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00:12

Welcome back, ladies and gentlemen to this afternoon's compulsory acquisition hearing number one, just to reorient ourselves, we are at agenda item for over the end of agenda item three when we took a break. So, we will move now to agenda item four, considering essentially the the relationship between the land proposals and alternatives and design flexibility. Now, there are two principal issues that we do need to explore here. And the first of these really is building on one of the strategic case points that was made for the applicant by Mr. Hubner before the break, which was essentially to draw us to the view that there is ongoing refinement being made of the land requirement for the projects and that less land and less rights will be taken. And once it is clear as a consequence of micro siting and finessing design, what precisely is required. So that's that's essentially a starting point here. And what I would then like to look at particularly given that we've already spoken a reasonably substantial length about the substation site and the land requirement there is to think particularly about the case the the cable alignments, because essentially, here we have a broad land requirements set out in the applications 70 metre broad wave of cable alignment provided for on the basis that the applicants are reserving to themselves the capacity to do to deliver one project or the other project, or both of them in tandem at the same time, if so required. However, there are a range of potential options for the minimization of lands take and potentially the reduction of cable code or width, and including amongst other possibilities, and the use of different technologies such as horizontal directional drilling in certain circumstances, and also, particularly the possibility that ducting that has been constructed for one project might then be shared by another and there's already been referenced made in various of the deadline to documents and some oral submissions today and to that possibility, so can we hear from the applicant about the extent of land particularly sought for the cable alignments, whether there is scope for it to be reduced and and to be minimised? And if at this juncture, there is land that can essentially be let go? Is there a formal requirement for all of the width across the cable alignments as they currently stand?

03:40

Yes. colonists on behalf of the applicants, I will be handing over. I think the one key point that I think Mr. Hubner made was the structure by the cable space, being effectively for temporary possession first, and narrowing final cable corridor, which is fundamental of a minimization of the land take. But in terms of the sort of the other matters, I'm going to hand over to Mr. McGraw Ellis, who I think would be best place in the first instance, to answer the more technical question about why do you need this, this width? Can it be narrower, so? I think Mr. McGregor's is the right person to respond to that.

04:24

Thank you very much,

04:25

Mr. Regardless.

04:27

Thank you very much for the applicants. In relation to the onshore cable Carter itself, you're correct that is typically 70 metres wide. There are some exceptions to that where it narrows a particular important teacher was identified within the decio every justice to 16.1 metres on those occasions, and also increases depending on some of the obstacles or features that we're seeking to cross such as at the SPN crossing. Should it translates to technique can be used Likewise up the hundred river crossing for instance, on to Norfolk Harkness road As another example, where there there were some geophysical archaeological areas of interest. So, we widened the cable corridor the the onshore cable line a quarter at that stage to provide for additional microsecond flexibility during the detailed soundstage. So, there there there would be opportunities to reduce the cable corridor at certain locations IE at the SP a crossing should we should we refer to an open trench crossing for instance as opposed to a trench sticking crossing the area to the north of landfall itself as as another example where we have a for like a bellmouth, where we where we transition from the from the landfall to the traditional onshore cable quarter, depending on the precise location off the transition base and we require to transition base per project. So, depending on the location of those transition base, we could reduce to your our conventional 32 metre wide corridor reasonably quickly. If they are reasonably close together, or have other factors dictate the boost transition base need to be wider apart, it will take more length along that onshore cable quarter in order to reduce down to our 32 metre swift I'll say with opportunities in the parallel construction of the onshore cable quarter. There may also be opportunities to overlap the cable quarter. Again, that that's something that's the detailed design stage will we'll consider it may be premature at this stage to to to state that categorically at every location that that can be done, but we would seem to be optimistic that there will be opportunities to overlap the cable corridor and potentially share shared spatial extents of the onshore cable corridor. So potentially 232 metre wide corridors, if they overlap by five metres apart rather than 64 metres. We will be talking about a 54 metre corridor for the for the combined projects. I would also just like to reiterate in terms of the parallel construction construction element. The narrative is that the second project would implement set the The second thing seal consent and instal the ducting for the second project under STC or consent rather than the first project installing the docks under its consent for the second project.

07:38

Can I can I just briefly test that point? Because I mean, if I remember back to the approach that was taken respectively between East Anglia one and East Anglia three, if I recall it correctly, one of the arguments given there was that sufficient ducting space was expressly created in East Anglia one and you know, going right the way back to the land requirement, sufficient land was was provided for under the order under East Anglia, one to enable that to be done. And And And my understanding is that that one that then was done so the consent for East Anglia three, includes the provision of cables to be drawn through pre existing ducts. Now has is, is that not a potentially deliverable option for this pair of projects, albeit recognising that they could be delivered temporarily, quite long way apart as indeed East Anglia, one and East Anglia three have shown they are being is that something that could be done?

08:47

Yeah. So Brian mcnellis, for the applicants on that I would hand across to Stephanie mill to talk to the DCU. matters. Stephanie.

08:59

Hello, Stephanie, Mel for the applicants. And the approach taken for the East Anglia, one north and the East Anglia two projects is slightly different to what was what was taken down. We're one and East Anglia three. And for those projects, and it was known at the time, that one project was going forward that or the East Anglia project was obviously delivered or consented in and much earlier than East Anglia one and three the Sangha three project and therefore, and it was known that the order in which projects were going to be built and whereas for East Anglia, one North and East Anglia two projects at this stage, we do not know which one will necessarily be constructed first, which is why we kept the flexibility within the orders. And the reason we are approaching the consents, and in the way that we are is again, partially down to the offshore regime in due course, and trying to keep the projects and or the one consent and distinct from the other consent. So the intention would be the first project to proceed. And, and this is the commitment that has been made and was was then notified at deadline to at the time that that project is being installed the second project, and in the event that we're not proceeding with parallel construction, the second project will instal and the cable ducts under that under the second project consent, and this has been thought about in the drafting of the VCO. And there is a requirement to notify of the stages. And, and the intention behind that was that if one of the projects was going to instal their ducts early, we would notify, and under that requirement of the dcl and which is requirement 11. And I'm set out in various different stages. And you know, the ducting would then be the first stage. Now that would obviously trigger commencement and through development requirements under that DCR would then need to be discharged in relation to the docks. And then the rest of that project will be delivered in due course. And when when the rest of it proceeds. And the reason we're not at this stage and not planning to take you on a fee approach is that East Anglia to the centre to DC does not actually include the ducts are the powers at the moment to lay the ducts for East Anglia, one north, and and vice versa. So at the moment, the each project is contained within its own DC Oh, yes. Again, that was to keep the separation of the projects, and for for all matches of reasons, but including, and in due course divestment and things like that. So so that's the rationale behind the approach that we've taken.

11:42

Look, I think that's very clear. However, you know, playing a little devil's advocate present, having seen the alternative approach taken with East Anglia, one in East Anglia three, and actually having been part of an examining authority at East Anglia three that challenged the direction of Route having been used at East Anglia one and question the degree to which it was wise for it to have been done at East Anglia, but nevertheless, it was and it did provide some dis dinkley useful and practical benefits in terms of minimising lantech as we understood it. And what would be very useful at the coming deadline three would be a summary rational document that draws together all of the moment arrange of separated arguments that have been put in different places into one place explaining in very, very clear terms, the balance of your consideration as to why the combination of powers to construct ducting for both could not have been included in both DCs and or if it can be what would the implications then be potentially for the loan take because if we do have a mechanism of you know, clearly, and minimising land take by

that as a mechanism now then then in all wisdom, we need to give very careful consideration to it. Is that a reasonably clear? Is that a reasonably clear request?

13:19

And yes, that is clear. So Stephanie, now for the applicants, we will take that away, and we will put something in writing for deadline three.

13:25

Fantastic. Okay, well, on that basis, then, and there was only one other very brief item that I wish to touch on under agenda item for which I will take and I will then throw it open to see if there are other interested parties who want to raise points of this item. But that essentially is in relation to the extent of land sought at the landfill, which is very generous. And this is an anecdotal observation having undertaken quite extensive and accompany tight inspections. But just to compare the extent of that land with for example, the extent of land at landfill that was physically taken for East Anglia is one and three, and the landfill site is large. Now, we do understand that there are challenging issues that need to be negotiated, including the angle of approach of cable alignments offshore, the fragility of the cliffs and the need for a conservative approach to passing through the cliffs. But nevertheless, um, do we have a Do we have an instance of potential over acquisition? Is there scope for the minimization of land take

14:42

up the land for location? If I could throw that one to the applicant, please?

14:52

Promise will be the source image for the applicant. Mr. grellus will be answering first.

14:57

Thank you, Mr. Goddess.

14:59

Thank you. Prime agrella sport applicants as you correctly touch upon the need for flexibility at the landfill is particularly important. More so and it's just this case where we have some significant offshore features that we we need to incorporate within our detailed signs such as Carlin crag on the navigation around existing utilities off offshore, we I would point out the wind stick area within the order limits retains that flexibility we have specified within the within the environmental statement, the actual footprints off the the temporary and the temporary trench this technique working area for each project. Also the footprint of the construction consolidation site for each project under the temporary footprint or the working area off the transition base. We've also stated the physical size of the transition based on the grind. So So once we have accounted for, for want of a better word within the order limits, we have defined quite tightly, the actual working areas, the temporary working areas that are required, and it is really at the detail of the second stage that we would then be able to align the offshore export cable alignments coming onshore and delaying the transition based on the working areas are in that to really optimise the land use and in the non farm area.

16:34

Okay, now I do see a hand raised from the anonymously named conference room for but I believe that was part of the applicant tee, is that correct?

16:48

There's sorry that this is Richard. Sorry for suffer come to conference. Happy to wait to come in at a later stage.

16:55

Yes.

16:58

Okay, did did. Did you wish to come in on this point?

17:04

I'm sorry. So I just raised my hand as a general indication to comment on agenda item four, but not specifically why you wait,

17:11

you wait until the conclusion of the item? Okay, thank you very much. Oh, okay. Well, I will just check with panel colleagues. I didn't have any other specific items to raise under that. So I will just then we do have Suffolk County Council wishing to come in. Are there any other parties? Could you now indicate by hand other parties who might wish you might wish to come in? So just Suffolk County Council. Okay. And are there any points that the applicant needs to put it before we move to draw other parties in on those those questions that I've asked? I

18:05

said Kira Myrna for the applicant SPR M. But we just wanted to clarify some of the project components and how they relate to the application for land rights. Probably it's an important note at landfall, the cables that come as they come ashore are a dunzo by a trenchless technique below the surface. So the the permanent rights that are sought for these cables are limited to below the surface. And that is in the area of the intertidal, the beach and the cliffs. It is only when we get to the west of the cliffs close to the transition base, where we are installing the cables by trenchless technique, where the permanent rates do require rates of access to the cable at surface level. And it should also be noted that the the transition base will be buried underground and the land will be fully reinstated following construction again with a permanent right of access relating to routine maintenance, non scheduled maintenance for to address faults and if required decommissioning. My colleague Brian talked about the need for some temporary possession of land for working areas which we we we have detailed the extent of this land although not the final location and these are required to construct the transition bays and for the trenchless technique operations and the the final location of the the the transition bays the the width of the onshore cable corridor. This will all be determined by the appropriate offshore cable corridor as it comes ashore. And this will dependent on additional surveys ground conditions and thus we need to Temporary possession of land to carry out these activities. And it's also probably worth noting that in the land or for area to the west to sorry, to the eastern side, the eastern boundary, we

have reduced the land here. And this has been facilitated by our constant review and requirement of land. And this this allows for this land to not be subject to compulsory acquisition and normal agricultural use can be applied, I think it's, it's talked about in this area, in particular, the flexibility for the construction process and the need for detailed design does does justify the Atlantic that we are applying for. And we've always made the commitment that we will only exercise parents of compulsory acquisition and temporary possession in respect to land that is actually required and utilised.

20:55

Okay. Right. Um, and anything else that then it returning to miss Janice, is there anything else that you want to put to wrap up the applicants case in this up before I go to Suffolk County Council?

21:10

And this for the applicant? No, thank you very much.

21:12

Excellent. Right. To Suffolk County Council then your submissions on this point?

21:20

Yes, sir. Thank you. This is very, very specific county council and just wanted to come just to comment on two points in relation to the table cordial with kleisli as lead local flood authority. And we're just concerned that the applicant will need to demonstrate that the corridor can accommodate mitigation in terms of drainage along the cable corridor. And at present, we simply don't have the information. And so we're not able to, we're not in a position to be able to comment on the appropriate work taking into account drainage concerns. And then similarly, in terms of archaeology, there are concerns about a potential pinch point in the cable route. And that's being flagged in our joint liberal in backer board. And today, we're going to dig down here. And then just in terms of the other items on the agenda for, in particular design flexibility of the onshore substations and the National Grid substation. And there are concerns on that front as well, by a great country slash we have the opportunity tomorrow at issue specific hearing, to discuss divine impact in particular, and see so if you're condemned, and what what I suggest is that each of these points can be picked up in more detail tomorrow, or indeed, written representation. So it will be doing me to trouble you any further today.

22:42

I think, given the press of time today, and the need to get through these agendas, but considerably more liberal time we have available to us tomorrow, we'll do that. And then we'll bring any additional revised approaches to land back in at the subsequent compulsory hearing. So thank you very much. Ring. Now just just before I do that, I will just check to see if there's anybody else who wishes to speak any of the other interested parties. I'm seeing no other hands. So I will finally return to Australia's for the applicant for any final response on that point.

23:23

Yes, cornice above the applicant. I've nothing really to respond further on those technical matters of detail, which obviously we'll come on into address so they can examination. But Nope, nothing at that point. So thank you.

23:34

Okay, in which case, I'm going to hand back to Mr. Rigby for agenda item five.

23:45

Thank you very much, Mr. Smith. All agenda item five without talking about the additional land and rights. So for rich application, obviously, because we are joint we want to the applicant to confirm a request for the inclusion of the additional land that is sufficient and that the relevant legislative tests are engaged That is to say section 123 sub section four of the Planning Act on the compulsory Acquisition Regulations 2010 to confirm that the book or reference is up to date. To explain briefly given the time we have how the requirements of the CA regulations have been met. The Case for temporary possession of additional land plot at the case for temporary possession of additional land plot 31 the case for additional land to be acquired freehold plot hundred and 30 and the case for both temporary possession and permanent rights over additional land at plus 104 and new plots 104 104 b 104 c And what effects these changes may have on the timetable for the examination of these projects, so to the applicant, please

25:14

second email here on behalf of the applicants, and I plan to cover and the items about the Cabal step the additional land application in terms of how the compulsory Acquisition Regulations are engaged. And and also the the what, what the applicants are doing and to ensure compliance. And and I'll also briefly touch on the the final item that you mentioned about the examination timetable. And and then at that point, I will then hand over to Mr. grellus, to talk about the case for each individual change. And so I'll begin by confirming the request. So at deadline one, we submitted a request for additional land to be included within the application. And this was in the form of an application for the inclusion of additional land. And and that's rep 1037. And now this document provided details of the additional land and and rates that were sought. And it also included and details of the land interests that were affected or that will be affected. And together with the rationale for each of the changes. And Brian will obviously talk about those shortly. And regulation five of the compulsory Acquisition Regulations and require the applicant to submit details of the proposed provision, and which is obviously that the additional land we're requesting, and one of a book of reference, and this or a supplement to the book of reference. And this also needs to be accompanied by a land plan, and identifying the additional land and a statement of reasons and explaining why that additional land is required. And also our funding statement explaining and how the acquisition of additional land will be funded. So at deadline one, the applicants and submitted a number of documents. So in addition to the application for additional undertail already mentioned, and so that the documents that were submitted include an updated book of reference, and a schedule of changes to that book of reference, and updated land plans, on short, an updated statement of reasons and also an updated funding statement. And so for the reasons of the and all the documents that were submitted at deadline, one two company and the application, the applicants are of the view that the application for that sufficient for additional lines is sufficient. And and we can also confirm that, and section 1234 of the Planning Act and the compulsory Acquisition Regulations are engaged by this occupation. And and that's because consent has not been obtained for every from every person that has an interest in the additional land, and to the exclusion of it within the DCR. And that's that's the key B's invite by these provisions are engaged engaged. coming on to

your second question, and if I may, and the book of reference, as I've mentioned, is updated at deadline one, and that an updated reference did all of the affected interests, and that would be affected by this additional land. And so Applicants have the view that that that the book of reference sorry, is is very much up to date. Turning now to how and the requirements of the compulsory Acquisition Regulations and have been or will be met. And I can confirm that and regulation seven notices, and will be sent to console teas. And that will be accompanied by a maps showing the location of the additional land. These notices and will be sent to console t shortly and should be with all console T's and prior to the 14th of December, which is a command to the minute which will be the date of the final newspaper notice

28:59

given the current health public health situation and the applicants also intend to email consultees where they have email addresses to enable them to do that. And so the majority the main notice will obviously be sent by by hardcopy, but we'll also follow up with emails where we can and just ensure people are covered in terms of the actual console teas that we are we're notifying of this process. And obviously they can bolster Acquisition Regulations and do not require everybody and who was originally notified of the application to be consulted. It's those people that are affected by the additional land application that taking the advice from or the advice set out within procedural decision 23 of the examining authority, which recommended that the applicants also comply with advice note 16 and in terms of this being a material change the applicants and are planning to consult with more than than is required strictly under the compulsory Acquisition Regulations. And so, just to briefly summarise and the console T's that that will be informed will be the local authorities. And each person that's within categories one category, Pratik, sorry, categories one, two, and three. So essentially everybody that's in the book of reference, the most up to date version of the book of reference. And we'll also be notifying and onshore stakeholders, and that are listed in the compulsory Acquisition Regulations. And in sheduled, two, but we will also be listing so consulting there, and stakeholders listed in schedule one of the applications and prescribed and forms precede the applications, prescribed forms and procedure regulations. And the intention really is to notify all onshore stakeholders of this change to ensure a really complete and robust and consultation process if we're not proposing to notify an offshore stakeholders. And given that they're there, and often, no offshore interests are impacted by these by these specific changes. And

31:08

moving now on to the regulation eight notice, and, and we plan to publish notice in a local newspaper, this will be the East Anglian Daily Times. And those notices are intended to appear on the seventh and 14th of December, and will also be a public notice in the times then as a national newspaper, and that's on the seventh of December, and also in the Gazette on also on the seventh of December. And the applicants are proposing that the consultation period run until the 13th of January 2021, which would then coincide and with deadline for of the examination. And just very briefly, the documents that are associated with that this application will all be available on the planning inspectorates website, and consultees will be directed to the websites within the notices. And the applicants also intend to make a hard copy of these documents available for inspection at sysvol comm least in town council and and these will be made available in the week commencing the seventh of December and will remain there until the close of the examination. And but obviously in light of the current and public health situation, it

will be necessary to make an appointment and to be able to view these documents and the full details of how to do that will be set out in both the regulation seven and the regulation eight notices. And one final point is that st notices whilst they're not strictly required by the compulsory Acquisition Regulations, and the applicants are intending to erect some within the vicinity of the additional land just to try and capture and as many cities as we possibly can. And and after this consultation has all been carried out. And within 10 working days of the end of the consultation period, applicants will notify the Secretary of State and have all of the known and unknown persons with an interest in additional land and also certify compliance with the compulsory Acquisition Regulations. And so that in is everything that the IRS is intending to do over the coming weeks, and to ensure that the compulsory Acquisition Regulations are complied with. And then very Finally, you asked the question of whether these changes would affect the examination timetable. And now obviously, that will be a matter for yourselves as the examining panel. And but from the applicants perspective, and we don't envisage the typical have and a material effect on the examination timetable. And we would envisage that and that there will be sufficient time after the cause of the consultation period on the 13th of January, to be able to fully consider any representations that are made, and and to allow any subsequent hearings that may be required to be carried out. And so unless there's any questions for from the panel, I would now like to hand over to Mr. Brian grellus to talk through the case for the additional and in each case. Thank you.

34:13

Thank you, Brian mcneillis for Dale Perkins. If we start at the lungful site and work away last in terms of the the areas of additional land for which we are incorporated within the delegation, so the expansion of the arguments have worked number seven. They applicants wish to extend the order limits at the southern extent of work number seven, showing the funding application for inclusion of additional land and this is to facilitate the construction use and subsequent removal of a temporary underground water supply. From fatness road to Sarab work number it's not as an essence to to provide a water supply to the to the trenchless technique. insulation technique at the at the landfall the the one of the benefits and connecting into the portal water supply is that it would reduce the number of HTV movements travelling to landfall because the water no longer would be required to be transported by road as a worst case scenario as opposed to because it would be delivered to fire the underground pipe network. The change also reduces the project's interaction that's with sizewell gap, the road to the north, which is the demand entrance into science Well, a our former nuclear power station on sizewell b nuclear power station that was considered at the at the time connection into a December System Science vol gap was considered at the time with application to be the most appropriate point of connection for your consultations with EDF energy, new cogeneration limited operators of science will be during the preparation of the statement of common ground. The discussions with plants will be indicated their their concern or sensitivities associated with connecting into surfaces which which serve science well, science will be set by moving the surface water connection solution to connection at forecast road rather than science project gap. Read our 440 dot in traction on science vol gap, and there was no risk of interruption to portable water supplies. Which supplying science well being nuclear power station. The order limits amendments have been positioned adjacent to fill boundaries to minimise disturbance to landowners ongoing agricultural practices. And they're appropriately sized to facilitate the safe construction and removal and subsequent removal of the temporary underground water supply. And just to clarify with regard to traditional onderwerp number seven, this additional land is located on agricultural land. It is within the subject cost and heats AONB but it does not encroach within the

saplings SP are displaced into older triple si. I can move on through the extension of four or the limits of work number 15. If you've no questions on that,

37:28

that's fine. You do go through them. Thank

37:30

you. Okay.

37:32

So the extension of the order limits of work number 15. This is to facilitate a incorporation of a temporary diversion to an existing public right away. That's working number 15. bisects originally that wasn't included within our applications, because of the short term nature of the of the construction works at that point. But for the discussions with the local authority, specifically about the kind of console at their request, we have modified to order limits and incorporated a temporary version which will led the use of that public right away to be maintained during the construction of our haul road, temporary haul road, which would come in from from small cap. Again for clarification, the additional land is again located on agricultural land within the subject costs and heats AONB but does not encroach onto the saplings SP or the list into older triple icing. With regard to the expansion of word limits of work number 33. By Hart's farm, this is the substation area. So we we wish to amend order limits in that area to facilitate the permanent diversion of existing public right away. I'm not that but as to reintroduce a historic footpath and historic field boundary that is defined within some of the early mapping of the area from 1883 to 1884. Currently, our limits were drawn to dig system public right away, which has deviated from that historical path. And so, we would like to take this opportunity to reintroduce that historical historical path on the historical field boundary within our applications, again to Sky fried Deland obsessional that the it is not located within the LMB and the additional land is not located within any any designated sites with regard to the expansion aboard limits of work number 33, which is by Woodside barn conches. This is to the sorry for the substation area. We wish to amend the order limits in that area to facilitate an alternate The fruit for a surface water arkfall connection between the onshore substations and the National Grid substations and the first and water course at Church Road. This change will provide additional flexibility to the applicants for the optimal design of surface water outfall leading through to first and watercourse. The original routing of the surface water arkfall which was to the east of Woodside barn cottages will remain within the within your limits and but only one surface water connection will be taken forward into into construction. There are potential advantages of this alternative, including the affordance of the church which are shuffled runes to the east of fruits like barn cottages. And through the incorporation of additional surface water management features the potential reduction or elimination of existing surface water overflows to travel along the track leaking through to Church Road. With regard to the setting off historical or historic, sorry, heritage assets at that location. Given the construction works are temporary, and given the track will be reinstated to its original finish and style. There's anticipated to be no permanent material change to the landscape following the reinstatement, and therefore no change to the assessment conclusions present within chapter four of the environmental statements are the appendix 24.7 of the environmental statement. The works in this area will begin to take insensitively and lane with mitigation measures set out within the final quarter for construction practice. And in summary, the above mentioned changes to door limits reflect the ongoing

refinement of the projects, which seek to adjust environmental impact of the projects. And this process will continue throughout the divorce concerned consent and detailed the same stage of the projects. Thank you.

41:54

Thank you just three quick things there if I may. Your colleague referred earlier to the book of reference. Now we've noted there have been one or two problems with due diligence with unregistered land. So hopefully, you'll be able to do the best you can in respect of unregistered land. I know with work number 33 that you say it's an alternative. So I'm wondering when you will decide whether you're going with that one or not. Given that it's an alternative, you're still deciding which way to go with it. And thirdly, in your response to written question 1.3 point 47. You mentioned the currency evolution of the design of the projects. So does this mean that you intend to or may need to make further changes to the projects, which will require additional land or rights to be acquired? So if you could briefly respond on those points, please. Thank you. Yeah, sure.

42:59

I'll take the second point, and then pass across to cure merner to address the first point. And then to Stephanie Mills to address the third point. With regard to the second point, when will the the routine be identified that would be post consent, it would be part of the detailed the same process, as we would feed into that process, information on trial trenching information on ground conditions, a detailed hydro, hydro geological model that would be prepared for the substation site, in order to identify the best and most appropriate route and connection for connection to the first of all course.

43:37

Excuse me a second. Mr. Gross, I'll just briefly interject there and to flag those in circumstances in previous made development consent orders, where alternatives are brought in that affect land, and in this case, additional land. And some form of drafting is also typically used that essentially ensures that once it has become clear which of a pair of alternatives is preferred and implemented, that any residual unused and compulsory acquisition or temporary possession powers on the unused alternative then fall away? So that land doesn't remain burdened with powers that then become unnecessary? And are is that going to be picked up in a in a in an iteration of the draft development consent orders? If it already has been apologies to the oversight but I haven't seen it yet.

44:31

No problem. I will pass across to Stephanie Mills to address that point and also the third point that was raised.

44:37

Thank you.

44:40

Hi, there Stephanie Mills for the applicants and with respect to the that specific question and we will take that one away and look at it and in this particular instance, the original drainage solution was part of the and the wider works that are going on at the substation. So it may not If this alternative is

progressed, and it may not be possible that any land is removed from from the original application, and what we will do is we will absolutely look at this and see if there is a form of drafting that is necessary in the circumstances, or whether and that's not the case in this particular instance. And with respect to the other question that you asked about any other changes that are proposed, and whilst there will be continued and refinement of the projects, and throughout the application and post consent, and the applicants do not intend at this stage to make any further changes, which would require additional land, and it's hoped that going forward any changes are likely to be an refinements and to reduce origin or minimise impacts as opposed to increases in the order land. And now I think we're going to hand over and to Mr. merner, who is going to touch on the and the issue around unregistered land. Thank you.

46:09

Good morning for the applicant, the unknown unregistered land that is subject to work 33. We have written to both assumed owners and asked for them to provide information and clarity of title so that we can pursue our preferred route of a voluntary agreement with these parties. Thank you.

46:33

I see that Suffolk County Council would like to come in place. Suffolk County Council we got your hand up. Thank you.

46:47

I think I just left it up from the last on the last division apology.

46:54

You okay, you don't need to say anything more at this point. Thank you very much. So just digital delay. I think in that case, unless my panel colleagues have anything else they want to ask under this item, I think we're done for the moment. The main purpose was to get the changes discussed so that they can be further discussion at the second set of compulsory acquisition hearings, as far as that is necessary. So if we move on to item six, quite a bit of this, we may have dealt with already. And I'm proposing just to hear from the applicant, on the matters of Article six, the application of dis application of legislative provisions, Article 19, the time limits and article 26, the temporary use of land, and also to hear from any strategy Undertaker's present who have any comments to make on the protective provisions. So if I could go to the applicants arm article six plays the application of legislative provisions, and particularly referring to the April planning app. And then, after that articles, Nancy, and I'm 26. Thank you.

48:22

Thank you. I'm Stephanie, Mel for the applicants. And with respect to Article six, and the neighbourhood Planning Act. And the relevant provisions of the neighbourhood Planning Act, and 2017 are not yet in force and regulations that would be required to provide more detail on the operation of that regime, and have not yet been made. And at this point in time, there's no date for the implementation. And so due to this lack of certainty as to the requirements that any new and temporary possession regime might have, and the applicant, and have used the well established drafting of the temporary possession provisions, and within the order, and now, since the neighbourhood Planning Act, and 2017, there have been a number of other and orders and have equally disapplied. And the

same, the same provisions and have opted for the standard and temporary connection powers. And that is the approach we intend to take for these projects. And in order to provide sufficient certainty.

49:26

What was most Well, I've got a very specific follow up point on that, which is that in a number of made orders that have disapplied and the MPA provisions, the justification accepted by examining authorities and by Secretary of secretaries of state in those cases had been that the project development process and the initial consultation and therefore assessments of impacts took place at a point before the MP, MP. provisions were known about, and that to potentially burden the project partway through implementation with a needs to meet those with the longer timescales entailed for notice of possession, etc, would be a substantial and unforeseen burden on the projects concerned. I guess we're beginning with projects such as these to move into a new world, which is where arguably, the possibility of the NPA provisions coming into force is something that could have been known about for project planning purposes, pretty much from the start of the piece. So you've maybe been in a position that some of your predecessors wouldn't have been in terms of thinking about whether you can deliver your project with the timescales for notice, etc provided for under the NPA provisions being met. So I guess what I'm I'm putting to you is there's a possibility that there was a strong justification for disallowing the NPA provisions for projects that were called halfway through where there was fun project planning in place that may not apply to you. Do you have a response to that

51:19

Miss smell for the applicants, and I think at this stage, and there are still no regulations and so on. And without those regulations, there's obviously that lack of certainty there. So until well, past, the actual and provisions of the Act may have been known at the point of inception of these projects, because we don't have the actual detail of the process. And in order to provide certainty to the projects going forward, and it was considered to be the most appropriate option to to adopt the temporary possession powers, and that have been found in in numerous development consent orders to date, and are well established. And so it's on that basis in the lack of the regulations, that, you know, there still is quite a bit of uncertainty there and, you know, being a nationally significant infrastructure project, and it needs to be able to proceed with certainty as to the process that will need to be carried out in due course.

52:17

Okay, I hear that point. I'm

52:20

Mr.

52:21

EP. Back to you.

52:23

Thank you very much, Mr. Smith. I have a question relating to what you're going to save in the others. So if you carry on we've done article six seven way article nine teen

52:35

Kate Stephanie mill for the applicants and article 19. So this is the time limit for the exercise of compulsory acquisition powers on has been set within the order as seven years. And now this has been requested in order to maximise the window for the projects to to commence construction and thereafter exercise compulsory acquisition powers. And this is in light of a number of reasons. And Firstly, the uncertainties associated with the contracts for different support mechanism regime, and which is obviously entirely out with the control of the applicants. And, but probably a more important reason for in the context of compulsory acquisition powers. And as my colleague Mr. Hubner, and explained earlier on today, the approach that is proposed for these projects is that Firstly, and we seek temporary possession powers, and and it's only once the detailed design is known, and it the specific rates that will be required are known, and which could be a number of sometime later. And that the the fact that having that longer period to be able to exercise compulsory acquisition powers would enable us to, to only acquire that the limited rights that are needed, and if the period is much shorter than the applicants will, may be required to acquire, and to, to have and not to acquire more than take a slightly larger lantic to ensure there's sufficient and they have the sufficient rates to carry out the project. And so that's the reason for it for seeking the seven year period. And just it's due to this two stage approach to obtaining the keyboard rights.

54:19

Thanks. I'm just stuff, a couple of observations to make care about that. Because earlier, you making the case for pressing need and compelling case and national urgency. So presumably, lengthening, the limit from five years to seven sort of goes against that a little bit. But also, I suppose it mitigates in favour of accommodating any regulatory changes that may be on the horizon. Not something to go into detail now necessarily, perhaps to explore a bit further in the hearing tomorrow. Yeah, this hearing for the order.

55:00

I will, I will flag on that very point. And, you know, one of the matters that we've got to consider, obviously, are ways in which the proposed developments accommodate themselves to the, in an agile sense to the possibility of some substantial regulatory and policy change, for example, around the outcome of the BS review. And whether or not with a longer period for commencement, if these projects could find themselves in a world where, bluntly, there is currently unanticipated policy in place and currently anticipated offshore infrastructure in place that these projects could connect, and before they even commence, and there may be an argument for starting to think about some form of conditionality around some of the compulsory acquisition powers. And I'm sure and ensuring that those are provided for in the in the DCO. But I think we will talk about the detail of that within the framework of our consideration of the policy environment in tomorrow's hearing, because we can't even really begin to sensibly unpack it until we've looked at those issues under this hearing is not really the place to do that. But it's certainly worth putting the putting the market down in this hearing.

56:28

Right, and Stephanie, with the applicants, and that's noted, and then yes, we hit we can discuss that at the hearings and over the next couple of days. And would you like me to continue and go through article 26? Yes. Okay, so article 26, is the temporary use of land. And I think the question that you

were, you're keen to know, here, and was how landowners and landowners would be kept informed. And and I guess the the key point to notice throughout this process, the applicants will keep landowners and others with an interest in land informed of all of the project developments. And in addition, nuclear land agreement is obtained by the applicants, and as Mr. Hubner did earlier, that the intention of the applicants is try is to try and have agreement with with all of the landowners or with as many landowners as possible. And in the event that there are land agreements in place, there will be provisions on the timings and notices. And within those agreements, and where and where temporary possession powers and or other compulsory acquisition powers and require to be exercised, then obviously, and notice periods etc, are and set out within the legislation for those and the requisite notice periods will be given in all cases.

57:47

Thank you.

57:50

I have nothing to ask at the moment on that. Um, do my panel colleagues have any questions they wish to ask on this item?

57:59

For ?

58:01

No, but I am seeing hands rising in the room. So it's directly over to you.

58:07

Yes. See, Mr. Marley has his hand raised?

58:12

Yes, I just like to make a short comment, because during the period of seven years, and the very first point that Miss Mill raised in relation to the seven year period was uncertainties with the CFD razing. And from my research, it would appear that there is a CFD auction every two years to date. And if this project were to be consented, that would mean that the purchase of compulsory purchase powers will stretch out until 2028. And by my reckoning, there would be four rounds of the auctions in that period. So I would have thought, given the comment that you made in relation to the rationale for Russian deeds, these things through the need of the country for renewable energy, that within one, if not two rounds, you know, the CFD would be awarded. I don't see why there needs to be four rounds in order to make sure that the relevant finance from the CFDs can be changed.

59:14

If you like the applicant lottery respond, please. It's really nice.

59:29

Yes, I think probably the best time to deal with that responses not tomorrow on we're discussing policy matters. I have more people in the room that are probably and cin with that and we'll have an

opportunity to respond to them as a lot to get through this afternoon. And I don't really want to get involved in a policy debates at this that one, okay.

59:50

Yeah, no content to take that then. Thank you.

59:54

Absolutely. So if there's nobody else there anybody else wanting to Anything under item six? No. So if we move swiftly on to item seven, which is the strategy conditionally? Sorry, am I getting something from Suffolk County? Councillor? Yes, there's

1:00:16

Sorry, my hand was raised. But perhaps there's been a delay of some sort, because it obviously didn't come through. Um, so if I may just just add one comment in relation to protective provisions. And this is something that again, as highlighted already, we have read previously, there are concerns that asking a party stand the DCR constrains the ability of Suffolk County Council at Highway Authority to discharge its statutory duties and to inspect and maintain the highway. And as I say, this is something we've flogged already on. So we would just just make the comment to you and would like to see that addressed and to see productive provision.

1:00:53

Thank you. So if we may move on to item seven. Very, very quick run through here we have summarising everything so far in terms of the study tests. Now, we've already done quite a bit of this. But very briefly, to confirm the application includes a request for compulsory acquisition, whether the purposes for which the compulsory acquisition powers are sought comply with section 122 subparagraph. Two, I think we've probably done quite a bit of that. Where the considerations be given to all reasonable alternatives to compulsory acquisition, I think that was explained at the start, whether the rights to be acquired, including those for temporary possession, unnecessary and proportionate, I think we've already had quite a discussion on temporary possession that was very usefully put to us at the beginning, whether the rights to be acquired, including those for temporary possession and necessary and proportionate. And then finally, whether there is a compelling case in the public interest. And we heard the compelling case argument at the start of this hearing at item three. So, applicant, is there anything you think you can usefully add bearing in mind what you've said, already?

1:02:14

Nothing Stephen helped enough of the applicant. I think, Mr. Rigby, I just like to ask the first point on your agenda item here, just to confirm the application does include a request for compulsory acquisition in accordance with section 123 bracket to bracket of Planning Act 2008. It just to say the cover letter submitted with the application confirmed paragraph 8.1. The applicant was seeking and is seeking authority to acquire land compulsorily, as well as interested in land

1:02:42

and other related passes, both live with the project.

1:02:45

And part five of the draft DTO contains the relevant provisions. I think you have already alluded to the fact we've probably touched on all the other points already. So finally, I'd like to add them to questions from you and your colleagues. And that might be more efficient. Use your time.

1:03:01

That's all Yes, that was what was in my mind. Thank you very much for that I think we've dealt with quite a bit already. So are there any other people here other than the applicants who have any thing they want to raise on these items? These are essentially stuff to test. And I think we've covered most of the material already.

1:03:24

We do have Mr. Marley and I'm conscious of his representation on necessity and proportionality. And Article One of the first protocol to the European Convention on Human Rights, it would probably a good place to surface that if

1:03:41

not, I wasn't going to raise that. Now. I think that's the best for compulsory acquisition too. I just want to make the very brief point that both scottishpower and National Grid have undeveloped land at bramford, which I did refer to my representation. I'm not an expert on compulsory acquisition powers. But I just wondered whether the fact that both the applicant and National Grid have undeveloped land or Branford should go into the equation of assessing whether or not the land is required. And that was the only point I wanted to briefly make,

1:04:11

either it's very much a kind of cut line point between this hearing and tomorrow's. And hearing on that point. Rest assured, a lot of that is also going to be ventilated tomorrow. And if we need to bring things back then to look back at compulsory acquisition in the light of what we hear tomorrow, then then we do have a subsequent compulsory acquisition hearing to do that job. So I think that's the best way to run that one. Thank you.

1:04:38

Thank you. Yes, it's essentially sort of, as I might say, to my engineering colleagues under the new engineering contract, it's an early warning for tomorrow, that something will be having a further look at. Is there anything else anyone wants to ask on this item? think we've covered most of these things already. I'm not seeing any raised hands, Network Rail.

1:05:13

I'm not here.

1:05:14

I'm not here, I would have had a question for them had they been here, but they are not. So we will leave that to a future occasion. And in any event, we have the second pair of hearings to sweep other things up. So if we move on to item eight, which is review of the composite acquisition sheduled and

related matters, if the applicant could briefly summarise any outstanding objections and progress on negotiations now, I think we've already done the second point because that was to advise whether there are any further changes required to the order limits, but I think we've been advised that there probably won't be or that if there are there will be downwards rather than that woods. And the third item I wanted just to briefly explain is where there's a currently a choice of cable along with offshore, which alarm you prefer and which you will take forward and if you've haven't made your mind up, perhaps you could explain why that is. So if we're okay to take those three, given that the middle ones probably already done to the Applicant please.

1:06:20

Colin Ennis on behalf the applicant, Mr. Hyde will deal with matter number one.

1:06:26

Thank you.

1:06:31

Good afternoon, Harry. Hi, Doc McCarron half the applicant. I thought I just have a quick run through of some of the negotiations to date with the landowners, the affected parties that we're currently dealing with. Currently, we've got 20 outstanding agreements with landowners in terms of the cable works of those 17 have agreed terms and are instructing solicitors to complete current option agreements, where hopefully, the remaining three will be completed fairly shortly. And two of those are in respect of the probate situations has occurred, which is delaying matters. Moving on to just the freehold acquisition at the substation, and we've got eight agreements to try and secure in that area with the individual owners. And currently, we are in agreement with a number of those two are outstanding currently, sorry, three are outstanding currently. And we're expecting one of those to be completed shortly. We'll hope to be featured shortly. solicitors are instructed over the ones that are agreed in terms and to say they're making good progress at the moment. In terms of some of the option agreements for lease, which is to do with Consortium, CSS sites, the consolidation site, we've got a number of those that require six cross the scheme. And please say that all of those are agreed in terms and solicitors are instructed to complete any of those options for leases along the route. And then moving on down through the scheme. We've got ecological mitigation sites, we've got one of those which is a lease. With the landowner which terms are agreement sisters are instructed to complete the option on that as well. progress has been made. In terms of national grid works, they're doing being dealt with by national grid and in house. as men they know the detailed design of where they are required. approaches to be made by delcom occur on behalf of the applicant to engage with those landowners where rights are required. And that moment, there are certain national grid to progress in terms of the drainage pipe, which is in respect of the additional land as well, but so what I for ABC, there are three landowners that are requiring agreement on that two of which are currently have agreed terms and are progressing through the solicitors but their option agreements. And what is remaining outstanding at the moment. remaining ones that are licence agreements to do with off site highways works of which then, other than engagement through consultation with the landowners no agreements have been put in place is that detailed design is yet to be completed to understand exactly what is required from the landowners in terms of temporary works in their situations. That covers off all of the existing landowner agreements that are required across the project. If you have any questions, please do.

1:09:54

Thank you very much for that update. I have no questions but the update is useful to No, you're making progress. So if I could hear from you on the offshore cable alignment point, please, from the applicant. Thank you.

1:10:11

Yes. Good afternoon Colin Enn on behalf of the applicant, again, in terms of where we are in terms of this particular matter. We applied for flexibility in the original DCR application. And in terms of development, since we've not undertaken the detailed geophysical survey data. So that's not available yet. In terms of the ultimate design of East Anglia to as a wind farm, we've yet to select the turbine model nor finalise the electrical design arising from that. And it's only at that stage at the option, the location of the offshore electrical platforms will be determined. And is only once that process has been completed, could we select the which of the two options is likely to result in the optimal design or in relation to the project? Um, and this is something which in terms of East Anglia two, has always been the case that depending on where the electrical design finished, was likely to drive, which offshore connection would be more optimal. And it's something which simply we have not been able to reach a conclusion on based on the current level of information and data. And then the circumstances the applicant would at this stage wish to retain the flexibility as part of the final design of the project to optimise that arrangement. And as I say, there's nothing since the since we are applied, that would really give us the comfort that we were able to reach a definitive view as to which app was preferable.

1:11:53

Thank you. Thank you for that update and not explanation. Do my power colleagues have anything they wish to ask under this item?

1:12:02

No, thank you.

1:12:04

In which case, I'd like to move on quickly to item nine, which is funding. We've covered some of this already, particularly the CFD aspects. And I propose simply to ask about the updates the fundings statement, but there's anything you want to add to that or whether that's okay. And in terms of the guarantee, or the alternative for security, whether you have a preference, what factors would lead you The Undertaker to choose either a guarantee or an alternative form of security, and which one is preferred?

1:13:03

Thank you, comments on behalf of the applicants. In terms of the future future funding options available, they remain as we have previously stated, The range of options ultimately for securing the funding overall funding of the project through purchase agreements, CFD rounds or other financial arrangements. We do have Nate at that recent announcements made by base regarding the future allocation ran forward to take place towards the end of 2021. And then, and in particular, the commitment to double capacity supported. In addition, that process has also announced further

consultation, a range of other matters, including the supply chain. So we've obviously welcome those announcements last week. In terms of the funding statement, the applicants have continued to keep the funding statement under review. It's recently been reviewed, and it's confirmed in the context of the consideration of the additional land. So we did undertake further consideration of that. The applicants will be provided up with updated appraisals, as required from our servers, Dr. McClaren, and if the project costs vary, and steps were taken to revise the funding statement, and the commitment from the parent company to support the project, early updates reports at the moment, but we will actively keep these matters under the review. And if any matter did arise between now and towards the end of the examination that required us to revisit that we would do so. And obviously there are quite a lot of things going on politically at the moment. They may have implications for land values, they may not, but we will certainly keep it under review. And it's something which we regularly discuss with Doug McLaren in terms of the project updates to see if there's any further data, for example that's been released or even discussions with landowners which may influence matters. So we will make a commitment to keep that under review. And should that change, we would obviously bring it to the attention of The examining panel. Finally, in relation to the guarantee, or one of two forms of security at this stage, and article 43 of the draft, DCA keeps the matter open. And at this stage, it's very hard projecting forward to financials future as to finding which would be particularly preferred. It will depend on a range of factors. Some companies prefer not to give parent company guarantees and would choose an external funder, and there may be accounting reasons etc, that drive them towards that. Equally, there may be opportunities to consider alternative forms of security, if that's desired in terms of the future, at the moment, it really is too early to determine what factors that would be an equally, they tend to be corporate factors, not just factors that are taken into at a project level as to which vehicles corporate entities will use to offer these types of guarantee. I can say we have our very strict internal mechanisms within this group, which should examine those types of structure. And they're taken very seriously. And certainly, for example, these are all formally authorised the commitments that are given and careful consideration is given to those at appropriate levels within the organisation. And again, if if, at current time, we cannot be service to which would be preferred, and we wish would wish to retain flexibility.

1:16:33

Thank you. Um, just one question there. Sorry, I just have any. Okay. Yes. Just a brief confirmation that when you talk about guarantee you are talking about a parent company guarantee. I think that's what you said. Thank you very much. I'm very quickly just on the first one, it just occurs to me. With the CFD allocations being there, but being quite vague, is there any prospect of a PPA funding structure being viable? Without CFD? Could you actually go in alone as it were, with power purchase?

1:17:19

I think this can't be excluded in the current market circumstances, I'm in theory that there is some indication of a scheme in Scotland where it may be partial CFD and partial or alternative forms of dealing with matters. And the what we're dealing with is a market and it is dynamic. And therefore, opportunities may come along for looking at different ways of selling select products. And equally, it also depends on the prices and the CFD option, and how they fit with markets and how other people then start to play in market. So it really is, it's actually quite a complex field in terms of lots of different players. They're looking at the markets in different ways. And they may come in look at say, actually, there's an alternative way of dealing with this. But as it stands at the moment, the primary support is

CFD. And that has driven almost the largest levels of deployment. And it has been largely connected, but there are beginning to be signs of some alternatives emerging.

1:18:20

Thank you. Because the main issue, of course, is that you're able to fund the project somehow, whether it's a mixture, or whether it's one or the other, or whatever. Thank you for that. Do my panel colleagues have anything they want to add about funding?

1:18:35

No, thank you, Mr. Rigby. But what I will just briefly do is take a look at the clock and the agenda, which is merely to mark that we are now at 5pm. But we are reasonably close to the end of the agenda, but with relevant interested parties in the room who have sat with us all of this time. And I think it's important that we do pursue particularly agenda item 10 and the statutory undertakers part properly. So with the forbearance and consent of everybody here, can I indicate them that we will proceed through the remainder of the agenda, we're not going to be deferring any of it off. And we will continue and take the liberty of, of borrowing an extra half an hour on or whatever may be required this evening in order to finish the agenda. So Mr. Rigby if I can return back to you.

1:19:34

Thank you, Mr. Smith. Yes, I think we're out of the big items into the smaller ones and agenda item 10 is indeed start with The Undertaker's along with the crowd and public open space. And Firstly, the strategy Undertaker's those who are present today the current position in respect of Section 127 and section 138 Including representation is made and whether there are any remaining which have not been withdrawn. So, I would like for the applicant to summarise the current position first, and then I would invite the status gender seekers are present. if they have any comments they wish to make, then now is the correct place to make them thank you.

1:20:24

Kira Myrna for the applicant. I'll start with the study Undertaker's that were section 127 applies and we are at the instruction of the examining authority. We have identified those parties who have made relevant representations or written representations and they are limited to national grid transmission network, electricity transmission PLC, Network Rail infrastructure limited Anglian water group limited and Caden gas limited. I'll give you an update on the where we are with those particular parties. Firstly, at national and jet, they do not own any of the land which is subject to compulsory acquisition. The applicant considers that there are land rights can be acquired without serious detrimental effect to national grid carrying out its overtaking the protected provisions in the draft order will ensure that national grids apparatus will be protected. Meaning maintains access during construction and the production permit provisions would apply would would permit that any rights that would require to be extinguished would be done so with National Grid LTE transmissions permission, but it should be noted that the applicant does not intend on extinguishing any rights belonging to N jet. We have been in discussions with en jet in terms of negotiating protective provisions and crossing agreements. We haven't reached agreement and their representation has not been withdrawn yet, but they and jet have communicated to ourselves and the examining authority that they believe a good level of agreement exists between both parties and that they are competent that the protected provisions will be agreed

and included in a draft DCO at a future date within the examination. I'll move on to Network Rail. Again, the undertaker does not own any land that is subject to compulsory acquisition. Network rail's interest in the order land relates to some historic boundaries and Covenants. It's the view of the applicants that the projects will not have any material impact on these covenants. However, discussions are going ongoing with the Network Rail and a draft agreement is in negotiation. The agreement has not been reached and the application or the representation has not been withdrawn. However, Network Rail again are have indicated to ourselves that they feel that the agreement is close and will be reached and they advised us in advance that they would not be attending this hearing.

1:23:30

Let's move on to anger Motor Group. Again they are this Undertaker does not own any land that is subject to compulsory acquisition. We the applicants consider that our land rights can be acquired without detriment, serious detriment to Anglian water route carrying out their undertaking, the protective provisions will permit that the apparatus is Protected Access is maintained during the construction and the protected provisions ensure that any rights to be extinguished by angle muscle group would do would be done so with their permission with alternative apparatus being provided. And it is unclear whether or not this will actually be required, but it is our intention that we will not be extinguishing any act of ankle mortars rights with this particular party we have agreed protected provisions they are included in our draft decio. They haven't withdrawn their representation so their representations are believe are positive and we are working with a with them on a statement of common ground and actually engaging them with them on our sewer requirements for our substation the final person would like to talk to under the ESA question 1.3 point four For his king gas, and again, I repeat that they are, The Undertaker does not only own any land that would be subject to compulsory acquisition, we believe our land rights can be acquired without any serious detriment to Caden gas carrying out their undertaking. The protective provisions ensure that Caden's guests apparatus of Protected Access is maintained throughout the construction period. Again, it's not the applicants intention to extinguish any rights belonging to Caden gas. However, the protective provisions would, would would require that the kittens gas Caden gas agree to this and that the alternative apparatus is provided. We have been in discussions and are negotiating a side agreement and protected provisions with Caden gas, we've not reached agreement, and the representation has not been drawn. Again, we'd hoped that Kaden would share this our belief that there's a good level of understanding and progress weighed with that agreement. And we would anticipate these would be agreed in the near future and included in a draft decio at a future deadline.

1:26:27

Thank you, is has that covered both sections of the Act?

1:26:32

Now I'll move on to Section 138. Okay. So we are on in section one, three, section 138. We did not limit this table to just the app. So we didn't limit this at this table to study Undertaker's who made a relevant representation or relevant representation. We feel that we do not envisage on the cable route that statutory undertakers rights will need to be extinguished or operators removed. We do acknowledge at the substation where there's physical infrastructure that there is the potential for rights to be extinguished and operators removed. However, it is our view that the protector provisions and or

crossing agreements, side agreements satisfy and safeguard The Undertaker's apparatus. And thus, the test in Section 138 is satisfied. And I can go through each Undertaker in who we've identified the fall into this category.

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I

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won't go through each one saying that there is the potential for rates to be extinguished, and operators are removed, because they apply to all It should be noted, though, that that is will be subject to the final detailed design of the substation site. And that for in each case, we do feel that the protective provisions and the and or crossing agreements safeguard their their assets. So again,

1:28:22

in view of time, that's fine if you couldn't include that in your posting submission deadlines three, where you're up to with all that and list out the bodies under each section. And that would be very helpful. You can tell it with that.

1:28:41

Yes, we will do that fan. headline three.

1:28:43

Thank you very much. So now to the status of john sake, his presence. I've throw the floor open to EDF and other EDF and the Office for nuclear regulation who I think are here. Network road infrastructure and gas are not here. But remaining strategy undertakers. Do you wish to make any submissions at this point?

1:29:12

So hi, it's Katie Abraham's on behalf of EDF energy nuclear generation limited. And this is in addition to the representations that we've already put in just to know

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what your size will be.

1:29:25

Yes, the owner and operator polities of size will be nuclear power station, and we ask further representations that we've already submitted to examination. It is our intention to seek protective provisions to protect the operation of the power station. And we intend to continue to liaise with the applicant regarding the form of those protective provisions and intend to update the examination in due course once the detail has been established.

1:29:57

Thank you. Now I know that you put a representative in about landholdings, and that you remain unclear whether plots 19 2021 and 33. affect your land interests. So will you be progressing that with the applicants outside this hearing?

1:30:14

Yes, we do have clarity, some clarity now or there we are awaiting confirmation from the applicant regarding the nature of our of the interests that we hold in plot 19 and 33. And I think Brian mcnellis will be coming back to us with the details surrounding that.

1:30:34

Excellent, thank you very much indeed. Any other other strategy takers who wish to make any submissions? Nice. So he Gilmore on behalf of an MBA generation company sizewell c limited just purely to say that our comments continue to hold from our written representations. And we continue to work with the applicant in that regard. Thank you. So you're hopeful of a reaching a centre common ground or agreement of some kind? So great. Yes, we continue to work with him in that way. Yeah. Thank you very much. Indeed. Are there any other people who wish to make any submissions here? Does the applicant wish to say anything further, at this point,

1:31:26

just in relation to plots 19 and 33. In terms of sizewell B I can confirm that they're included in the book of reference, because we've applied the Add medium rule to the public highway, the dots highway and their landers. interest is in respect of the sub soil beneath the public highway. Okay.

1:31:51

Thank you very much. Right. So if I could move on now to the second part of this item, which deals with crown land, and to the applicants, again, to confirm there's no crown land affected by other application, we know that the only crown interest is in the seabed, and the path for the book of reference will be updated accordingly. And that although no responses entered as the response to our question, 1.3 point 66 that in respect of part A of that question, your response to question 65 already addresses this. And that in respect of part B of question, 1.3 point 66, asking for confirmation that the crown estate is content to grab the interest sought, whether you have correspondents from the crown estate. And Could you confirm that this is the case? So there's those two things, please.

1:32:51

And I'm so fed up the SEC. For the job, the first thing, which was kinosaki murder for the applicant? Yes, we have correspondence for from the crown to see, to confirm that there, there is no interest in the onshore land order limits. And could you repeat this? The other question, quite

1:33:15

simply, I think what you've already said the crown of stages contend to grant the interest sought. It's the section 135 issue. Sometimes it's a bit of tooting and froing, between applicants and the crown estate. But I was thinking that in this case, it ought to be relatively straightforward.

1:33:30

If I can just briefly remark on that, I mean, not only is there sometimes turning and frying, but but the chewing and frying also happens very late in the piece. And again, in the line of making sure that as much information as can be under control and resolved by the end of the examination period as we can achieve the better. So it would be very, very useful to know that we have a formal agreement for the kind of state evidence in writing and to see that put before us as soon as they can be achieved

1:34:07

in a manner that we can provide that is it useful for me to briefly talk about what work we did. We obviously went through a robust title, diligence and look to any areas that were suspected to be owned by the crown. And that, you know, certainly identified the for sure. And that information was shared with the crown estate and their confirmation salt.

1:34:36

That will be sold, if you could put that into the examination at the next deadline. As my colleague Mr. Smith says, This often goes to the wire and it would be useful to have this one nailed fairly early on. Thank you very nice,

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find out.

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So finally here we come to public open space and simple confirmation. There's no special category land or replacement land or public open space in the order and so consequently, the relevant sections of the Act 130 131 132 don't apply. They're not engaged. If you could confirm that to us. That's my understanding at present.

1:35:19

Q Myrna for the Applicant days in case your understanding is correct.

1:35:23

So thank you very much. Do my panel colleagues have any questions they want to ask on this item is three parter.

1:35:32

Not now having butted in. Thank you very much Mr. Rigby,

1:35:35

though, like to be sure. So if we could just move swiftly on to item 11 human rights in the public sector equality duty, we're talking about Article One of the first protocol to the European Convention, Article six, and article eight, the C HR, and also the public sector equality duty. So very, very quickly, quick summary of how the project satisfies these things. I note that what's in the statement of reasons is quite short. And I also can't find anything relating to a equalities, Impact Assessment anywhere. So what I'm going to suggest, given the time that we're in is that you could address the points on this agenda in writing, please. And if there is information relating to the public sector quality duty, which might be put

into an equalities, Impact Assessment document and drawn together, then that would be very helpful. I think, panel colleagues, you have any comments on that approach?

1:36:49

Now, I think, given the time, that's, that's, that's wise, unless we've got anybody in the room with a burning desire to speak on this item, in which case we should call on to speak.

1:36:59

I was thinking of Mr. Marley, but he mentioned, I think, correctly, that he would rather do that at the second compulsory acquisition hearing, because it goes to his personal situation. I don't know if there's anybody else who wants to make any submission at this point. If there was anybody else, please put your hand up.

1:37:24

Some, yeah, colonists have asked the applicant, we were just seeking some guidance, perhaps about the applicability of the public sector equality duty at this stage of the process, and understanding exactly where you thought the duty applied, insofar as the Secretary of State an exercise in the discretion to determine these applications, given the nature of compulsory acquisition rights, or is it at the point when the applicants would exercise their compulsory acquisition rights, I was just seeking, perhaps some guidance and understanding as to where and which aspects.

1:38:06

To assess is simply for us to the applicant, is basically how it will help the Secretary of State to discharge the duty in respect to these applications when he makes this decision. So for him to make that decision is helpful for us to have information, which we can put to him in our recommendation to assist him in making his decision in how he will discharge the public sector equality duty in respect to these applications at the point of decision. So that's really the background to it, if that would assist. I can point to other projects where this has been done, such as halsy. Three that will be in the public domain. I would imagine that documents even if the decision isn't,

1:38:54

Well, certainly come back. Yeah. Thank you. So yes.

1:38:58

Okay, so we're on to item 12. Now, any other business? So is there anything that we need to discuss that we haven't already? panel colleagues? Anything we need to discuss here?

1:39:16

Very much, Mr. Rigby, I am content.

1:39:20

Thank you, in case I don't think I think I'm writing in respect to item 13 that we have not needed to make any procedural decisions because we're done it all in time. So just to say first, in that respect procedural decisions, these are compulsory acquisition hearings number one, and reference to the

notices for hearings will identify we are time reserve these hearings this Friday. had these hearings being disrupted or not procedure for whatever reason, but with reaching this point, we can be clear that time reserved Friday, the fourth of December 2020

1:40:03

will not now be required.

1:40:07

So now I will ask Mrs. Paris to review the actions we have and read out the Action List please, Mrs. Powers.

1:40:17

Thank you, Mr. Rigby. Okay, so we have an action on the transmission and National Grid ventures to respond in writing to the points raised under item two in relation to the link unzips. And the justification for the applicants to be applying for the overhead line and sips that will ultimately be owned and operated by national grid. Then we have the question of compulsory acquisition of land for mitigation work. So for the applicants by deadline three, provide examples of other cases in which proposed acquisition as opposed to permanent acquisition of rights or private agreement of land for ecological mitigation or landscaping works be included. Thirdly, we have rationale for the extent of land source along the onshore cable alignment. And that's an action on the applicants for deadline three, submit a summary rationale document that draws together arguments for its approach to land acquisition for the onshore cable alignments of the two projects, and specifically why it's not considered appropriate to include powers within both DCs to allow one project to lead ducting for both projects. Or alternatively, if the Applicant considered it could include powers within both DCs to allow one project to lead up to both projects. It's requested to provide that drafting. And fourthly, we've got the falling away provisions for alternatives that require land that's an action on the applicants for deadline three, for the actual applicants to respond in writing to the question of the need for falling away provision for unused alternatives in the DCS in circumstances where following a decision not to use or construct an alternative, some land is no longer required. Number five, relates to Sestri Undertaker's in sections 127138 and Planning Act and action on the applicants provide a written submission detailing the current position in relation to individual sexual seekers lands and rights. And then we had the question of the public sector quality duty and the applicants to respond in writing to the item 11 matters set out in the agenda. I don't know if there's anyone who wants any others that I've missed. But that's

1:42:23

there is one other that I have on my list, which probably hasn't yet made it because of electronic synchronisation. That's just the crown land points, that we asked the applicant to provide written evidence that the crown has granted consent under Section 135. Okay,

1:42:42

so thank you both. Thank you, Mrs. Parrish. Thank you, Mr. Swiss. As we said at the hearing this morning, the hearings this morning, the action list we endeavour to publish next Tuesday. So people are ahead of the deadline. So finally onto next steps to say thank you, everyone for your participation today. And your contributions. It's been a bit of a marathon. But it's been important that we discuss and

are the subjects, I'd like to assure you that all the things that have been said today will be carefully considered. If necessary, the examining authorities may need to pursue matters identified here, in further written questions or in other hearings. I'd also like to thank the case team for supporting these hearings. And just to note that the next hearings are issue specific hearings to tomorrow. And the next compulsory acquisition hearings will be held earlier in the new year, focusing much more on effective persons rather than strategic case. Do please everyone Remember to submit your poster submissions, and anything else that we've asked for to us in writing by deadline three, which isn't long, it's a fortnight away Tuesday, the 15th of December. So if we say our goodbyes, Jessica and render myself

1:44:08

indeed, thank you very much for Goodbye, everybody. Thank you for your contributions.

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And these. Sorry, Jessica.

1:44:16

Alright. Thanks, everybody.

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And these compulsory acquisition hearings, one are now closed. Thank you, everybody.

1:44:24

Thank you.