, but I want to just deal with this preliminary point on the negotiations which you were beginning to talk about. So, um, as I say, we we want to understand the joint applicant's overall approach in seeking to gain voluntary agreements. Um, and and what progress you've made. Uh, we have the schedule of negotiations contained within statement of reasons.

00:52:36:27 - 00:52:55:18

And we've asked you to split the statement of reasons up for, for, um, for, for reasons that we mentioned. Uh, but I'd like to understand. Uh, this stage, the strategy you've had and the progress towards obtaining voluntary agreements, um, uh, perhaps you could give us some indication of that. Thank you.

00:52:57:03 - 00:53:42:12

Ellie Dakin, on behalf of both applicants, um, as mentioned, the strategy that we've taken to those agreements has been set out, um, by colleagues. So just to give a bit of an update on where we are with those negotiations, um, starting with the substation locations to begin, um, the status of negotiations for the landowners affected by the substation and mitigation land are ongoing. The applicants are seeking separate agreements with these interests and initially issued heads of terms for the acquisition of land in April 2020 for progress with the Hornby Foundation, who own the Morecambe substation footprint and part of the Morgan substation footprint are well advanced and and we anticipate to have agreed terms in the coming weeks.

00:53:43:06 - 00:54:04:18

The agreement with the executives of the late John Mason, which is the majority of the Morgan substation and the mitigation land, are also progressing and closely aligned with the cable corridor terms that I'll provide an update on shortly. The negotiations with the remaining interests affected by the accesses are ongoing, and the applicants hope to conclude negotiations during the examination.

00:54:07:28 - 00:54:44:12

For the cable corridor. Heads of terms. Um, as I mentioned, um, initial templates were issued in spring 24 to the land agents with the intention of obtaining feedback and progressing the template. But since that date, the projects have drafted several heads of terms and templates to account for all the combinations of rights sought along the order limits. Um, a land agent group has been formed, which is quite common for these types of projects, and there have been a number of meetings since that initial meeting with the NFU at the 4th of December.

00:54:45:05 - 00:55:15:16

The land agent group includes 13 land agents which represent over 68 well 68 landowners. And in total there are 84 landowners across the Cable Corridor, and therefore 80% of agreements are represented by the Land Agent Group. The applicants have hosted four meetings with the NFU and the Land Agent Group, since the terms were initially issued on the 8th of November. With the latest version of the Heads of Terms being issued to the NFU and the agents on the 23rd of April.

00:55:17:06 - 00:55:50:09

It's anticipated that discussions will now move on from this forum to meeting with individual landowners and their appointed agents to discuss holding specific matters. This approach was acknowledged and agreed with the agents during the meeting on the 7th of April. Those affected parties are not represented by the Land Agent group. The applicants have been in ongoing dialogue regarding the right sorts. The most recent issued template mentioned is to be populated in the coming weeks, and also sent to all interests along the corridor to ensure consistency and fairness.

00:55:51:09 - 00:56:01:29

Based on the progress to date, the applicant considers that negotiations on the template document are at an advanced stage and expect to have secure header terms with a number of parties during the examination period.

00:56:04:02 - 00:56:24:14

Going forward and between the compulsory acquisition hearings, the status of negotiation will be provided in the Land Rights Tracker. Um, and we note the comments that have been made in the rule six letter, um, in relation to the format of that. Um, yeah. And that will be the forum for providing updates moving forward.

00:56:26:13 - 00:57:09:26

Thank you for that. That's very helpful. Um, uh, I note that, um, in terms of some of the negotiations. You're you're you're, um, you're saying that, uh, it's anticipated that they, the heads of terms will be, um, in an agreeable format imminently. Um, I mean, just to emphasize the point, uh, our examination is going to run for six months less three, four, four days. However, how many days we get ticked off? Um, and we can only accept the, you know, the examining authority can only accept detail during those six months.

00:57:10:06 - 00:57:30:16

So our expectation is that, um, you know, if you haven't, uh, actually reached agreement with landowners, then there'll be outstanding objections and we will have to report on that. So, um, it's very

much in your interest to ensure that those negotiations are concluded during the examination, because we cannot report on anything thereafter.

00:57:30:18 - 00:57:31:03

After

00:57:32:15 - 00:57:41:06

being taken on behalf of the applicant. It's very much our intention to reach voluntary agreement with all applicants, and it's our preference to do so as soon as possible.

00:57:43:03 - 00:58:16:04

Right. Thank you. Thank you very much for that. Um, and, uh, it's been helpful this morning to, to hear about, um, the discussions that were going on beforehand. Um, because that's also part of the, um, uh, the guidance that, uh, the negotiations do take place, uh, before the examination commences. Um, so I think it would be an appropriate moment now to, um, uh, to listen to, um, uh, from both the NFU and from, uh, one of the agents.

00:58:16:24 - 00:58:34:29

Um, so, um, Miss Staples, you've got your hand up. Um, and then if you've been mentioned on a number of occasions as being involved in, in early discussions, um, perhaps you can give us your update as to how how you think. So things have gone and where they're going in the future. Thank you.

00:58:36:11 - 00:59:14:10

Morning. Thank you, Louis Staples. On behalf of the NFU and NFU members. Um, yes. A few things to cover. Um, the. Yeah, the NFU got involved uh, more at the end of last year due to the concerns that were being raised, um, by and a few members that are affected by the projects and that the landowners were saying that they weren't getting enough information, uh, regarding the project. So that is why we requested, um, that we have an open meeting, uh, for all landowners and farmers, um, affected, uh, by the project.

00:59:14:12 - 00:59:48:14

And I have to say that we really had to push to get that meeting, and it did take a lot of organising. Um, that did greatly help, though, I have to say, once the meeting was held. Uh, yes. Also, just in regard to heads of terms. I know the heads of terms were sent out earlier, but what tends to happen on these projects is developers send them out and then just think everybody is going to respond, but obviously they're not going to respond because they don't want the scheme at all. Um, so it really is for the developers to, um, drive, uh, those negotiations forward.

00:59:48:26 - 01:00:19:13

Again, I feel we had to step in. Um, and then the agent group was formed. Um, this has greatly helped, um, in the discussions so far. Um, but we're still definitely not concluded. There are definitely outstanding matters. Well, especially from their point of view that still need to be ironed out. Um, then just in regards to, um, yeah, the rights being sought and whether they are proportionate or not, I obviously raised this yesterday and I think partly the day before.

01:00:20:06 - 01:00:51:09

Um, yeah, we believe that they're not proportionate at the moment in a way that is being requested for both developers to be able to build out at separate times. I don't see why that's proportionate, and I don't think really we haven't been given a good enough reason. Other than that they're separate companies and that they might get funding at different times. I think that's what I've only picked up on. So I do think there need to be stronger reasons as to why they need to build out separately.

01:00:52:02 - 01:00:59:04

If those are going to be considered by the Secretary of State and for those to be proportionate, which I don't think they are at the moment. Thank you.

01:01:01:13 - 01:01:09:02

Thank you very much for your involvement on this project. Um, can I move to Mr. Vance? Um.

01:01:10:20 - 01:01:11:18

Yeah. Morning.

01:01:14:10 - 01:01:34:06

Um, hello, Mr. Pig. You've given us some, uh, an indication as to which, um, uh, which farming businesses you represent. Perhaps you could, um. Uh, send, send. Uh, after this meeting, um, confirmation of that to the case team. Just so they got a note of, um, uh, which clients you've got?

01:01:35:08 - 01:02:13:12

Uh, yes, I will do. Thank you. Thank you. Sir. Adam, pick of an SP value is acting for several landowners. Um, as Hornby's charity have been mentioned in in, um. Today's meeting, I wanted on record that Hornby's charity are not supportive of the projects. Um, they've had their hands tied because of the DCO process and the potential outcomes. Um, they've had no input to the location of both substations, which affect Hornby's charity.

01:02:14:15 - 01:02:49:24

Uh, we've asked for removal of the permanent access on Lower Lane as it's we feel it's not needed because there's a permanent haul road proposed from the south, which we don't want, but certainly not both. Um, so there's still, uh, in a lot of the commercial terms, uh, to be, um, discussed and negotiated before I'm in a position to, um, put forward a set of terms that I could recommend to my client.

01:02:49:26 - 01:02:52:06

So I just wanted that on record.

01:02:54:18 - 01:03:25:01

Um, and in respect of item three, if I can move on, um, it's it's where affected persons consider that the relevant legal tests and policies have not been met. Um, this is particular to the consultation phase. Um, so I act on behalf of several impacted landowners in respect to the two substations, permanent hall roads, the access points from the A5 83 and the A5 84.

01:03:25:27 - 01:03:32:25

Um, and uh, the the lower lane access to the more more consolidation and the general cable corridors.

01:03:34:13 - 01:04:11:21

Um, my concerns generally speaking on the consultation process without being client specific or site specific, uh, as a request to be heard at a future compulsory acquisition hearing by deadline. One on those uh, whilst I will refer to an example of my experiences, um, to make a point, the general overarching concerns with the initial public consultation process was that the projects made representations to the public that there had been landowner engagement in the substation site selection process, which is completely untrue.

01:04:12:07 - 01:04:31:28

There was no initial engagement to identify zone one or subsequent initial substation siting options. I'll now read out an extract from a couple of emails with Darko McLaren relating to substation site locations, which highlights the lack of landowner engagement or consultation.

01:04:32:26 - 01:04:34:16

Mr. president, um,

01:04:36:10 - 01:05:08:20

can I just say the examination is started? Um, and we've noted that there's quite a few concerns about the consultation. Okay, but but but it did pass the statutory tests. So, um, we are now into the examination and I'd really like to concentrate on, on, on the, um, uh, the, the application for CCA in TP because I think in a way, whilst a lot of people have made this point that the consultation was perhaps flawed in some way, where now in the examination.

01:05:08:22 - 01:05:17:18

So I think it's important that we, we concentrate on these points, uh, whilst, um, while, while, whilst we've got time to, to consider them. So thank you.

01:05:19:14 - 01:05:23:26

Is that? Is there a further point outside the consultation that you're looking to make?

01:05:24:28 - 01:05:57:26

Um, if I'd like to reiterate the fact that we've had no input in the initial substation locations, uh, the Morgan substation was set by the projects without any communication, um, with with ourselves or the landowners directly. Um, subsequent to the initial options, uh, the more the Morgan site has been moved, uh, following negotiations, but, uh, the the Morgan substation has not moved.

01:06:03:17 - 01:06:19:22

Right. Thank you for that. Um, I'm aware you're you're, um, not going to be around after, uh, after our adjournment. Um, so is there any sort of final point you might like to, um, to make before you, you you have to to run off.

01:06:21:12 - 01:06:45:16

Uh, not in this respect. Uh, I did have an item regarding section 48 notice, which is a, um, just regarding the actual notice itself referring to one project, which is singular one one development and



one connection to, uh, the national grid. So I think the section 48 notice is misleading, whether that's for now or just just for your attention.

01:06:46:06 - 01:07:08:19

Yeah, that's that's a point. Um, and we'll make a note of that. So thank you for for raising that. Probably the notices uh, could be a little little clearer in that respect. So thank you for raising that. Um, and thank you for joining us this morning. Um, Mr. Fernhill, um, can we move on to, to to your presentation, please?

01:07:10:15 - 01:07:41:15

Yes. Good morning. Thank you for the opportunity. Um, uh, Richard, first of all, Mr. Barnett, I was just working out from leaking. I think I've probably got the majority of the affected landowners and, um, affected parties on the scheme. Um, in some respects. Louise Staples has kindly stolen some of the thunder that I was going to raise. But, um, the one thing that I do not believe that has been dealt with properly or with any clarity so far in the today's proceedings.

01:07:41:27 - 01:08:16:03

Uh, and apologies, I wasn't on yesterday or the day before is the idea of the collaboration. The collaboration has worked to date in terms of the, um, access requirements they've had, but I cannot see how a DCO is being applied for independently. Uh, and I'm glad that you have shared some concerns of the ability to have two projects at a different times. And I think that is a thing that needs to be clarified and determined.

01:08:16:13 - 01:08:48:08

Far greater depth yet to the idea of having two projects that can trigger independently on one. DCO does not work practically. I think the other points that I would raise at this stage is that the Pre-populate, the populated heads of terms, were in due course, issued in February 2024. We were we were offered to input and put forward our proposals. They were not taken up and they were reissued in November 2024.

01:08:48:15 - 01:09:12:19

We have had engagements, and I would wholeheartedly confirm those that Ellie had mentioned. And Louise, there have been dialogue. We are certainly far from an agreeable form that Gary Breen had indicated. There is still a considerable amount of work within the heads of terms that are not in agreeable form yet. So those are the points that I would like to just clarify at this early stage.

01:09:15:11 - 01:09:27:27

Thank you very much for appearing today and for your, um, contribution. That's, um, that's really helpful. Um, and I see we've got a hand up from, from Sheila Hall as well. Um,

01:09:29:12 - 01:09:31:15

if you'd like to make your comment.

01:09:32:22 - 01:10:16:09

Yeah. As as Sheila Hall, a local farmer. Um, I just as a as a landowner, a farmer and not a planning expert. I just want to, um, flag the issue I, um, I'm having in trying to, you know, when my land agent,

um, comes to discuss these heads of terms with me, there are still a lot of details that are still to be, um, worked on by the project team. So the actual impacts are really difficult for us to understand at this point, because some things are indicative and that, you know, they're the yet to be decided, and they'll be apparently decided after the consent order is given.

01:10:16:19 - 01:10:51:27

So it's very difficult to work through these agreements with all these important points still missing. And another question I have again. Um, apologies for my lack of understanding of planning law, but is it appropriate that we're being, um, pushed into agreeing whether it's compulsory purchase or, um, or the TPS at this stage when there is, um, from this examination process, it's been highlighted, there's material alternative route that hasn't been assessed yet.

01:10:52:23 - 01:11:11:14

It just feels that, um, you know, the pressure on landowners to sign up to things when that is still outstanding or, you know, that that important material aspect of the choices made for this project has still not been assessed and progressed.

01:11:13:29 - 01:11:38:07

Thank you, Mrs. Hallen. And yes, certainly the issue of alternatives was discussed at an earlier hearing. Um, and, uh, I don't propose that we'll we'll go down that route again to today, although it is still very much, uh, some an outstanding issue. Um, in, in the, um, in the examination, um.

01:11:40:15 - 01:11:58:04

With the applicant, like, we've slightly, um, moved the order because Mr. Vance had, um, uh, limited availability. Um, so would the applicant like to come back on in relation to what we've, we've heard from, from the agents and from the NFU?

01:11:58:13 - 01:12:42:27

Uh, listen, on on behalf of the applicant, um, I would, um, so just, um, uh, starting I think probably with Mr. Fernvale, because I understand he's representing Mr. Hall as well. Um, so, uh, right there and, um, I'm, I'm pleased that, um, he recognises that, um, the, um, coordination between the projects has worked well to date in terms of the engagement. I think it's one of the points that we've been trying to stress that actually, this has, uh, this coordinated approach has meant that, uh, landowners and their agents are dealing with one, uh, one party effectively rather than two and seeking to streamline that process as far as possible.

01:12:42:29 - 01:13:06:24

So I'm pleased that's working from their perspective. Just to pick up on the point around two projects, um, there is significant precedent for that in terms of other development consent orders for offshore wind projects. So this isn't it's it's unusual in the sense of two independent, independent projects, but two projects being brought forward together is not unusual. So I'll just put that point down.

01:13:06:26 - 01:13:09:26

You did emphasize the distinction yesterday, so

01:13:11:12 - 01:13:12:04

we did.

01:13:12:11 - 01:13:45:18

Uh, sorry. Less done on behalf of the applicants. We did. Um, and I think the point Mr. Fernvale was making was around kind of how the project would work together and having two within one consent. And that is, well, precedented, albeit these circumstances, as I've said and made clear, are very different. Um, I think we will, um, come back to I think I think we rehearsed in, in a lot of detail over the last few days why the projects need to be constructed independently. I don't propose to respond to, um, to Miss Staples on that.

01:13:46:02 - 01:14:16:13

Um, and I think I will ask others to come back on the, um, on the progress of the heads of terms, obviously. Uh, it was certainly our understanding that those were, if not in agreed form, very, very close to that. Um, but if there are further comments that need to come through on those, uh, we're clearly very receptive to receiving those in order to get those out as soon as possible. Um, in respect to the home based charity, I think that's probably something for one of the lands team to pick up.

01:14:19:18 - 01:14:50:15

Any day. On behalf of the applicant, um, just to come on to the heads of terms and the status of negotiation. Um, apologies if it wasn't clear there are points of difference between the applicants and the land agents, but as mentioned, the intention now is that we believe they're at a position where they need to move to holding specific discussions. And actually, that group forum is, you know, as far as we can go with them. Um, you know, I welcome the feedback from the others, if that differs from our understanding.

01:14:50:17 - 01:15:19:14

But that's that's as we've taken it away. Um, in relation to the point about, um, the engagement with Hornby's on the location of the substation, the Morgan substation. Um, what might be helpful is if we provide a communication log of when we obtain that feedback from, um, Hornby's and when we kind of had meetings, if that would be helpful. So that you can see that full, um, full engagement log.

01:15:20:01 - 01:15:26:11

Yeah. The communications log, it would be useful. So if you could, could submit that at deadline one as an action point. Thank you.

01:15:26:15 - 01:15:54:14

Yeah. That's fine, I think just, um. Sorry. Ellie Dakin, on behalf of the applicant, one of the, one of the key feedbacks that we we got from, um, the, uh, landowner and the occupier of the land was regarding the location of the access, um, from from that southern road. So it was to facilitate and move that in to account for some future plans that they had. But as I say, we'll put this into a note at deadline one and, um, submit that then.

01:15:54:20 - 01:16:18:18

Sorry. When you submit that communications log, it'd be really helpful if you could also have a plan showing exactly where this access is so that we can understand that because, um, I think they were saying it's along lower lane. Uh, and we have, we have, as you know, sort of spent some time walking

up and down low lane, but, um, exactly where the access is, would, would, would be really assist us. Thank you.

01:16:20:24 - 01:16:22:27

On behalf of the applicant. Yeah. That's fine. Thank you.

01:16:28:03 - 01:17:00:21

Right. Thank you. Um, for that. Um, moving on. Um, Miss Dunn earlier was talking about the the benefits of the project, um, outweighing the, the the private loss. Um, we did have a discussion about this yesterday in, um, the issue specific hearing, uh, one, um, and, uh, I think, uh, in respect of the, um, uh, the, the planning balance, if you like.

01:17:00:23 - 01:17:38:11

It's an issue that we're clear about the benefits. Um, but it's also an issue for compulsory acquisition. Um, and, uh, I think we were keen that, um, as we said yesterday, that the statement of reasons was, was, was updated so that, um, uh, the local benefits has done referred to the, um, the employment opportunities, um, and, and, and some of the mitigation areas. Um, but I think, um, be very useful with this statement of reasons was updated to, to include reference to some of the local benefits that you have outlined.

01:17:39:05 - 01:17:48:09

Uh, Liz Dunn, on behalf of the applicant, um, we will review it that that information is in the statement of reasons at the moment, but we'll look to see if we can amplify it. Thank you.

01:17:48:14 - 01:18:09:22

It sort of. Yes. It perhaps it could be given a bit more prominence than statement reasons because it is mentioned, but I had to search for it. Um, so, uh, that would be really helpful if, um, if that was, um, uh, that, that, that, um, uh, was, was, was brought in as well. Um.

01:18:12:03 - 01:18:20:18

Fine. Does the applicant want to respond on any other points on agenda item three, or does anybody in the room want to say anything on agenda item three?

01:18:27:09 - 01:18:45:17

No, there's no hands up. It's, um, 1048. Um, and because we're the next item is going to be quite a lengthy item, the corporate structure. Um, I'm going to propose that we have an adjournment now. Um, so returning at, um, 1111 ten.

01:18:47:16 - 01:18:51:05

So thank you very much for that. See you in 20 minutes.