



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Morgan and Morecambe Offshore Wind Farms Transmission Assets
Hearing:	Compulsory Acquisition Hearing 2 (CAH2) - Part 2
Date:	01 August 2025

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FULL TRANSCRIPT (with timecode)

00:00:06:29 - 00:00:10:12

Can. Can you please be taking your seats now? It's 1125.

00:00:25:17 - 00:00:38:06

All right. Thank you everyone. So this hearing is now resumed. Um, and next person we're looking to hear from is on behalf of the National Farmers Union. Uh, Miss Staples. So, Miss Staples, if you could. Um.

00:00:40:17 - 00:01:04:09

Thank you. Thank you for joining us again. Um, and I appreciate your time. And, uh, if you could make your submission on behalf of a number of farmers, as we've discussed before, obviously you're not an infected person, but you're representing a number of affected persons, and you've given us details for those. Um, so, please, um, uh, let us have your submission. Thank you.

00:01:04:26 - 00:01:45:06

Thank you. Louise Staples for the NFU and a few members affected. Um, I really have, um, sort of four areas to cover, so I don't know if they're. It's. I'm just going to give you what I'd like to cover, and then you can say whether you'd like me to speak on those now or, or later on, or if you just want to written a further written submission. Um, I do have a few comments to make on, um, about communication, uh, between the applicant and agents for some of the feedback that I've had. Um, and then I actually wanted to just to cover about link boxes decommissioning and still the, um, construction coordination, if that's possible, please.

00:01:47:24 - 00:02:05:11

Yeah. We did mention link boxes earlier in the, in the week at the, um, issue specific hearing. Um, but certainly um, Let's hear about communications. Um, but link boxes, I think, probably can be a brief submission because I say we did discuss this.

00:02:05:15 - 00:02:08:05

Okay. Sorry, I probably wasn't able to join at that time. Sorry.

00:02:08:07 - 00:02:12:00

Yeah. Decommissioning is obviously an important point, so please fire away.

00:02:12:11 - 00:02:53:11

Thank you. Um, just in regard to engagement. Um, I just when I spoke to some of the agents that are acting, uh, for our members, um, a few weeks ago, it was just a highlight that they said they are having to wait, um, like, over three months to get any responses back. Um, and this is in regard to the heads of terms. So there is definitely a delay there. Um, that's my point on that. Um, just on link boxes, all I wanted to raise was, um, that, um, and I think actually you even, uh, gave a written question to the applicant to provide, and so did ourselves about a sketch plan.

00:02:53:18 - 00:03:31:03

And it was just to say that. Yes, I can see that. Then there now is a sketch plan of what the link box will look like. Um, but that isn't actually what I was really trying to find out. What I'm really trying to find out is how link boxes could end up being located within the order limit for both schemes, say, within a field, so that farmers can actually start to understand what that impact will be. And that is what we're still missing. Thank you. Um, then on decommissioning, um, we've had an answer back in our statement of common ground.

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Um, but the issue that I've got there and I understand they're saying that, you know, decommissioning has to be looked at at the time and then they have to follow the procedure. Then that's in place for decommissioning. Um, what we've really been asking for is that any infrastructure that is up to ground level and to a depth of 0.9, um, that that infrastructure does definitely get removed at decommissioning. That will then enable normal agricultural operations to be able to take place.

00:04:03:06 - 00:04:09:15

Once that schemes be decommissioned. That has not yet been agreed with the applicant.

00:04:12:13 - 00:04:41:21

And then in regard to, um, the construction coordination. Um, sorry, this might have been covered in a specific hearing and again, I might not have been able to have joined at that time. Um, but, um, in response to one of the written questions, um, which is I think was the answer to, um, yeah, it's written question 1.1.3.

00:04:43:12 - 00:04:46:02

Um, the applicant gave a table

00:04:47:18 - 00:05:18:10

saying that for Morgan, the duration might be, um, 120 days For the construction and then a further 28 days for testing. That's for four circuits. And then for Morcom, we've got 60 days for construction and then a further 14 days for testing. And then there are some site preparation as well. And it says 145 days in total then for Morgan and 75 days total for Morcom.

00:05:19:04 - 00:05:19:19

Um,

00:05:21:06 - 00:05:53:10

I understand that. And when you look at that like that, that doesn't sound very long. So one would be five months and one is two and a half months. I don't think that isn't the problem. The problem is that they've got their seven years to be able to start within that time limit, to start the build of each scheme. So what I think more detail is required on is um, about let's say that Morgan goes ahead first. They do manage to do that within the 145 days, and that's 145 days for one kilometre.

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Um, what I think every farmer is going to need to then understand is, is it's the time lag then between, let's say then when Morecambe could start,

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will a whole road be left in place? It does say in the answer that a whole road will be left in places. You know, farmers are going landowners are going to need to understand that. So that's why the overall impact of both schemes is much greater than when you just look at it individually like that and you and you say, oh, it's only 145 days, or it's only 75 days when it actually comes to constructing it. It's much greater the impact.

00:06:39:03 - 00:07:12:03

And that's why we're still asking for that to be tightened up. And I understand in the written answer as well, they have said about the funding that they might need to go and get, and they won't get it. They might not both. Um, applicants might not get funding at the same time. And that's one of the issues. So they need as much flexibility as possible. It's just then that the coordination then between the two schemes still isn't really happening. When it comes to construction, they're trying to keep their flexibility to build out two completely separate development.

00:07:13:01 - 00:07:13:21

Thank you.

00:07:15:07 - 00:07:45:15

Thank you very much. Um, and yes, we did talk about some of those issues on, on earlier in the week. Um, but uh, um, it's useful to get your, your, your, your further input. Um, turning to the applicants, I mean, obviously, um, staples is raised some points which I think some of your, um, colleagues will be talking about in a bit later on in agenda item number seven. Do you want to sort of leave it to Len or do you want.

00:07:45:17 - 00:07:48:10

Is there anything you want to come back to at this stage?

00:07:52:09 - 00:08:24:10

Good morning, Harry Stubbs, on behalf of the applicants. Um, just 1 or 2 points. Now, if I may. Um, I suppose on the point around communication that Miss Staples raises, um, I think changes to to the terms, um, do take time to go through governance and sign off appeal. I suppose I would just like to reiterate that, as my colleague Mr. Breen said in the opening statement, the agents group that was set up. Um, we left that with an agreed what we felt was a very advanced set of terms that were in most of the clauses that were agreed.

00:08:24:23 - 00:08:55:08

There are now changes being opened up on those negotiations, which we understand in one on one negotiations. But given project boards have approved those terms, it now does take time to loop back through for those governance and we justify why changes would happen. So it does lead to some delays, but we are working as best we can to turn those around quickly. We want to progress them. Uh, you know, and I think, as we said in the opening statement, having tried to conclude as many

posts before the end of examination, but obviously if we need to. Those negotiations will never stop and they will continue on.

00:08:56:15 - 00:09:23:21

Um, I suppose on the decommissioning point, just to just to bring that to the table now as well. Um, within version four of those sets of terms that was issued, um, uh, in May this year, the voluntary clause states that anything from surface down to 0.9 will be removed. Um, so that is, that is agreed. Um, and has been included in those terms in the voluntary hazard terms. Um, and I think that's probably about it from me for now on those points if that's okay.

00:09:25:16 - 00:09:58:08

Right. I think I think that's helpful because that that does touch on your fourth point. Uh, the Miss Staples raised, um, just going back to the communications. Um, of course we're not we're not just hearing from from one landowner here. Um, we're hearing from, uh, the NFU represent quite a number of of agents and landowners. Um, and, uh, you know, that that she's still getting that message. We're now three over three months into the examination.

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And, you know, if that's still the perception of land agents and therefore the landowners. Um, you know, that that is, um, you know, something that, uh, you know, does need to be accelerated as far as possible because, you know, that that's, uh, an important message that is coming through.

00:10:18:00 - 00:10:36:12

Yeah. Harry Stubbs, on behalf of the applicants, I know, note the comments. Um, I say we are working with all those agents that are giving that professional advice. I appreciate Miss Staples and the NFU have an overarching. But we are dealing with those agents one on one to be able to give them answers and turnaround times as quickly as possible, and we will continue to endeavor to improve as much as we can.

00:10:39:07 - 00:11:00:23

Right. Um, I'm not sure if you heard earlier, Miss Staples, but under agenda item seven. And, um, there's going to be a bit of a further information provided by the applicants. And that is, I think, going to be covering up some of the other points that, um, that you raised. Yeah. But thank you very much for for joining us. Um, and appreciate your your input. Thank you.

00:11:01:04 - 00:11:08:01

Can I just ask one just question for my clarification? It was mentioned that the 0.9 removal provision would be in the, uh,

00:11:09:18 - 00:11:16:09

voluntary agreement. Is that also secured in the relevant out the relevant outline decommissioning plan.

00:11:18:19 - 00:11:42:11

Is done on behalf of the applicant. We don't have an outline decommissioning plan at this stage as far as I'm aware. Um, I question as to whether it would go into the, um, soil management plan. We can

we can have a look at where that that would be, um, in terms of whether it's, um, appropriate at the moment, it's only something that has been agreed through the voluntary agreements.

00:11:45:11 - 00:11:50:03

If you could let us know a deadline for where it is going to go so we don't lose sight of it.

00:11:50:18 - 00:12:12:21

So ladies, on behalf of the applicants, it may not go anywhere. It may be something that is just a voluntary commitment through the voluntary agreements because, um, because the the landowners are looking for that degree of certainty. But the applicants may consider that outside of that, it doesn't need to be secured in the documents, but we will review it in terms of the application documents.

00:12:14:10 - 00:12:19:15

Why why doesn't it need to be secured in the documents if it's being offered?

00:12:21:21 - 00:12:34:12

Lays down on behalf of the applicants because it doesn't necessarily, um, apply to every situation and every position. We'll review it, sir, and see whether we consider it's appropriate to go in.

00:12:34:14 - 00:12:40:09

Yeah. Thank thank thank you for that. And thanks again, Mr. Staples. Um. Moving on. Um,

00:12:42:00 - 00:13:00:26

Mr. Vance. Um, I'm not sure whether or not you're you're looking to make a representation on behalf of Hornby's foundation charity. Um, I know you're watching. I think you're watching. Um, but if you do want to, um, say anything, now would be the moment.

00:13:04:03 - 00:13:15:00

Sir, if I if I may, I think Mr. Vance is travelling. He emailed, um, my colleague last night to suggest he might be able to dial in, but maybe travelling, so maybe not be able to. Um.

00:13:18:28 - 00:13:35:16

Yeah. He's left teams again. So I think AP is Mr. Paul um, rather than Mr.. He did die in a bit earlier but he I think he's left again as you say so. Fine. Moving on. Can we move on to, um, Mr. Coney now on behalf of, uh, fair, fair farms.

00:13:38:19 - 00:13:44:05

Mr. Coney, is there any way you just sort of come up to the table so we can see you because you're hiding behind?

00:13:53:12 - 00:14:00:09

Thank you very much for that. So if you'd like to introduce yourself and who you represent, and then you've got up to five minutes. Thank you.

00:14:00:25 - 00:14:47:12

Thank you sir. I'm Andrew Kearney, a partner of Pete Wilson and Company, former chartered surveyors and land agent based in Preston. Representing here, Fair Farms Limited, Christine Fair and John Fair. And I've previously submitted representations to the nomination on their behalf. My client's business has currently constituted is a paddock grazed Dairy Farm, a sustainable food production unit with low carbon footprint of 1.01kg/l of fat adjusted milk to 2,000,000l of production annually. With high diets, high biodiversity, a highly profitable and successful farming business, the grazing system operated and utilised by the milking herd operates over the whole farm and needs unrestricted access over the whole farm from early February to late November in every year.

00:14:49:02 - 00:15:21:26

The impact of these two schemes, two easements coming in, two substations, two easements going out. Two temporary build areas and two permanent access roads will have a devastating effect on my client's business and farming operation. The total potential land take, affecting circa 7,575% of the available acreage, will certainly mean the cessation of the business as it is currently constituted if the scheme proceeds. It is my and my client's view that the scheme as currently presented to the examination is fundamentally flawed in its route selection process.

00:15:23:04 - 00:15:59:16

We believe that there has been inadequate consultation and consideration of the impact of the scheme on businesses and communities, and overall, that the planning and ecological assumptions that have been made for the selection of the substation sites at Alton was made before a full assessment had been undertaken of the ecological and planning impacts of that selection. For the record, the initial proposals here were that no substations would be built on lower House farm, my client's property. And it was the case that only three days prior to public notification, that my clients were told that they would be affected by one of those possible two substations.

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At that point in time, there were two potential sites being considered at Alton and Newton for the Morcom substation, both the Morcom substation site selection, and was done prior to any access being granted on my client's property for surveying work.

00:16:16:07 - 00:16:45:16

These are all issues that are compounded by the fact that we have two separate projects potentially proceeding on different timescales, with two easements under one DCO. And the uncertainty that surrounds all of that is simply intolerable. And that uncertainty causes stress, worry, and makes the managing and planning of the farming business going forward over the next few years virtually impossible because the farm is planned on a three year advanced planning cycle, with breeding program and investment made three years ahead of delivery.

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Whilst I admit I'm not an ecologist, it is clear even to me as a layman that the project had not completed their ecological assessments in respect to the schemes, evidenced by their ongoing request for further ecological intrusive surveys even now today. That is, after the route, corridor and substation sites have been identified. And it would be my submission that the DCO process here is being driven by grid connection dates imposed by National Grid on the scheme, rather than the proper assessment of the scheme and the implications thereof.

00:17:16:25 - 00:17:33:11

It is also a grave concern that the project's approach to construction scenarios and the and the coordination between these projects is inadequate, and as yet, their approach to construction, compound programming, and the timing and delivery of accesses are all completely unknown and uncertain.

00:17:35:11 - 00:17:58:04

My client's property is situated in the main within the greenbelt. So far as the schemes are proposed, and what isn't in the greenbelt is situated within countryside area. It would be my submission on behalf of my clients, that the scheme has failed to demonstrate that the design and location of the substation has met greenbelt requirements, or demonstrated the very special circumstances. That would mean that an exception to greenbelt policy should be made.

00:17:59:22 - 00:18:35:16

I would also like to advise more generally that, in my view, the applicant's approach here to the draft DCO and their approach to negotiations with landowners and occupiers affected by the scheme bears very close examination. I understand the need for the scheme to pursue their draft TCO, and I also understand the scheme's desire and quite rightly, to pursue by negotiation the acquisition rights sought under the DCO by agreement. But I want to make it clear to the examining authority that any delays in achieving agreement on heads of terms for rights to be acquired here by agreement do not lie with the landowner and their agent.

00:18:36:28 - 00:19:00:25

I, along with other agents representing those affected here, have entered into genuine, bona fide negotiations with the scheme with a view to trying to agree those heads of terms with a stated preference that once the heads of terms were in an acceptable format, we would recommend those to clients and recommend clients that they proceed here by agreement. Because in my view, and the view of the other agents involved, that would be in the interest of all parties.

00:19:02:20 - 00:19:28:06

Those negotiations have stalled simply, in my view, because the scheme refuses to accept any further compromise. For example, my last communication with McLaren raised 16 points of principle where we wanted, which we asked. They'd be addressed within those heads of terms. They came back to us with affirmation of one only, and simply told us that the other 15 were not something that was acceptable to the scheme.

00:19:30:21 - 00:20:09:13

Our repeated attempts to achieve compromise here and to achieve compromise. Indeed, the pre-populated versions version three and the offers. So maybe version four. Correct. But indeed, the pre-populated versions of those heads of terms that were sent out unilaterally by Malcolm McLaren on behalf of the scheme were not agreed. Contrary to what you've been told earlier this morning, negotiations were still ongoing. We had not agreed those heads of terms. We were told that those heads of terms were now not capable of being negotiated, because they had to get pre-populated versions out, and they were sent out unilaterally without us being told.

00:20:14:11 - 00:20:31:22

Um, and as I say, it's now nearly two weeks since my last communication with David McLaren here. Um, we've indicated a willingness to continue with those negotiations. And the response was simply, it's with the scheme. Thank you sir.

00:20:33:09 - 00:21:03:17

Thank you very much, Mr. Kearney. Um, I just I just wonder. I think your clients are in the room. Yeah. Um, there was a document produced, um, by the applicant, uh, which showed the extent of, um, uh, the landholding. Would your clients have any objection to that? Perhaps going up on screen? Not at all. Thank you for that. Um, I think here it might be useful. First of all, if it's possible for the applicant to bring that up, it's, um. Rep.

00:21:03:19 - 00:21:18:27

1044. Um, and and it's, uh, landholding. Um. Uh, well, it crosses two landholdings. Perhaps you'd explain about, um, the interaction between your clients and the Hornby's trust.

00:21:19:11 - 00:21:43:12

Uh, I can indeed, sir. So my client's primary landholding is held by way of a agricultural holding tenancy agreement, where the landlords are the Hornby Newton Trust. My clients also own in their own right as freeholders land that adjoins that tenancy agreement. Total acreage is just something over 200 acres of available land.

00:21:46:03 - 00:21:51:21

And of that acreage, how much is is Hornby's freeholder and how much is your client's freeholder?

00:21:54:14 - 00:21:59:24

Yeah, but that's only one 180 oh oh. Sorry. The Hornby Trust one is 200.

00:22:02:28 - 00:22:09:07

Right. Um, okay. Well, that's that's helpful if there's any way that that page

00:22:10:25 - 00:22:11:12

can.

00:22:16:08 - 00:22:27:12

Okay. Sorry, sir. The tenanted land is is 200 acres, and there is nearly 230 in total. I was wrong.

00:22:29:22 - 00:22:36:09

So there's 200 acres. That's with the tenant is the tenanted farm. And then the privately owned land takes it to nearer 230.

00:22:38:04 - 00:23:10:06

Sir, can I just really quickly intervene on this plan? I just want to say something. Which is that it? It says in the document that this is based on the information that has been provided to the applicant. So it it may not be entirely complete in what there was a there was a caveat put at the beginning of the document. So I just want to want that to be on the record in terms of if if people are saying there are

extra bits or other bits or whatever. This has been based on the applicant's understanding of information that had been provided to it and title information, I just thought that might be helpful.

00:23:10:25 - 00:23:13:01

Okay, well that's fine.

00:23:13:06 - 00:23:13:21

Yeah.

00:23:14:06 - 00:23:16:12

Have you seen this plan before, Mr. Tony?

00:23:17:29 - 00:23:24:27

Um, I haven't seen that. I mean, I recognise the plan, but I haven't. That's not the plan. I thought you were going to call up. All right, we can use that one.

00:23:24:29 - 00:23:30:18

Okay, so I think, uh, plot 26 has identified. That's the Hornby's.

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The Pink.

00:23:31:11 - 00:23:45:10

Yes. The pink on the on the left hand side that. That's the 200 acres Hornby's charity farm. Um. And your your clients are joining site is. It's not shown in colour there, I don't think.

00:23:45:12 - 00:23:59:12

I think if you would forgive me, I don't have the document reference, but if you were to turn back to my first submission to the, um, the inquiry, um, appended to that is a plan that shows exactly what land is tenanted and what land is owned.

00:23:59:24 - 00:24:26:00

Fine. Uh, okay. But as far as that's concerned, it shows, um, the the cable route. Yes it does. Um, and it also shows where one of the substations is, is, is proposed, um, which is, uh, in a sort of central part down towards the lower end.

00:24:27:12 - 00:24:30:00

That's right. So the

00:24:31:20 - 00:24:49:02

the main farming unit is at the southern end of that of the red block of land nearest the village. Yep. Um, there is a central, um, track that runs up the spine of the farm. Yeah. Cow track. And the cows move from bottom of farm to top of the farm

00:24:50:21 - 00:25:28:08

freely, um, to graze and to come back to the farm to be milked. Um, when you look at that plan and you take if you look to the right, to the east of our. Thank you. Um, if you look to the Greenland to the east of my client's land, you can just see, um, what is one of the permanent roads, access roads that's proposed, that crosses the farm broadly in line with the overhead cables, which you can also see the national grid. So the south of that line is the only part of the farm that will be undisturbed or guaranteed to be undisturbed by this project.

00:25:28:23 - 00:25:59:26

Anything north of that line is has the potential to be unavailable to my clients and their business. And that is, I say, circa 75% of the farm, with the uncertainty that surrounds the delivery and the timing and the project management of this scheme. You can't just turn milk cows off and turn them on, you know, breeding stock of bred two years in advance of starting to milk. Um, and you can't take 75 or you can't make unavailable.

00:25:59:28 - 00:26:10:23

Uncertainty around the unavailability of 75% of a farm and expect a dairy business to continue, because it's simply unviable and untenable.

00:26:11:17 - 00:26:26:12

Thank that. So just to get my my bearings again. So just to the left of of of this is is lower lane. Mhm. Uh and. I think you were saying the cows are in a field the other side of Lower Lane.

00:26:26:14 - 00:26:30:28

No, sir. Um, would it help if I came and pointed at the screen for you?

00:26:31:27 - 00:26:34:11

It probably would, actually, yes. If you don't mind.

00:26:45:03 - 00:26:53:04

So the main farmyard is here. So that's where the cows are housed when they are in. Because there's a microphone there.

00:26:54:10 - 00:26:54:25

Yes.

00:27:01:04 - 00:27:15:14

Sir. Just very quickly and apologies, do we. I wonder if the best way to do this, because those people online aren't going to be able to see this. Would you appreciate. I appreciate everybody's trying to be helpful. We're just trying to be helpful. I wonder if you want me to go on.

00:27:17:22 - 00:27:38:19

Does your mouse work on the on the screen. I just wonder if the best way to do it is through Mr. Wong, who's projecting, who can then use his mouse and the pointer on there to. Is that. Is that okay? It's very important that we get this right. But it's also important that those online can can see it as well.

00:27:39:04 - 00:27:43:16

Thank you very much. Yeah. Thank you. Thank you, Mr. Coney. This is this is helpful.

00:27:44:24 - 00:27:45:10

All

00:27:47:02 - 00:27:51:14

right. Okay. So which screen do you want me to point out? Okay, go back to that one.

00:27:54:00 - 00:27:55:26

Give me 5000 steps in today.

00:28:00:14 - 00:28:04:09

Right. So the main farmyard is here.

00:28:09:07 - 00:28:44:18

So that's where the cows are milked. And that in the three months of the year that they're in, that's where they're housed. Um, running up this central track here through the farm to their and then running on up right to the top end of the farm is a concrete road. Yep. Each off that concrete road all the way up through the farm are a series of paddocks. Yep. They're separated by electric fencing. Yeah, there are 300 cows, and they basically go into a paddock a day to graze the grass very efficiently and to maximise production.

00:28:45:18 - 00:29:16:11

The cows travel from here to whichever paddock they might be going in, and they basically go into one each paddock broadly every three weeks in rotation. But the cows move to and from whichever paddock they're in by electric fencing down to the farmyard. The electric fencing can be released remotely, so the cows are constantly moving twice a day from one end of the farm to the other, and not in any specific wherever the grass is. That's where they go to.

00:29:16:18 - 00:29:27:11

Yeah, it doesn't mean they go one, two, three, four, five, six. They don't do like that. It's wherever the grass is, wherever the grass is growing. And it's all about maximizing value out of the grass and the efficient use of the grass.

00:29:29:24 - 00:30:03:03

This is the southernmost point or boundary of the scheme so far as it affects lower House farm. So from here north, as it's currently proposed, we have my clients have absolutely no idea what access they'll have to that farm over what period of time. Because the scheme don't know. They can't tell us the construction program. They can't tell us. Engineers have been looking at how they might mitigate here for three months and they haven't come back to us.

00:30:04:11 - 00:30:34:21

But what we can say for certain is that if this scheme proceeds, the only part of the farm that we can guarantee to have access to is that 25%. And the business very simply is not viable at that level. And as I say, you can't. When you develop, when you're milking cows, you're bringing stock in on a two year program. You can't just turn cows off. Tout milk doesn't come from Tesco's. Milk comes from cows.

00:30:35:07 - 00:30:42:09

Yep. And they need managing and there's investment required. And the uncertainty around this scheme.

00:30:44:21 - 00:31:15:27

Is is is devastating. And we've been talking to the scheme for 18 months about the impact of this business. The impact of this scheme on this business um, and the scheme absolutely understand the impact of this on the business. Um, we've even agreed what the impact of it is on the business. What we can't agree is what the solution is. Well, the solution is very simple from our perspective. We don't want the scheme on the farm. We don't want the compensation. We don't want it to happen.

00:31:16:01 - 00:31:35:15

My client simply wants to continue to milk cows and produce milk. Our stated preference is that this scheme doesn't affect that farm. Clearly, if it does affect the farm, then there will be compensation issues to address. But we're not in this for the compensation. We're in this to try and prevent the scheme happening because of the devastating effect of the business.

00:31:38:19 - 00:32:05:29

Sorry. Can you. Can you please, please, please. Thank you, Mr. Cooney, and thank you for coming up. Um, and giving us that, uh, uh, explanation. We did spend some time on this farm on the accompanying site inspection. Um, but it's helpful to have your, your your, your professional view of it as well. I just wonder, does the applicant want to to to respond at this stage?

00:32:11:13 - 00:32:15:27

Certainly is done on behalf of the applicants. No, I don't think there's anything we want to say in response.

00:32:16:22 - 00:32:50:03

But please, please, no need for that. Um, I would I would ask the applicant then, um, looking at the compulsory acquisition guidance. Um, it's important that you consider all alternatives to, um, uh, to, to to to where, um, the route could go. Um, and clearly this landholding is, is is significantly affected.

00:32:50:24 - 00:32:51:09

Um.

00:32:53:10 - 00:33:18:27

So have all alternatives an alternative route being considered because, um, I mean, Mr. Coney has explained the impacts on, on this, and they're clearly quite significant for this business. Um, so as far as this unit is concerned, have alternatives been considered as required by the CCA guidance?

00:33:20:00 - 00:33:52:27

So on behalf of the applicants, we did consider site selection and the site selection of the onshore substations in quite a lot of detail during issue specific hearing one and the first set of hearings, and we've had a number of questions in respect of that. Um, the applicant's position, as we've set out, is

that there was an appropriate site selection process that was undertaken in order to, uh, in order to identify these two substation sites that took into account alternative locations.

00:33:53:12 - 00:34:29:17

Um, and, um, the conclusions based on a number of factors, uh, were that these were the appropriate or the most appropriate locations for the substations to be taken forward. And, um, accommodations have where they've been able to to be made for landowners in respect of where those have been cited. And, uh, the Morgan substation was moved at the request of the landowner from one side of the bridleway to the other, um, because of the impacts on the farming business.

00:34:29:19 - 00:35:02:12

So the applicants are as as Mr. Cony has said, we have been in detailed discussions with Mr. Cony. Um, and, and the fairs in respect of this impact, um, they are seeking to understand it better. We are seeking to understand what accommodation works could be made because it's certainly the applicant's desire. Um, that of course it is that this business continues in operation and it's understanding the extent to which, um, and what could be done to, to ensure that that happens.

00:35:02:18 - 00:35:31:25

So, as I say, there is significant material through the application documents, through the, request, through the questions and responses that have identified why these were chosen as the most appropriate sites for the two substations and the considerations that were taken into account, as I say, as well as those accommodations that that have been made, are for landowners to ensure that that where we could their concerns have been have been taken into account.

00:35:33:17 - 00:35:57:08

Thank you for that. Um, I mean, the statement of reasons, uh, does also address the issue of alternatives. And it suggests that the applicants have sought to reduce the impact on affected parties. Um, that doesn't seem to be the case, certainly for this this landholding. We also heard from Mrs. Mason earlier. Um,

00:35:58:23 - 00:36:32:07

so to what extent has has it been addressed as these two specific landholdings do seem to be quite significantly affected. Um, and it's not clear that, um, that that you have been successful in reducing the impact. Um, so at the very least, I think I would press you to, to, um, come up with an analysis of the impact on this particular business. Um, as we ask for you for, for Mrs.

00:36:32:09 - 00:36:42:07

Mason's, uh, for the Mason's business as well. Um, because, um, on, on any analysis, it does seem to be quite, um, quite significant.

00:36:43:22 - 00:37:23:13

Thank you. Sir. Liz Dunn, on behalf of the applicants, I think this is something, as we said, in respect of Mrs. Mason's business, will will take away the comments that have been made and and your recommendations and look at how we can consider that. Clearly it is an important consideration. And, um, it must be something that you as an examining authority in the Secretary of State are able to take into account in terms of understanding the nature of the impact the, the, um, the steps that have been

taken that are available to the applicants and have been taken to reduce those impacts and how those then balance out.

00:37:23:15 - 00:37:54:11

And we have on the agenda the question about human rights, and it clearly feeds into the human rights considerations. So the applicants are very aware of this. Um, you'll also be aware that it's probably within the same sort of discussions around the public sector equality duty. These matters do come out during examination rather than being crystallized at the point of application. So the important thing is that that that information and those discussions continue, that this is brought into the application.

00:37:54:13 - 00:38:25:10

And then when that final, the kind of final positions are made at the end of the examination, that that is all brought together. And that's certainly the applicant's intention in terms of there being sufficient sufficient information and analysis. And there may well be movement in terms of the positions of the parties at the end of the examination so that that can be brought together. So we would envisage obviously these discussions are ongoing. We'll take away the points around, around the consideration of impact on both Mrs.

00:38:25:12 - 00:38:40:08

Mason's business and this business. Um, and um, and be bringing all of those together, looking at updates to, as I said, both the statement of reasons and the public sector equality duty. Um, towards the end of the examination.

00:38:43:18 - 00:39:13:20

Thank you for, for, for for that, um, Mr. Vance, because I think we might have two apps now, but but I think Mr. Vance is with us now. Um, and you might want to make it, because obviously you're the agent for the Hornby's charity. Um, so you're the acting for the freeholder of the site? We've just been looking at, um, anything you want to say at this stage, Mr. Vance?

00:39:15:13 - 00:39:52:14

Uh, yeah. Adam says p value is on behalf of Hornby's Foundation charities. You say the landlord of the farm that Mr. Cohen has just been talking about, also representing Newton Hall Farm, which is the next door farm, effectively. Um, obviously, Mr. Cohen is best placed to represent, uh, the actual farming business. Uh, however, the the landowners are also well aware of the farm and the impacts. Um, hopefully it's been well documented that we are in objection, obviously, to the siting of these substations, uh, cable routes, etc..

00:39:53:06 - 00:40:25:03

Um, what I just wanted to stipulate today was the in our opinion, there's absolutely no need for the DCO. Um, be allowed that they have a secondary access service road from Lower Lane into the Morcom substation site. This is wholly unnecessary in our opinion. Um, they have a proposed permanent access road from the A5 84 to the south, straight into the site.

00:40:25:19 - 00:40:52:25

So the idea that they also require a permanent service road from Lower Lane, which may be used perhaps two times a month, where the farm requires permanent access seven days a week, 365 days a

year to that land to the north. Uh, in our view, and we hope in the inspector's view, is completely unnecessary. That's the only point I wanted to raise today.

00:40:53:24 - 00:41:19:15

Um. Thank you. While you're there, and very grateful you've managed to join us, because obviously you're out and about, so. Well you know, well done for dialing in and thank you for that. So just just to can you just, um, fill us in about the latest position of negotiations between your clients, the freeholders and the applicant? Are they sort of progressing or, um, have they have they stalled?

00:41:20:28 - 00:42:04:27

Um, they're exhausted as far as we can go, uh, in our relative positions. Uh, so I'm reporting to the trustees later this month of where we are at, uh, and that's likely to be the the heads of terms concluded. So it's then a decision for the trustees whether to proceed or not. Um, they are concerned regarding the requirement to withdraw objections. However, we do believe that obviously material factors that have already been submitted, um, to yourselves, uh, are material factors that cannot be disregarded, even if we have to withdraw at some point in the future due to this, um, clause or requirement to do so.

00:42:05:19 - 00:42:35:19

Um, the trust, uh, having invested or they're a stakeholder in the community because Newton Village is particularly affected by the scheme. Uh, and the trust was set up to support Newton Bluecoat School, which is in the village. So it's a very sensitive topic. Uh, however, they do have to, um, act in the best interest of the charity and therefore the best commercial terms are going to be through negotiation rather than DCO.

00:42:36:10 - 00:43:06:20

Um, so as I say, we will be reporting later this month and I will take client's instruction. Um, but we are very much supportive of the tenant, and we would hope that at some point it doesn't sound like it's going to be very soon. But we do hope that the tenant and the projects do come to come to come to a commercial agreement, or they alter the project so that the farm can operate.

00:43:09:02 - 00:43:15:21

Thank you very much, Mr. Vance, and thank you again for for joining us to today. And hopefully it's not raining on you.

00:43:16:15 - 00:43:17:29

No, no thank you.

00:43:19:08 - 00:43:24:26

Right. Unless the applicant was to say anything else in response. We'll move on.

00:43:27:24 - 00:43:39:15

All right. Moving on. Um, the next person on the list is the Duchy of Lancaster. Um, so I think we have Mr. McDermid from Savills who was going to speak.

00:43:40:15 - 00:44:13:17

Uh, sir. Thank you. Curt McDermott, on behalf of the Duchy of Lancaster. Um, I need not reiterate the concerns that have been set out helpfully by Mrs. Hall, Mrs. Mason staples or Mr. Cony about the lack of engagement, other than to say that we too are experiencing the same problem on behalf of our client. My colleague Richard Thompson submitted commercial head two terms to the applicant in January, and we're still awaiting a response. So I note the examining authority's comments today, asking the applicant to accelerate those discussions with affected parties, which are welcomed.

00:44:14:10 - 00:44:47:10

But at this point in time, we have concerns about the applicant's ability to progress towards an agreement before the end of the examination progress process. Sorry. It should be noted our client remains ready, willing and able to reach a private treaty agreement. Provide. The applicant responds in good time, but noting that we are fast marching towards the end of the examination, and there are obviously governance and other sign off procedures that will be needed to deal with at both ends. So I very much welcome and encourage the examining authority's position here and encouraging the applicant to engage.

00:44:47:28 - 00:44:48:20

Thank you.

00:44:49:17 - 00:45:07:04

Just, just just touching on that. Can I just ask you to clarify which bits of land. I mean, obviously it's in the book of reference, but we're talking about the River Ribble. We're talking about the offshore area and some of the the sand, the beach area as well.

00:45:07:14 - 00:45:10:07

Yes. There's a large number of plots, sir. Yeah.

00:45:10:20 - 00:45:12:25

But those are the main ones, though.

00:45:13:24 - 00:45:14:09

Yes.

00:45:14:26 - 00:45:20:04

Yeah. Okay. Thank you. Thank you very much for that. Donny, if the applicant wants to to respond at all to that.

00:45:21:28 - 00:45:52:19

Anthony Mack me for the applicants. Um, we have been in discussions with the Duchy. There's a programme of meetings currently being arranged for the coming month. As council have alluded to, there are some complex issues around title because of the nature of the Duchy's landholding, which do need to be considered. But we are confident that the agreement can be reached, and we would agree with the position in the Duchy's letter. Application reference 073 that, subject to a commercial agreement being reached.

00:45:52:21 - 00:45:59:21

There should be no impediment to the project going forward. This also applies to section 35 as it relates to the Duchy.

00:46:04:12 - 00:46:16:00

Okay, thanks for that. Um, and we will obviously have got Crown lands as an agenda item later in the in, in the, in the hearing. Um, so.

00:46:18:08 - 00:46:32:07

There were some other um, those were all the people in advance of the, um, the hearing that asked to speak. There were some others who who mentioned they might want to speak. Uh, now would be your opportunity. I think there's, uh,

00:46:34:00 - 00:46:39:11

if you're an affected personalities. Um, Mr. Ellis, you do you want to know?

00:46:43:01 - 00:46:52:16

Okay. Um, and I don't think there's any more affected persons, either in the room or online Fine. Who might want to speak?

00:46:59:21 - 00:47:01:15

Sorry. Can you introduce yourself?

00:47:02:18 - 00:47:11:28

My name is Judy Battersby. Uh, Franklinton resident. Um, I'm speaking on behalf of mental health issues.

00:47:12:04 - 00:47:19:04

And. Sorry, Mrs. Battersby. Are you an infected person within the definition, i.e. have you got land within the order limits?

00:47:19:14 - 00:47:23:11

Um, as a resident, I do have land. Yes.

00:47:23:23 - 00:47:25:06

Within the order limits?

00:47:26:03 - 00:47:27:24

Uh, no. Possibly not.

00:47:29:00 - 00:47:44:10

Right. I don't think we want to. I don't think you. You're entitled to speak at this hearing. You are at other hearings, but we are concerned with the impact on affected persons, i.e., those people who have got land affected by the specific order limits.

00:47:44:12 - 00:47:50:12

I think as, um, I want to speak on behalf of the children in the communities.

00:47:50:25 - 00:48:16:13

And I'm really sorry, Mrs. Battersby, but that's not for this particular hearing. It was it's an issue that has come up at open floor hearings, issues, specific hearings. But we are concerned specifically with the impact on affected persons of the within the order limits. So I'm afraid that we're not going to allow you to speak at this hearing. I do apologize for that.

00:48:17:08 - 00:48:25:02

But if you could provide your submission in writing for deadline for please, and then it can be taken into account and responded to. Thank you.

00:48:31:07 - 00:49:02:08

All right. We're going to move on to item of agenda item five. Now, uh, the land rights tracker. Um, and we have a number of, of, of questions in relation to this. Um, I think we've covered the first point was that, um, the need to prioritize negotiations and. And bearing in mind we are now past the halfway mark. Um, and I think that that point's been made, so I don't think we need to, um, uh, to touch on it again.

00:49:03:01 - 00:49:38:21

Um, we are getting an updated land rights tracker next Friday. Um, and just just to comment that the previous version, the previous version that came in, there was a lot of the phrase there are ongoing, ongoing negotiations, and it is hopeful that agreement will be reached during the examination. Um, it doesn't really tell us very much. It's a bit bland. We're hoping we are going to have more specific information, uh, when we get to, um, when we get to, um, a deadline for submission.

00:49:40:07 - 00:49:40:23

Um.

00:49:44:07 - 00:50:17:06

The and certainly when the the the next deadline is the 22nd of September, which is about a month before the close of the examination. Uh, and uh, as I say, both the the any further submissions, um, we are expecting to see specific information rather than rather, uh, some general comments. Uh, and then final point on the on strike tracker. Um, it only provides details of freehold interests.

00:50:18:15 - 00:50:52:26

Uh, and I appreciate you don't want to stop listing all the leasehold interests because there's a lot of farm tenancies. Um, but, I mean, we've heard from one farm tenancy, one leasehold interest this morning, which is clearly affected. So I think certainly for that one, um, and, and for any other significant leasehold interest farms are certainly one that they should be included in the Land Rights tracker. So if that could be included by deadline for please.

00:50:56:03 - 00:51:17:00

We are Harry Stubbs, on behalf of the applicant. Um, we might struggle to get them in for deadline for, if I'm honest, given we're in the process of updating at the moment, and to add in extra lines, we

could add some text into the freehold owners line if that's appropriate. It's just with the formatting and producing it in time, I'm thinking, is all. Sorry.

00:51:17:13 - 00:51:26:10

Uh, I'm, I'm we've heard from one leasehold interest today who've got specific concerns. They should be in the land rights tracker from now on.

00:51:28:12 - 00:51:49:24

So I think if you can take that as an extra action point, I appreciate it might require a bit of formatting and a bit of work, but I think it is an important issue. Um, and, uh, I, I'm not aware of any other major Majorly sold interest, but I think that is that is certainly one that we want to have, um, want to have in there.

00:51:51:29 - 00:51:53:05

Noted. Yeah. Thank you.

00:51:53:23 - 00:51:54:13

Thank you.

00:51:54:17 - 00:51:55:02

Sir.

00:51:56:08 - 00:52:15:00

On behalf of the applicants, the long lease terms are included, as I understand it, in the Land Rights Tracker. It's just the the farm business tenancies which are not. So it may be that we for the purposes of this one, we just add those that we've heard from today and then perhaps update further for. Would that be acceptable.

00:52:15:03 - 00:52:27:11

But that's absolutely fine. You know I don't want to sort of spread it too far, but we certainly want to hear the people who have been involved today. So thank you. Um, yeah. If we can take that as an action point.

00:52:27:19 - 00:52:43:16

I suppose, if I may, Harry Stubbs, on behalf of the applicants, we we are seeking occupiers consents in those interests where they where they're relevant. Um, and it is natural that those consents follow on from the heads of terms because they have to marry to, to the landowner. landowners say, but we can give that dialogue as well.

00:52:43:26 - 00:52:44:11

Thank you.

00:52:44:26 - 00:52:49:21

Thank you for that. Okay. Moving on to statutory undertakers.

00:52:51:17 - 00:53:32:03

Um, I think this was mentioned yesterday. Uh, and I think we acknowledge there's been some really very good progress with actually undertakers. We had a number of submissions at deadline three, uh, which reported positively about, um, uh, what had happened. So, um, that, that that's really good news. Well, um, you know, we we we did did certainly see that, um, just just a small matter that in the Lands Rights tracker, there's 24 statutory undertakers, but in the statutory undertakers negotiations tracker, which I think was a new document at rep 367.

00:53:32:12 - 00:54:03:19

There's there's only 11. So we we lose 13. Um, so I'm not not really too concerned where they appear. But if there are 24, there should be 24 in the. It's another one of these snappy, snappy titles, isn't it? The statutory undertakers negotiations tracker 367. Should should have all 24 in I think. So that's something that perhaps could be tidied up. It's not something which is that urgent.

00:54:03:28 - 00:54:06:20

You can you can take that to deadline five. You want.

00:54:09:08 - 00:54:13:00

Laura Fuller on behalf of the applicants. Um, yes. So your comments are noted.

00:54:13:02 - 00:54:45:20

Just to clarify, the, uh, additional statutory undertakers tracker we provided is for the to provide updates on the active negotiations. And we stated that when we put that in. But if you would like us to shift across the other statutory undertakers where they are covered either by the well covered by the part one or part two provisions, the standard provisions in schedule. Excuse me, my voice is going this week included in schedule ten. Then we could add a second table in perhaps to capture capture those.

00:54:45:25 - 00:55:02:21

But, um, as, uh, those statutory undertakers have either not made representations or are satisfied with the protections provided under part one or part two. So to clarify, there aren't any ongoing negotiations to report, but we can certainly include a table to to record that.

00:55:02:23 - 00:55:14:14

I accept that, uh, but it would just make it easier from, from our point of view if they're all in the same place. Uh, perhaps you do it. It's not. It's actually not. Doesn't need to be done until deadline five.

00:55:16:07 - 00:55:18:00

Thank you. So we appreciate that.

00:55:21:06 - 00:55:53:05

But anyway, that's really positive about actually undertakers and, and, um, uh, we, uh, acknowledge that the progress there. Right. That moves us on to agenda item number seven. Um, and I do have a few questions. But before we go into those, do you? Does your team want to come forward for their presentation? First of all, before they start, how how? How long is this? Are you thinking this might be, uh, Rob Robin Hutchinson?

00:55:53:15 - 00:56:07:21

Uh, for the applicants. Not more than a couple of minutes, I think. Presentation is perhaps a, um, stating quite high bar. It's more just a bit of a discussion. Um, joins us just to to launch in far Away.

00:56:07:28 - 00:56:12:21

As long as it's relatively brief. But, you know, we decided yesterday it would be helpful. So please. Yeah.

00:56:12:27 - 00:56:13:15

Far away.

00:56:14:18 - 00:56:50:26

Thank you very much. I'll just set the scene to begin with before bringing in a couple of my expert colleagues. Um, so we mentioned this as proposal at issue, and we recognise the importance that the issue specific hearings that we assure the maximum design scenario is assessed and mitigated, including landowner accommodations at the maximum construction duration, which we feel has been done. And we also recognize it remains the case that there are going to be two nationally significant projects here in a coordinated location.

00:56:51:18 - 00:57:42:19

Um, but we've also heard what the landowners are saying in other affected parties, including the NFU, that they want to know how long will we be on site? What accommodations are going to be made and how much notice can be given. And I think we addressed the the second and third of those two points on Tuesday at issue two, in terms of the accommodations and the notice, we had our voluntary hearing action point to present the table by landholding explaining the the the accommodations that can be made for each for each business and will also include native flowchart explaining the role of the agricultural liaison officer, how that links in with the design detail to be submitted in the staging plan, and just essentially how much notice will be given on the ground by who? Um, so sort of that background in mind.

00:57:43:00 - 00:58:15:19

How long will we be? Will the projects be on site? Uh, Miss Staples pointed out at exec 1.1.3, there is a detail of just how long the actual construction activities will will take take place. Um, but she's, uh, I think not unreasonably, saying, okay, that's the construction activities. Give us some more context. Um, and of course, the context here, as I mentioned briefly on Tuesday, is that, um, for the cable corridors in particular, and this is perhaps this general discussion is less relevant to the substation sites themselves.

00:58:15:21 - 00:58:46:09

It's more about the, the cable corridors. But for the, the cable corridors, you know, the principle is it's constructed in sections. You start with the complex areas and the, the sort of, um, more straightforward open cut trenching across agricultural land is, is pushed right to the back end of the program to try and minimize the amount of time the projects are out on the land. Now, I'm a lawyer, not an engineer, so I'll perhaps pass over to my engineering colleague, Mr. Elson, who can just correct me and expand on that.

00:58:47:26 - 00:58:48:11

Thank you.

00:58:48:13 - 00:59:22:20

So, Paul Allison, on behalf of the applicants. Um, I think I think just for wider context, it's important to try and explain what the construction looks like. Um, when we're talking about linear cross country projects, it's very easy from a lay person's point of view to think we start at one in the project, conduct all our activities in, in, if you like a train with each with each, uh, cabin of the train performing a different activity and that all goes through in a nice, smooth manner. And behind you, you're leaving, leaving a reinstated field to hand back to the landowner or the holder.

00:59:23:08 - 00:59:31:27

And that that's not that's not how it's delivered. Um, generally on projects like this, um, you have the more technically.

00:59:34:06 - 01:00:06:22

The technical areas that require a longer duration to deliver those technical areas, and those are predominantly where you would go out and start construction activities first. Um, as my colleague has said, if you were looking at more, um, straightforward areas and taking an example, just just something for discussion. If you were looking at, uh, a nice piece of flatland with the joint base, say, spaced at about a kilometer apart, those areas are relatively easy to deliver. And they they need essentially less time to deliver.

01:00:07:06 - 01:00:41:07

Um, and then, as my colleague says, ideally you want to be bringing it all together. So to the back end of your construction programme, you're in a, in a period of reinstatement across the across the scheme as a whole. What that means is when you're looking at the front end of the programme, it doesn't mean that, um, the, the applicants, if you like, are straight out of the gate and taking possession of the whole corridor from day one, It means that it's not in our interest, or the landowner's interest, or our contractor's interest to just randomly take possession of the land when they don't need to be in that land for a period of protracted period of time.

01:00:41:26 - 01:00:53:15

Um, from the from our point of view, it's we're taking on the maintenance and, um, welfare of that fenced off area, and we don't want to do that more in advance than we have to. Um, so

01:00:55:02 - 01:01:30:08

that's the general concept. It's not that we are taking possession of the whole corridor for the duration of each project's construction period. It's done in a phased way, uh, only taking land at the point in which we need to take it in order to deliver the construction activities within that land, to bring it to a point of reinstatement. Where where you've, as I said, you've got a consolidated block of land to be reinstated across the project, and that enables a fast and efficient delivery. What that actually means when you're looking at it, uh, across the projects, if if, as Ms..

01:01:30:10 - 01:02:04:12

Staples said, if you if you drew out those times that you're going to be in the the more straightforward areas um, and were in possession of that land say for a year to do construction period followed by a year of reinstatement. Um, the the the the project one would hold would hold that land potentially for a two year period. Project two then would follow follow in with um holding that land for, for a similar sort of period. Um, with regards to between Morecambe and Morgan, those those those Morgan is the larger project.

01:02:04:14 - 01:02:50:08

Morecambe is the lesser project. So the durations are comparable, but the overall timing of it is not as far as what is I've heard multiple times, is that potentially we're going to be on the land for anything up to ten years. Um, it's also worth noting that, uh, in some areas we have, uh, the two projects going through the same land, holding same fields. It's worth noting that those those projects are spaced away from each other. So whilst it's still has an impact to the productivity of the land and getting it back up to its pre entry productivity level, the one project is handing it strip of land back before the other project is is going in on the adjacent strip of land.

01:02:51:06 - 01:03:09:07

Um, and that's important to note. It's also worth noting that in some areas those projects go along separate routes. So we're not seeing both projects necessarily impacting the land holdings of all landowners concerned along the route. And in some places we are going along individual routes.

01:03:13:02 - 01:04:04:29

Um, and I hope that was of some assistance. Um, you know, at least in capturing the principle of construction is in sections and staggered with the, More straightforward open cut right at the back end of the program. And I would propose that we follow up in in writing just to try and capture that to Miss staples point, you know, essentially expanding on that previous answer, 1.1.3. Um, and also, uh, back with my, my lawyer's hat on as to where is this secured? Um, my colleague Miss Fuller yesterday in the DCO session referenced, um, the update we're proposing to make to, uh, article 29, which, uh, to commit to, uh, only being on the land in temporary possession for as long as is reasonably necessary.

01:04:05:01 - 01:04:32:22

So there's that sort of legal pressure on the DCO to, uh, which supports the sort of practical pressure which is on us anyway, to get in and get out as quickly as possible. Um, the only other thing, and I appreciate we've maybe gone over five minutes, but would you like to hear any more on the engagement with the ILO and how they, um, update on the timing of entries is likely to be given?

01:04:33:16 - 01:04:55:24

Uh, no, I think it's helpful. The, um, uh, the presentation that you sort of presentation, the comments that you've made. Um, and we appreciate that. Um, I hear what you say about, um, uh, the, the, the update to article 29 and, um, only being on the land as long as reasonably necessary, but.

01:04:58:08 - 01:05:29:19

As you, as you as as you previewed your your you're a lawyer in reasonably necessary means different things to different people and very, very difficult to nail down. Um, so it doesn't doesn't give that much comfort, if you don't mind me saying toe to to to landowners. Um, but thank you for, for,

for, um, your comments. Look forward to to seeing the the paper in whatever title you're looking at. We're going to end up with on the on voluntary agreement.

01:05:29:27 - 01:06:02:22

What I would would like to ask is, um, as a follow up to the discussion we had yesterday about the, um, uh, the time period for beginning construction and the seven years. Um, I mean, this longer period does undoubtedly, um, involve greater impact on, on landowners, as we heard yesterday. Uh, and I think the inevitable consequence of the longer time period, um, uh, increases the, um, uh, the impact on landowners and affects the assessment.

01:06:03:07 - 01:06:23:27

When we look at the balance between the public benefit of the scheme and the impact on private landowners. Um, so that is something which was raised and, and I know you're going to come back on it, on that, on that. But in the context of the compulsory acquisition, it is something where the impact is being increased.

01:06:25:17 - 01:07:06:27

So Lasdun, on behalf of the applicants, we did say, and I can't remember if it was yesterday or the day before, um, that we would, um, bring this together. Um, respectfully, um, the applicant's position isn't that the impact is increased as a result of two projects being brought together. Essentially, the impact, um, is the same or potentially less as if you were bringing two projects forward independently. So with the applicants have have worked very hard to separate out the project de works and the project B works to identify the land that is required for each.

01:07:06:29 - 01:07:40:17

We've gone through. I won't go this in a whole lot of detail, but we've explained how the mitigation areas apply to each of the projects where they're required for both projects. Um, and as as my colleagues have just explained. The time that is taken in respect of accessing the land is not increased as a result of two projects coming forward. We heard yesterday in discussions with Fylde that there may be circumstances where if the project did come forward close to each other, after each other, you might you might delay restoration or something like that because because it didn't make sense.

01:07:40:19 - 01:08:12:02

But frankly, those are more minor impact. It's agreed that it's accepted that having the two corridors together means that, um, individual landowners are more impacted than they would be if, um, if there was a single project. However, it is actually affecting fewer landowners. So it that's what we need to look at in, in the wider context. And then I think in the context as, as we've said of the national policy statements and.

01:08:12:10 - 01:08:12:25

Sorry.

01:08:12:27 - 01:08:43:24

Sorry, Miss Dunne, it was in the context of the seven years that I was really coming from. So it's a requirement one uh, the discussion on the DCO and where I, what I was saying is that in the, in the context of compulsory acquisition, um, and looking at the impact on, on, on, on the landowners, um,

the fact that you were asking for a seven year period before construction was started did extend it from the usual five years, and that's the point I was trying to make.

01:08:44:06 - 01:08:58:14

Uh, we did discuss it yesterday, but it's also worth making the point in the connection with the compulsory acquisition arena, as well as in relation to discussion of the of the DCO. But that was the point that I was trying to make in the impact on landowners.

01:08:58:16 - 01:09:00:07

Thank you sir. Understood.

01:09:01:08 - 01:09:18:08

Right. We're going to move now on to, uh, agenda number eight. And um, this is Crown Land. Now, we've obviously heard from the Duchy of Lancaster. Um, uh, who who made, um, uh, who made some Submissions. Um,

01:09:20:07 - 01:09:55:29

and obviously there's a, there's we're really concerned that the section 135 consent is forthcoming by, um, the close of the examination. Um, I know it doesn't always happen. Um, but it should happen. Um, there was one recent DCO where the recommendation was that, um, consent should not be granted because there wasn't sexual one, three five consent. That was the A47. Um, so we're very keen to see progress, um, in, in respect of that.

01:09:56:26 - 01:10:28:18

Um, and, uh, I don't want to go into the detail now, but there are a number of it's not obviously not just the Duchy of Lancaster, but when you went through the book of reference, there was a series of other, um, government departments that were, that were affected, uh, which we listed in one of our, um, questions. Uh, number one. Um, so I just leave that with you. That is something very important. I mean, I don't know if there's any particular feedback you want to give at this stage.

01:10:29:28 - 01:11:02:15

Uh, good afternoon, Harry Stubbs. On behalf of the applicant, I think just as an overriding statement to it, we are in dialogue with all those parties. Um, uh, the latest one. Um, and the final one that we've managed to begin to progress with is the, uh, the Coast Guard. Um, there are, I suppose, within these, these packages, quite historic rights. And most of the departments are reviewing their position. Some have come back to us to suggest, actually they might be withdrawing and the section 25 is not required in those instances. And we will just continue to update you, but we are progressing them at pace.

01:11:02:17 - 01:11:04:06

Uh, we understand the importance of it.

01:11:06:29 - 01:11:16:13

Fine. Um, so I'm just trying to think when we'll get an update. Will we get an update on that in the land Rights and Rights Tracker at D4.

01:11:19:22 - 01:11:25:25

Harry Stubbs, on behalf of the applicant, I can give a separate update if you'd like, even if not just as a submission at D4.

01:11:26:20 - 01:11:32:06

Yeah D4 separate updated D4. That'd be really helpful. Thank you.

01:11:33:26 - 01:12:06:04

Um, and hasn't got a separate, um, agenda item. Uh, but it is normally dealt with under the compulsory acquisition section, so I'll just give it a very brief mention, although we've already covered it. Um, it's the special category land and the section one, 32. um, which, which you're um, uh, putting in a paper about. So that moves on to, um, agenda item number nine. Um, Human Rights and Equality Act.

01:12:07:13 - 01:12:30:17

Um, I think the, uh, and you, you mentioned earlier, Miss Dunne, about, um, uh, the impact on landowners, uh, and how that affects the human rights. So I think, uh, that was helpful. Um, and I think we did mention yesterday about the Green Equitation Center. Um.

01:12:33:07 - 01:13:10:01

I think the difficulty that we've got here is that, um, you know, we the Secretary of state's a public authority, um, and strictly speaking, so, so is the examining authority. So when we, we come to our, um, recommendation report. Um, strictly speaking, we have to be taking account, uh, of the Equality Act and the issues. Um, and I'm bit concerned that we don't leave an update to the equalities impact assessment too long.

01:13:10:19 - 01:13:20:23

Um, and I think I'm thinking back to yesterday. I think you were saying perhaps it could be at deadline six. I think I'd like to see that deadline five.

01:13:21:19 - 01:13:44:18

Thank you. Sir. Liz Dunn, on behalf of the applicants, that's five week five. Fine. We can pick it up at deadline five as well. It may be. I'm hoping, as I say, these things will progress as we go through. So if we do an update at deadline, if there's then further for deadline six, we've done it. But at least we've sort of captured that interim position as well. So we'll pick it up for deadline five. Thank you.

01:13:44:24 - 01:14:16:06

I don't think you need to do a great deal for it. Um, but it from from our point of view as an examining authority, I think it's important that, you know, we see the progress during the examination. So deadline five would be we would be fine. So, um, uh, thank thank you for that. Uh, right. Moving on to, um, agenda item ten. This is the corporate structure. Um, and I think we dealt with this quite a lot at case one. Uh, and.

01:14:18:15 - 01:14:41:08

We did hear from the Crown Estate at D3. Um, rep 3112, which was very positive. Um, they they, they they they were saying that, um, they got a lot further than, than I thought might be the case. And

it does allay one of our concerns. Um, so, um, I don't think we need to touch on this much further today.

01:14:42:16 - 01:15:14:09

Thank you. Sir. Liz Dunn, on behalf of the applicants. Um, we will be providing an update at deadline for, um, just, uh, not to steal Mr. McNamee because he was going to talk about this. The the the, uh, Copenhagen Offshore Partners ownership of, uh, Morecambe has now completed. That's where the Crown Estate consent point came through. So we will be providing confirmation of that and updating the funding statement for deadline for so that you have that information in respect of that.

01:15:16:01 - 01:15:24:29

Oh, well, that's, that's um, you made some really good progress on that, um, statement of reasons. Obviously, we'll have to be updated. Um, will that include those.

01:15:25:09 - 01:15:35:02

Services done on behalf of the applicants that we need to look at, the cascade that needs to follow through the documents in terms of of that update? Um, I,

01:15:36:20 - 01:15:39:09

I'm not going to promise to update the state.

01:15:39:18 - 01:15:40:27

Just to be just.

01:15:40:29 - 01:15:59:05

Be helpful. I don't think we necessarily need all that deadline for. I think we'd like to know what's happened and where you are. So a very brief summary. Um, but you know that I think there will be a lot of changes that are needed as a result. So I think, you know, I don't think we can expect that by default.

01:15:59:07 - 01:16:36:11

I appreciate that. Um, what we will be updating as soon as we can is actually the funding statement, because that's the that's the document that effectively provides that certainty around the financial standing of the organization. And clearly that has changed now that the ownership has transferred. So we are and will be updating the funding statement for deadline for because I think that's the key document. It's important that we get that one into examination as soon as possible. We'll then look at the consequential changes to other documents, which I think will just be no, noting that it's no longer cobra flotation as the owners of Morecambe.

01:16:36:13 - 01:16:40:05

But um is now, um, Copenhagen Offshore Partners.

01:16:41:03 - 01:16:52:11

Yeah, I'm a bit surprised this hasn't been in the press because certainly, um, I would have thought there's a sort of obligation to report this. Or has it been in the press?

01:16:53:19 - 01:17:02:00

Sorry, Anthony. For the applicants, it has been the press, but just not not highly profiled in the press, unfortunately. This this was the big announcement. Almost. Right.

01:17:02:12 - 01:17:38:20

Right. Well, that that is, you know, because it took up a bit of time. At case one, we we were wondering, you know, where where they'd come from. But the mere fact they'd gone through the, the due diligence with the Crown Estates was obviously a huge step. And, and, um, that's really good progress. Um, so, um, that's very positive. Um, but as I say, don't, don't, don't, don't sort of push yourself too hard on that because there will be a lot of changes that are necessary. Uh, as long as we have an overview, a summary of what's happened, and be, um, useful, if you could sort of tell us, give us the dates as well.

01:17:38:22 - 01:17:40:21

Just confirm exactly what happened when.

01:17:41:10 - 01:17:43:04

We'll do that for the next deadline.

01:17:45:01 - 01:18:15:09

Uh, right. Corporate structure. I'm afraid, though, that I am going to return to the issue of blight. Um, and it's not very often raised in, in in DCO applications. Um, but there is a risk of it becoming one here, because it's not clear to us at the moment that the applicants fully understand, um, the principles, basic, basic principles relating to planning blight.

01:18:15:19 - 01:18:57:02

And I can take the point that it hasn't been they haven't come across it in other projects. And I think it's almost as if they've been lulled into a bit of a false sense of security because they haven't come up on any other projects. Um, but there is a possibility that it's coming up here. We've heard from two, um, agricultural businesses earlier today who are saying quite clearly, not sure that we can carry on. Um, now, at the moment, I don't think you're meeting the guidance in paragraph 18, um, that provides that the resource implications of a possible acquisition resulting from a blight notice have been taken account of.

01:18:58:13 - 01:19:36:28

And you don't meet that because you haven't been clear about how blight might apply. Um, and you've made a number of statements which have not been correct as far as blight. Now, we don't know much about blight. We've never dealt with blight. Um, and, um, normally it's not an issue because the applicant is very clear about when blight could arise and what the issues are. But here, because it hasn't arisen on other projects, I think, as I said earlier, the applicant's been a bit relaxed.

01:19:37:05 - 01:20:10:09

Um, uh, about it, but, um, we were a bit surprised when we, we suggested that you updated your note, um, because it contained inaccuracies. Um, and and if you don't update it, then I think you undoubtedly are going to be infringing paragraph 18 because you're not understanding the basic

principles of light. So I would ask you again, please update that bike node, um, to make sure that it is correct.

01:20:11:00 - 01:20:42:19

Um, I don't want to go through what's in it and um, is not correct. It's not that I don't agree with them. They're not correct. Uh, and this was pointed out as disc one. Um, but I think you do need to look at this. Um, and of course, if there is a risk of blight, uh, and the farms do not need to have been put on the market. That's not correct. The the reference to rateable value.

01:20:42:21 - 01:21:16:12

That wasn't correct. Um, the reference to businesses. That wasn't correct. Um, the fact is, undoubtedly there's quite an impact on the farms here. Uh, and there might be a possible blight claim that makes a big difference, because at the moment, they're getting compensation for the order limits. Black claim could extend much further than that. So I think I'd invite you again to to take away your blight note, look at it again and come back because I think if you don't come back, then you're not going to be meeting that guidance.

01:21:16:14 - 01:21:35:19

You're going to fall at the first hurdle of that test, because you need to understand the principles so you can then move on to the next stage. Um, I don't know if you want to come back on what I've said so far, but as I said, I really want to see a revised blight note by deadline for.

01:21:36:15 - 01:22:15:28

Thank you sir. Liz Dunn, on behalf of the applicants. Um, and appreciate that. Um, certainly at issue specific hearing. No, it was the first hearing, wasn't it? We talked about blight. Um, my comments regarding it only applying to residential properties were incorrect. I have II and if we haven't suitably acknowledged that and moved on, Don. I apologize for that. We will check back through and make sure that that is corrected. Um, that it it's it's so, um, I it it it's certainly been our intention that through the responses we've provided, we have clarified the position in terms of our understanding.

01:22:16:00 - 01:22:51:01

And certainly I think it was our deadline. Three representations sought to draw all of those together and and present the position as we understand it. Um, we will review those. We will look at those for deadline for. And if there's further clarity that needs to be done, we will. Um, I think the, the, the point, uh, I was making earlier around this team not having experienced on this type of property, uh, is correct, but it's also that at this stage, if there was to be a blight claim, there would normally be some sort of indication that that was what was going to be sought.

01:22:51:03 - 01:23:21:13

And it is effectively a purchase of the property, whatever it is a forward bringing forward of compensation that's due and claims. I might stop here because I think we might be going, but let's pause this for now. Let's bring all of this together. There has been no indication as well as not having any experience. There's been no indication so far that anybody is considering a blight claim. I appreciate that, isn't the that isn't the sort of end of the matter.

01:23:21:25 - 01:23:47:16

I suggest we just pull this together. We review the funding statement in particular, because I know this was the context in which you first raised this question. And we will we will submit those for deadline for. And then I suggest if there's any further questions in respect of that, you can pick them up in your deadline. Five questions your second cuz and we'll hopefully have been able to resolve them before then.

01:23:48:13 - 01:24:22:29

Thanks for that and I'm quite happy to go ahead on that basis. What I would say in response is that why would anybody want to bring a claim in before the DCO was confirmed? I mean, there'd be absolutely no point in them doing that without knowing that the CCA powers have been confirmed. Um, so I'm not sure I'm with you with that, with that particular point, because, uh, there'd be no sense at all in someone of of thinking about a bike claim at this stage or putting their, their, their landholding on the market.

01:24:23:20 - 01:24:41:09

Um, they'd only do that once the DCO was confirmed, and therefore there was certainty as to whether or not there were c CCA powers. So, you know, I think there's a little bit of a way to go on this, but, um, you know, let's see what you go to, where you get to with your, your next submission.

01:24:48:24 - 01:25:02:11

Right. The good news is we're getting through, um, And article 11, um, is the development consent order, which I'm hoping is going to be um.

01:25:04:21 - 01:25:19:10

Pretty quick because we did discuss this at length yesterday. So the only point here is, does anybody want to say anything about the DCO at all about the articles in the DCO? No. Hands up.

01:25:23:15 - 01:25:24:18

There is a hand up.

01:25:25:06 - 01:25:25:24

Uh, just.

01:25:25:26 - 01:25:26:11

A point of.

01:25:26:13 - 01:25:26:28

Clarification.

01:25:27:00 - 01:25:27:17

Um, just.

01:25:28:05 - 01:25:28:20

Sorry.

01:25:28:22 - 01:25:46:27

Gordon Smith, uh, from Managing Working Group. Uh, just, uh, to assist the applicants in terms of recording the actions. Uh, my notes about, uh, requirement 18 was that, uh, it was that five borough council had, uh, proposed to, uh, additions have implemented and retained

01:25:48:23 - 01:25:50:19

uh, on paragraph three.

01:25:53:04 - 01:26:02:01

I think we've seamlessly moved on to to item 12 and the agenda and action, the action points that you read out this much earlier in this meeting this morning.

01:26:02:06 - 01:26:05:19

Sorry, it was just to try and clarify. That was the DCO from yesterday.

01:26:07:15 - 01:26:12:22

I think that probably took the applicants by surprise. Do you mind repeating the point, please?

01:26:12:24 - 01:26:41:04

So, Laura Fuller, on behalf of the applicant, I think I can clarify because I think the point was made when we were discussing that requirement. But as I referred to earlier, this was the general comment by then Fylde Borough Council transferred that into general comment to look across the requirements at the paragraph that refers to implementation of each management plan, and consider whether any and all of them might require updating in terms of implementation and retain. And we did capture that in an action point this morning.

01:26:45:10 - 01:26:50:14

We can double check the recording on Monday just in case. But I think that's correct before.

01:26:50:16 - 01:26:53:09

We saw. I was just offering a clarification when we sit down.

01:26:55:02 - 01:27:16:09

All right. Thank you for that. Um, and and, um. Yeah, we'll we'll double check that. Uh, anyway, moving to item 12, which is action points for this hearing. Um, do you want to read them out now or do you want to sort of submit them to us? Um, uh, in writing so that we can have a look at them beginning of next week?

01:27:16:25 - 01:27:48:21

Uh, Liz Dunn, on behalf of the applicants, I understand the helpful people in my team have already submitted them to the Planning Inspectorate for today. Um, so I'm happy that we you look at them and then issue them as a result of that rather than, um, rather than, um, uh, actually. Sorry. They've just confirmed it was. Those were yesterday's. Um, today's again. I suggest we tidy those up probably on the way home and, um, and then submit them. So I know everybody's keen to get on the road.

01:27:49:06 - 01:27:55:24

So let's do that and we will submit them to you. Um, uh, possibly today, but probably on Monday.

01:27:56:01 - 01:27:56:16

Yeah.

01:27:56:18 - 01:27:59:03

That's fine. We're not going to look at them before Monday.

01:28:01:09 - 01:28:06:11

Right. Is there anybody else in the room? Mrs. Mason?

01:28:08:01 - 01:28:09:27

Sorry. Can you hang on a second?

01:28:12:15 - 01:28:13:00

Sorry.

01:28:13:03 - 01:28:13:18

Um, in.

01:28:13:20 - 01:28:14:11

Answer to your question.

01:28:14:13 - 01:28:15:01

How many dairy.

01:28:15:03 - 01:28:18:10

Cattle we have on our holding? It's 190. I had to make a phone.

01:28:18:12 - 01:28:22:11

Call, to be sure. 190, 190 cows milking.

01:28:22:13 - 01:28:24:05

But obviously there's others coming along.

01:28:25:24 - 01:28:26:23

Thank you for that.

01:28:28:10 - 01:28:30:22

Anybody else in the room or online?

01:28:31:12 - 01:29:00:25

Uh, so before we finish, um, last time the hearing action points were only issued on Wednesday and given on the Wednesday after the hearings, I think with quite a short turnaround. Appreciate we've produced the drafts and we will be certainly drafting our responses on that basis. But the earlier the

Planning Inspectorate could issue them, the better for us, because if they do only come out on Wednesday, that is quite a challenge for the applicants to, um, to prepare,

01:29:02:15 - 01:29:12:16

you know, responses if there are any changes, because we have got quite a lot to do to submit for deadline for as well. So we just ask the sooner, the sooner the better.

01:29:12:28 - 01:29:16:06

We'll try and get there on the Tuesday.

01:29:17:01 - 01:29:17:16

Yeah.

01:29:18:03 - 01:29:18:25

Tuesday.

01:29:20:12 - 01:29:22:01

Can we put an action point?

01:29:22:24 - 01:29:41:18

No you can't. Let me let me close this hearing before you say any more. Um, that that brings us to a close of the second compulsory acquisition hearing. Thank you for everyone who's attended, either in person or virtually. Time is now 1254, and this meeting's closed. Thank you.