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Thu, 3/18 1:16PM • 1:32:12

00:01

Good morning, and welcome everybody to today's compulsory acquisition hearings free for East Anglia, one North and East Anglia to offshore wind farms. Just before we commence, can I just check with the case team, please, that you can see and hear me? And the recordings and the live stream and captions have started.

00:21

Good morning, john.

00:23

Yes, the recordings have started internally. I can see any au. the live stream has just popped up now and the captions are working so everything's good to go. Excellent. Thank you very much, Emery.

00:35

Okay, my name is john Hockley. And I'm a member of a panel which is examining authority for the examination of the East Anglia, one North offshore wind farm application, and a lead member Sorry, I'm not leaving my right to apologise. I'm a member of another panel, which is the examining authority for the examination of the East Anglia to offshore wind farm application. I'll now ask the other panel members to introduce themselves starting with the lead Member Reed Smith.

00:59

Thank you very much, Mr. Oakley, and yes, my name is Ron Smith. Ladies and gentlemen, I am the lead member of this panel. I'll be mainly observing and taking notes and we'll ask questions as and when they arise.

01:12

Good morning, everyone. I'm Guy Rigby, also a panel member are believing the questioning for most of the items today. But I'll now hand back to Mr. Hockley to continue with the introductory remarks. Thank you. Thank you, Mr. Rigby. Those of you have been involved with or watch any of our previous hearings will note that the full panel is not visible on camera today. And this is to allow them to deal with matters related to other hearings that have taken place or are taking place this week. I'll now introduce our planning Inspectorate colleagues working with with us on these examination some of you who you will spoken to already, and where Williams is the case manager leading the planning spectra case team. And you will have met him probably on countless times and also in the arrangements conference this morning. He is accompanied today by two case officers to make a harlot and Kj, your handsome.

02:00

These are the third pair of compulsory acquisition hearings in these examinations. Our rule six letters include their web addresses, which will take you to information about the applications or documents produced for these examinations on the planning spectris national infrastructure website. Each application has its own page that you're hopefully now familiar with.

02:19

We'll just deal with some preliminary matters now. Firstly, it reminded as with all hearings, knees examinations were being live streamed and recorded, both to enable people to follow the proceedings today. And to allow people to watch or listen to the proceedings later. The recordings that we make are retained and published. So consequently, they form a public record that can contain your personal information, and to which the general data protection regulation applies. Does anyone have any questions about the terms on which our digital recordings are made?

02:47

not seeing any hands or cameras coming on. So we'll proceed on the basis. That is all understood. Thank you. Secondly, this pair of hearings is being held principally to enable the examining authorities to hear an update from the applicants on progress on all remaining matters related to compulsory acquisition and temporary possession. And this will include hearing from any individual affected persons whose land and or rights are affected either by the original proposals, or by the changes to the applications, and who have not already been heard or fully heard on on hearing remaining items either not heard or not fully heard in these examinations, or the changes to the applications or both. Everyone else is very welcome to watch online or to listen to the recording and to send in your comments as opposed hearing submissions. And the next deadline, deadline eight, which is Thursday, the 25th of February.

03:36

And thirdly, just to briefly note that we will not be sharing documents on screen, we ask all of you participating today to Please follow along on your own device.

03:45

The document that we'll be referring to are listed on the agenda under the relevant agenda item for you to consult yourself as we go along. And we will refer to documents by the examination library references that enable you to look them up. And we'll ask other speakers to do the same. Finally two breaks, we will broadly limit each session to around 90 minutes. So maybe we'll have a short break at around half past 11 lunch break around about one o'clock and a further break in the afternoon.

04:09

Okay, so we'll now move on to introductions and I'll ask you to introduce yourselves in turn in a change to the procedure for issue specific hearings, but in common with a previous compulsory acquisition hearings, we'll introduce the applicants last. So if we could start first please with Suffolk County Council.

04:33

Sorry for that pause.

04:36

So Graham, gunby, Suffolk County Council development manager. I don't anticipate any huge amount today but obviously I'm here for any assistance is required. Thank you. Thank you Mr. Gumby. Good morning.

04:50

And for the Suffolk council please.

04:55

Good morning. My name is separate councils senior energy projects officer

05:00

Similar to Suffolk County Council obviously we're here to answer any questions or assist if we can but don't anticipate and speaking particularly on and significantly on agenda matters. Thank you. Thank you. Good morning.

05:17

Representative for National Grid electricity transmission limited please.

05:22

Good morning says My name is Michael Humphreys, Queen's counsel, I bid at ch two you may remember instructed by Bryan cave Leighton pays now on behalf of national grid and I've got one witness again, who you heard from last time could see Marilyn Yuka

05:43

who again is here to assist you with any sort of electrical technical matters of that sort. So can I just mention at the outset, I think we appear probably on potential on two items, certainly principally five, a Roman one and two and six c one and two

06:03

on what is quite a long agenda. And those two items are pretty similar when you look at them and so we'd be quite grateful if when we've answered all your questions and so on if we could then be released at whatever point you think appropriate but we don't feel we need to be here all day. Of course. Thank you, Mr. prisco. We did get your your your notice earlier on in the session so know that that's of course that's fine. Thank you very much sir. Thank you.

06:34

Do we have representative for national rail infrastructure limited please.

06:49

You want to farm National Rail today?

06:55

Okay, so sorry, John. We don't have anyone representing them today that makes up in the spreadsheet that we did an update accordingly. No problem. Thank you Mr. Williams. Okay, so if we could move on to Michael Money please.

07:12

Good morning, Sir Michael Money. I'm here today as an affected person. Good morning, Mr. Money. Thank you.

07:19

Do we have Richard Cooper here today please?

07:25

Yes, sir. I'm here Richard Cooper representing the Kenyan family in Mulford.

07:33

Thank you very much Mr. Cooper and welcome. And then finally I believe to have Tessa Wojciech.

07:41

Hello there. Yes, I'm here test. Wojciech, a local resident. And you want me to say at this point, what agenda items I'll be addressing? The Yes, that will be useful. Thank you. Okay. So it will be at three.

07:55

The reserve the right to speak at four. I have some remarks about the cable corridor route at 13. I don't know if it's more appropriate it five, a four or six C

08:09

and a 10. Okay, that's very useful. Thank you very much. This Wojciech.

08:16

Okay, I don't believe we have anybody else here today. But if there are any other persons present whose land or rights are affected and who wish to object to either, both applications on the basis of the applicants have not complied with the relevant legal test policy and guidance in respect of the applications in general, including the changes to the applications. Could you speak up now please.

08:42

not seeing any hand sourcing any cameras so we'll move forward on that basis. Thank you. So finally, if I could ask the applicants to introduce themselves please.

08:56

Good morning, sir colonists from Shepherd Wedderburn solicitors appearing on behalf of both applicants at today's hearing. I'm instructed by Fiona Coyle, divisional solicitor at scottishpower renewables in terms of other persons who may speak. I'll kick off with the rest of the legal team go through the other participants. Stephanie mill associate with Shepherd Wedderburn may speak if

there's any DCA matters, and Stephen Hubner, a partner in the firm will respond on any property related matters. In terms of the applicants, we've also got Brian McGillis, the onshore consensus manager, who has appeared regularly I won't do any further introduction, and also here and run as Senior Project Manager for both projects having responsibility for land and stakeholder engagement. Again, he's been a fairly regular attender. We've also got representatives of the firm of Chartered Surveyors that we've been stopped in from darker McLaren, Henry Hyde and associate of that firm hi

10:00

Yan has appeared fairly regularly before you, but we have two other persons who may appear depending on on Mr. Heiss internet connection. The first is Rob Lee's who's also an associate at Dr. McLaren. And he's been very much working with Harry Hyde on the ground in relation to the projects. He's a member of the ICS. And he has worked with current since 2014, and has worked almost exclusively on energy and stock to undertake projects. He's been working on these projects since 2018. The other member of the Docker McLaren team is Andrew Barker. And again, he's a qualified member of the our ICS. And he's also a fellow of the central association of agricultural valuers. He's a director at camera current and has started with company in 2005. He also has specialises in work in utilities and infrastructure sectors, acting on behalf of multiple statutory undertakers and offshore wind farm developers. He's provided strategic advice to clients on compulsory purchase and decio matters. In terms of these projects. He has been responsible for the property cost estimates and supports the wider Dr. McClaren team in relation to the project. That completes the the affricates team for today. Thank you. Thank you very much, Mr. Nice and good morning.

11:27

Okay to everybody. Also, please could you also remember to introduce yourself each time you speak during this proceeding. So we have a complete record of anyone watching or listening, whether now or later will be able to follow. So the introductions are now complete before I hand over to Mr. Rigby to conduct the main business of these hearings. So just two preliminary items I would like to raise. Firstly, last see examining authorities note that it relates to compulsory acquisition matters relating to do C's complaint letter that's referenced as 074 will be heard at tomorrow's issue specific hearings ish 15 at New Item one a, and any remaining submissions are to be with us by deadline eight a week away on Thursday, the 25th of March.

12:09

Our reason for dealing with it then is that some of the interested parties can concern by that matter are not affected persons and so in principle are not normally heard of heard at a compulsory acquisition hearing. Secondly, in terms of amendments to land requirements, the applicants have proposed to reduce the land and rights required by the proposed development deadlines seven, including among others, the removal of plot free from the landfall area, and reduction in the required onshore cable route with a plot 54 which concerns crossing the 100 River. The examining authorities need to consider whether these amounts of material changes to the applications, and if so whether to accept them for examination. We propose to allow the changes to be introduced by the applicants in agenda item free today, and will not invite other speakers to respond to them at that point. But we will flag will issue a procedural decision in writing on the question of material arity. And acceptance If required, following today's hearings. In that respect is important, however, to know that the changes amount to a reduction

in the land required or in the intensity of use or development of land. Before we move on, Does anyone else have any other preliminary questions that they wish to raise?

13:20

not seeing any hands raised or cameras moved on. So on that basis, I will now hand over to Mr. Rigby for agenda item two. Thank you.

13:30

Thank you, Mr. Hockley. And good morning again, everyone. My name is Guy Rigby, and I'll be leading the remainder of the series most of the items until we get towards the end on a ob. So now that we've done the home, and we're now on to item two, the purpose of these compulsory acquisition hearings, which is the what the how and the why. So firstly, the watch what happens hearings for what we'll be looking at today, I spoke to the main purposes of compulsory acquisition hearings at the start of the first and second pairs of hearings. So I trust that those are well understood now and don't require to be repeated. So I'll now break down the task three to cover in today's agenda. First under item three. We'll hear from the applicants in respect of the changes to the land requirement which have just been outlined by Mr. Hockley and also the measures that have been taken, particularly since the start of these examinations to ensure that all persons affected by each application, whether directly or indirectly are included in the correct part or parts of each book of reference. And we'll be referring to the latest versions of each book of reference, which is rep seven DASH, two, one and two each shedule of changes which is rep seven DASH out to two.

14:52

Next under item four we'll be hearing from any persons not already heard, or fully heard.

15:00

whose land and all rights are affected, and who wish to object to either or both applications on the basis that the applicants have not complied with the relevant legal tests, policy and guidance in respect of their individual interests in relation to compulsory acquisition of land and all rights and or temporary possession of land and all rights, that's all accommodations.

15:24

And also, in order for them not to have to wait until item 10. I will hear at this point as part of their submissions on any matter in connection with human rights and the public sector equality duty. So I think there was someone here present I think Miss watch axe said she wish to speak Under Item 10. If she wishes to add what she wanted to say at item 10. So her submissions before then then that's quite acceptable under item four.

15:53

At this point would have you heard from any additional effects of person wishing to be heard, that is to say any person affected by the applications for the inclusion of additional land, submitted a deadline and won and who wish to reject to either or both of the proposed provisions on the basis that the applicants have not complied with the relevant legal tests policy and guidance, in respect of their individual interests in relation to compulsory acquisition of land and all rights and or compulsory

temporary possession of land and all rights. However, we've received no such requests. So we will next here is item five, any outstanding matters in respect of compulsory acquisition related provisions, as presented with the draft, develop consent orders and land plans. And in particular, there, we'll hear from the applicants and other parties on the extensive acquisition sought.

16:50

Operational lands Oh, sorry, I do apologise with slight formatting error here. But we've got one the agenda, we've got the extensive acquisition sought, how each order will operate in the context of other nearby projects in the various possible consent, construction and operational programmes situations, whether the orders exclude the application of a compensation provision, whether protective provisions are in a satisfactory form, and also about article 19. In each order, where the time limit for the exercise of compulsory acquisition powers

17:23

in view of the proposed change to requirement one where the periods and are different, one is seven years one is five, and in the interest of time and expediency. We'll also hear from any strategy undertake as under item five, for instance, that part D in respect to protective provisions, so that item nine is really just a supervision item for the applicants. As item six, we'll hear from the applicants and other parties on any outstanding matters relating to statutory conditions and general principles, including whether consideration has been given to all reasonable alternatives compulsory acquisition and central possession. Whether the rights to be acquired, including those for temporary possession are necessary and proportionate, whether the purposes for which the powers are sought comply with section 122 subparagraph. Two of the Planning Act, naval land to be acquired compulsory is required for each proposed developments, or is required to facilitate or is incidental to each proposed development. And we're basically under item six applying this test to each of the instances at the start of item five, we've already looked at the extensive acquisition sought. And finally under item six, whether in accordance with section one to two sub section three of power of Planning Act 2008. There is a compelling case in the public interest for the compulsory acquisition proposed both in relation to the need in the public interest for the work to be carried out and in respect of the private loss to those affected.

18:57

item seven, we'll hear a review from the applicants of outstanding objections and progress on negotiation alternatives to compulsory acquisition, and temporary possession. And we'll be referring to the latest track versions of the schedule of CA and TP objections submitted by the applicants which is rep seven, dash o four, seven, ISO eight, we'll hear from the applicants on any outstanding matters relating to funding, including matters relating to the contract for difference process and to any updates and we may refer to revise funding statements and annexes, which are rep seven DASH, oh one four through 2020 retract versions and clean versions as well there. item nine relates to statutory undertakers. So we'll hear a brief update from the applicants in respect of Section 127 and section 138 matters including in respect of representations made and whether there are any remaining which have not been withdrawn. And here we will refer to the tracked versions of the applicant's latest responses which are wrapped

20:00

7048 rep 7050.

20:04

And under the last nine item on the common agenda here, item 10, will hear any outstanding matters related to human rights and the public sector equality duty, noting that we're individually affected persons which the rare disease will have provided them with an opportunity to do so. earlier on in item four. So very briefly, some preliminaries about how we can duck these hearings. I went through this previous hearings. But

20:31

the the main thing there is anybody here who has not been at the early hands, I thought we had additional effective persons, but basically not on line.

20:42

Items four and 10. Briefly, to recap, those items were here first, and the effective persons outlined the artists most of the of which in respects in which we'll hear from the applicants, but some items, were here first effective persons, then we'll invite the applicants to respond All right. And then if necessary, the panel will allow the original speaker to conclude taking account of the applicants response, if necessary, we'll limit the time but I don't think we'll need to do that today. There are not too many people here. And we'll then move on to the next person requesting to be heard in the same manner, that'll chiefly apply to item four.

21:17

So I think that's a fit, we can just miss out all the stuff we normally say when there's folks here who aren't sure how the hearings work. So that's all I wanted to say by way of introduction remarks. But before we move on to item three on the agenda, just to be sure, are there any preliminary or procedural matters that need to be addressed here before we move on?

21:43

I'm looking at my hand o meter, which I think is working we had a little bit of trouble last week, I think we're all out now. So allowing for the old digital delay and not seeing any hands. So we'll carry on agenda item three, the book of reference.

21:58

we're referring to the latest version of each book of reference, which is rep seven DASH oh two one, and also the schedule changes rep seven DASH o two two. Now firstly, the applicants have proposed amendments to land requirements as Miss Hockley out round earlier, reducing the London rights required by the proposed developments at deadline seven. That was the last deadline including removal of plot three from the landfall area, and a reduction in the required onshore cable route width at plot 54, which is if you've got your land plan out, you'll see it's just to the east of the 100 River on the north side of the cable route. So will therefore be referring here to the project update note which came with deadlines seven which is rep seven DASH four two onto the track version of the revised statement of reasons which is rep seven DASH o one three. Now, the x summoning authorities need to consider

whether these amounts of material changes to the applications and if so, whether to accept them for examination. So to help us do that, first off to the applicants, if you could please introduce the changes you proposed. Thank you.

23:16

Connie as the behalf of the applicants out there, first of all with the reduction or the limits at work number six at landfill.

23:25

The applicants obviously have engaged with various landowners one of the areas which was covered by plot number will plot number three involved is Suffolk counsel. In reviewing the landfill and the HDD limits, it was identified that this plot could be removed from the order in that it was not going to be required. As a consequence. The applicants chose to seek to remove plot three, the area in question is about 75 square metres from the order limits and its extent is shown on appendix one figure one of that of the update made in my submission, this is clearly non material in the context of the even the overall landfill of the plot. This is a non material reduction, and is one which the applicants would seek to have accepted. The second matter is the 100 River crossing. And again, the issue here is that we have with our engineering design team sought to bring further clarity to the extent of the width at this particular location. And in the context of those particular matters. What we've been able to do is essentially refine the extent of the cable route at the 100 River, reducing it to 34 from 40.

24:57

And that's essentially to seek to try

25:00

Reduce the extent of vegetation and other clearance and to act to reduce the environmental effects of the project.

25:12

Again, in the context of it's not seeking to amend the order limits, it's merely a refinement within the order limits as to the extent to which there'll be working areas. And it's a refinement, which seeks, in essence, to give further comfort and reduce the likely environmental impact at that location. And again, my submission is just not unnormal in terms of these projects, for that to be minor refinements of this nature, which result from ongoing dialogue and discussion with other parties. And, again, in my submission, this is very clearly not a material variation, it is a, to an extent, a reduction in the scale of likely impact. And again, I would invite the examining authority to accept this as non material.

26:11

I don't have any further points to make on these two matters. And

26:18

if you're content with that, I'm happy to move on to the book of reference, if

26:24

that's absolutely fine. Thank you very much, Mr. Ellis. Just before we move on, just in case any other parties have any comments to make, just at this point.

26:36

I'm not seeing any hands there. So

26:41

thanks, everyone, just to say we will issue a procedural decision in writing on the question of materiality and acceptance, because we have to do that, if required. following today's hearings. Bearing in mind, the proposed changes amount to a reduction in the land required or in the intensity of use or developments of land as has been submitted.

27:02

So to continue with this item, and a quick reminder that each book of reference has been compiled with five parts under the regulations. And part one of the book contains the names and addresses of those who own lease occupy or have another interest in the land that will be affected by the authorised projects and the rights contained in the order. Part Two contains the names and addresses of those whose lands while not directly affected by the authorised project may be entitled to claim compensation for loss resulting from the implementation of the order and the use of the authorised projects. Part Three contains the names and addresses of those entitled to enjoy easements or the private rights, which is proposed may be extinguished, suspended or interfered with in connection with the authorised project pursuant to the order. Part Four identifies plots in which there is a crown interest. And in the case of this project, there are no such plots in either application. And part five identifies plots which constitute special category land. And again, there are no such plots in either application here. So we're really concentrating on parts one, two, and three. So I just thought it was useful to have a brief reminder for everybody there because otherwise it can get a bit modelling as to which parts people should be thinking about. So I'll now invite the applicants back to explain the measures they've been taking both before and since the start of these examinations to ensure that all persons affected by each application, whether directly or indirectly, are now up to date and included in the correct part of each book of reference. So Mr. Ennis, thank you if you'd like to carry on, thank you. Yes. Colin's behalf the applicants, I'm going to invite Mr. hight to respond to those particular matters. Thank you, sir.

29:03

Morning.

29:09

Good morning, carry on the side. Thank you. Morning, Harry, hi, doubt

29:16

might just clarify, would you like a bit of a synopsis of what we've done during the examination as to why the book reference has been updated?

29:25

To help? Yes, it's just, it's just to give us confidence that you're sort of on ease, and we're up to date as we can be, and what steps you've taken to make sure that's the case. Thank you. I shall try and do a quick run through to give you an idea of what we've been up to, and how it works. Just to explain the measures that Dr. McLaren have undertaken

29:46

on behalf of the application. Now the applicants on Jordan examination in reference to keep the book of reference up to date. In order to identify effective parties. Dr. McClaren have undertaken the landbridge street

30:00

Fresh during the examination with the land registry services.

30:05

This entails ordering data from the land registry on the titles affected by the applicants projects. And if there are any new additional dates, which the last skilled.

30:16

Any titles that were identified as having new addition dates will be interrogated by our in house referencing team to identify any changes in the title and the therapy and indeed any relevant relevance the application order limits.

30:30

Any new or succeeding interests would be identified and be rectified within the appropriate part of the book reference based on the location and the nature of their interest.

30:40

These types of refreshes were carried out post submission on a number of dates the 15th of November 2019, the 19th of March 2020, the eighth of October 2020, the 11th of February 21, the 25th of February 21, and most recently, the 18th of March pretty

31:00

regular check the land registry for any pending applications whereby the addition date would not be reflected

31:07

by the update to the registered have been conducted every two weeks during from February onwards. This is an ongoing process and involves identifying the ad registry website. So those titles of pending applications, these titles are monitored. And once they're there are no further

31:28

Yeah, these that these are monitored and also no further pending applications. The title the register would be ordered and downloaded and interrogated to confirm if any details affected by projects outside the form now formal and represent process throughout pre application phase during the period

of system submission that will occur on behalf of the applicants will be discussing with affected parties regarding various matters pertaining to the projects. During the course of these discussions, they'll come out and be made aware of various changes to interest within the land within the orderliness

32:00

study area. Luckily, the order limits these changes would be locked reflected in the book of reference where applicable. Yeah, please appropriate level of due diligence has been undertaken to ensure the book of reference points productions and subsequent updates accurately reflect to the effective parties with the new order limits. However, the process does rely on the accurate and timely documentation of rights and proportion of land registry as well as the goodwill of parties to whom requests for information have been sent, or their appointed representatives to provide or confirm information relating to any private agreements that the existing land and the land for the new order limits. Further to this, due to the revision by the application applicant to the order limits which was submitted a deadline one regulation seven notices was submitted to all affected parties in the book of reference, including additional effective policies identified the results of the changes to the DCA. If any additional effective parties were identified a result of issuing the regulation seven notices these will be recorded and would form part of the book references submitted that deadlines subsequent to date move further effective parties have come forward following regulations seven notices

33:15

and direction of site notices as well in addition to the land the order limits in reference, just quickly two utility searches. Yep, consult consult. Consult consultation undertook initial utility searches within your study area. This was followed up by secondary search over the pier boundary in December 2008, which was undertaken by Dale McLaren using Atkins utility services. During the course of this, the outcomes planning for intrusive survey campaign further search was undertaken in 2020. Ordering within the order limits by our results with our Anakin searches were compared and confirmed that showed no discrepancies whatsoever.

33:56

Lastly, in relation to highway searches, double camber half outcomes undertook highway searches for Suffolk County Council in June 2019. To confirm extensively adopted highways. Prior to this all land was assumed to be would be assumed to be adopted with subject unknown ship notification,

34:16

which was carried out B section 342. Therefore, any gaps that were identified between extensively adopted highway and any registered title through geo referencing had already been subject periods on site noticing to identify any potential interests.

34:33

I think just gives a quick run through of what we've done since submission.

34:40

Thank you.

34:42

Thanks very much.

34:45

So just is there anything else you wanted to say Mr. Hyde sorry.

34:49

Not about

34:52

anything else from the applicant just at the moment I've got one or two things I want to put to you but some I'll just carry on with that.

35:00

briefly. First off,

35:04

are the applicants now satisfied that Elspeth jimson is correctly identified in each book of reference?

35:12

Yes.

35:14

And thank you. And the second point, we know your submission deadlines seven on the wardens trust land interest at rep seven DASH o five eight, where you conclude that the wardens trust as tenants of land and buildings near ness house does not have a legal interest in land within the order land, and is therefore not an effective person, and so not listed in part of one of either book of reference.

35:44

However, we did wonder whether

35:48

the wardens trust ought to be listed in part two, we can't see the trust listed anywhere else in the book. As it operates very close to the order land on the proposed works. We wondered whether it ought to be listed in part two of the book of reference, as a category three person for the purposes of Section 57, subsection four of the Planning Act, a person whose land while not directly affected by the authorised project may be entitled to claim compensation for loss resulting from the implementation of the order and use of the authorised project.

36:26

I wonder if you would care to respond to that, please.

36:32

Hurry home half the applicant.

36:35

The wars of trust been identified previously through interrogation of titles and that's why they've been found to have a lease which is their interest in the land,

36:46

which relates to land that's outside of the order limits, as well as their right of access, which has been confirmed when we thanks to Gibson for providing details of that so that we could do interrogate it in more detail, as confirmed that their rights of access are not affected by the order limits.

37:04

As far as concerns with the cat three potential claimants to the project.

37:11

As we know, the the, the applicant is in discussions with the wardens trust to see what the impacts are of the project on their holdings and their interest in that land. And how we're affecting them. I'd have to pass over to Ryan regreso, or that's one of the applicants to confirm those communications.

37:33

Thanks very much. So basically, you're discussing with the trust at the moment. So Meantime,

37:42

they're not listed in the book at the moment. Can I can I just interject briefly at this point, because I believe we have

37:51

lots of white check.

37:54

wishing to speak on that particular item. Is that correct? Yes, I can see a hand.

38:02

Yes. Hello. Is this just an appropriate time for me to come in? That's fine.

38:08

Okay. Yes, just with reference to this discussion about the rights of Warden trust.

38:16

So I understand that the applicants have denied that wardens or any personnel associated with it. have the right to be recognised as affected persons on the basis of the Trust has not been shown to have an interest in the order land. And Mr. Smith for the panel at the last compulsory acquisition hearing pointed out the range of other category interests at this site two are listed in book reference. And you have right Simplot, 12 and 14 for access. And Mr. Nanda for the applicants put for the position that wardens has access rights only on the trek running adjacent to plot 13 which is sizable haul road, which is outside

the audit limits. But it's meant to say leaving out plot 12 for the moment as far as I can see, plot 14 runs along part of the main by way from signs watertightness So assuming you're associated with the wardens business as you emerged from the track of Jason's plot 13 I think it's Sorry, I haven't got the rest of the land map here but you would need to pass through 14 If you wish to turn left a thought nurse and return an island next door to wardens I have access rights and plot 14 Why wouldn't the people who manage and visit wardens have the same rights as the applicants position and failing to recognise this seems to argue that the Trust has no right to be visited or to function as a community resource which doesn't seem logical OR reasonable.

39:38

And they're just on another point in respect to the people visiting wardens who we know to be vulnerable. Part of the rest bite offered is free access to the countryside the lens and walks directly from the trust including the track which is blocked 12 it's very safe for them. Again, according to the applicants position those groups of children and anyone with them will have to move

40:00

Long the single lane access vehicular track by plot 13, negotiating the traffic pass on both ways as they go, which isn't feasible, effectively, they will be confined to the site.

40:14

Just say the applicants have described their due diligence on these matters of having been reversed to date. And they have also claimed that warns has effectively come late to the table on this. But I just want to point out on the 26th of March 2019. In my response to SPR stage for consultation, I did refer to water and stress it's what with vulnerable children and adults, the importance of access to the tracks and lanes and the need for emergency access the aquifer and other matters. And I have put the same case throughout this examination and the applicant hasn't as yet responded. And I just want to say that I do think it's worrying. It's not clear to me why SPF legal representatives should be responding now. As if all this information has already come to the, to their attention. So I would just like

40:58

the applicants to consider including wardens in the map showing community health and community resources, and to make provision for people visiting or associate with wards to have access. That's what I wanted to say.

41:10

Thanks very much, much richer.

41:15

Okay.

41:17

Last thing I wanted to say really at this point,

41:21

given that the applicants explain the steps that they've gone through,

41:26

to know that as best they can, that they're up to date.

41:32

How can you know and be confident that there are no other persons who ought to be in the book of reference?

41:40

We do acknowledge that there may be problems with unregistered title, but wondered how proactive your approaches are making sure that everybody that should be in the book is in the book, I'm noticing what Miss Ward checkers just said.

42:01

It's the applicant could respond, please. Thank you. So it's a bit delays.

42:08

Sorry, Harry, hi, Doug McCallum half of the applicants, in terms of you refer just to unregistered parcels, or unregistered parcels were noticed, pre application asking for people to identify themselves to us.

42:25

In terms of interest that have no registerable

42:29

data such that, in other words, they're not attached to a land registry title, we rely on the owners of the land to inform us of interest within that.

42:40

And whether they have a right within the order limits. And referring just wardens trust,

42:47

the leases that we referred to and which were covered at

42:51

during the discussions that compulsory opposition to were not available to us, and they're not registered with the land registry, so they're not available publicly to us. And we rely on, as I mentioned, on the goodwill of landowners to provide us this data so that we can identify any interests and who they are and consult with them accurately.

43:11

During the course, the application various interests have been made aware of us were to us, tenants and alike, occupiers and property which the say is not registered, and they have been included in the book of reference where it's been identified that their rights or interests are affected by the order limits.

43:29

And that would provide quite a lot of confidence the assets that we've gone to to identify all affected parties within the book of reference.

43:39

Thank you very much. Can

43:42

Can I just bring Mr. Smith in? I think you had something you wanted to ask. Yes. I mean, there are two matters one, one of which is is this distinct and separate matter. But whilst just before we leave the wardens trust point

43:58

in relation to the specific question of whether that entity should be listed in part two as a category three person

44:08

is that something that the applicants are going to take on notice and respond to at deadline eight?

44:18

Yes, we can do

44:20

relating to plot 14, which is supposed to just excuse me, which was just discussed, which is just to point out an unrestricted by way in terms of its use by the public anyway.

44:37

Now, we do have another representative the applicant, is there more to be added on that point?

44:42

Yes, sir. Q Myrna for the applicant, and we undertook a process of assessing potential category threes. We looked at distance from the order limits the activities that are happening within those distances and whether or not we felt they were contributed to a loss of value.

45:00

And are compensated for matter. And the wardens trust ness house building was ruled out at that stage and happy to again confirm put something in writing a deadline, it to that effect

45:13

that would be particularly useful to have that absolutely clear a deadline, essentially, because

45:21

in terms of an immediate observation, having undertaken site inspections, though, it hasn't been clear to us as to precisely why that exclusion took place, there would seem to be potential bases for inclusion rather than exclusion on a precautionary basis there.

45:40

And bearing in mind, of course, that the inclusion test is precautionary in and of itself, persons whose land was not directly affected by the authorised project may and I underlined the may be entitled to claim compensation. So it's not an exclusionary test, it's not one that applies on the basis that you have to fully satisfy yourself that there isn't absolute claim. All you are satisfying yourself out of is the potential reasonable potential, as I would see it for a claim. And, again, in terms of the exercise of that consideration, we need to be very clear as to as to the thought process that's gone on. So if we can have some material on that at that donate that will that will assist now recognising the deadline nine then makes it very, very tight indeed. But we will turn our minds to that. And if we need to

46:36

issue anything immediately after deadline eight to take into account what we've seen, then obviously, we'll we'll try and do so. Okay.

46:44

Yes. agreed that would be very useful to have know the basis on which you've made that assessment.

46:52

Bearing in mind my final point that there may be other cases where that assessment may need to be rethought. It's just something you might need to bear in mind. Elsewhere in on the cable route. Yes, I mean, it runs it's it's a case in point because it's been drawn to our attention. But it also runs to essentially the standard at which you have diagnosed that question about whether there are persons who may and again, underlying the may be entitled to claim compensation. Now, moving on from that, if if that's I think it's worth having that recorded as an action that the submission and explanation will be made at deadline aid.

47:36

Mr. Rigby, are you content? Or do you have other matters that you wish to raise? Specifically, here are other matters, Mrs. Smith, but I noticed that you said you had another matter you wish to raise? I do. And it's very much towards the end of this item now. Yes. Okay. Well, on that basis all raises, and it's because it's got it's very distinct from the other matters, in that it actually relates to the see. And and this is, I suspect, is a point that Mr. Ennis or one of his legal colleagues will wish to respond to.

48:09

We have very shortly received this morning and correspondence from the crown estate.

48:18

And that will be published in due course, and the applicant will have an opportunity to respond to it. But in summary terms, the correspondence is essentially stating that the crown estate does not consider that it is required to provide any consent under Section 135 of the Planning Act of 2008. Because there is no land

48:47

which is affected by a crown interest that would require it to grant such consent. Now, the issue at the heart of this here is

49:01

a slightly strange and technical one, and that is the interest that the crown of course has in the seabed. And because certainly my recall of practice in relation to an offshore wind farm consenting over a considerable number of years now is that

49:17

a general view has been taken that the crown, of course, does have an interest in the seabed, and that even if it is absent entirely from the book of reference, as

49:31

an A body with interests in conventional land land on shore,

49:37

it's possession of an interest in the seabed is an interest in land for the purposes of Section 135 of the Planning Act of 2008. And therefore, that it's for consent is required. Now, the reason why this is prospectively important is of course, that the effect of

49:59

cramming

50:00

Consent under Section 135, not having been granted is

50:05

that an order may not be made. So so there is a

50:11

it's a very fine and rather technical point. But the consequences of getting it wrong are potentially somewhat severe. And so what I did want to just do, and obviously we're going to place we're going to publish the correspondence and the applicant will have an opportunity to respond in writing. But that I just wish to ask whether any remarks on the on the point of principle, whether or not land at sea is a crown interest in land, which in its view,

50:44

the crown ought consider the question of consent under Section 135 is something if the applicant has any observations that they want to make on that I'd be very interested in hearing them now. So Mr. Ennis, or the appropriate member of his team, please.

51:15

Is there anybody from the applicant team who wishes to speak to that question?

51:20

I'm sorry, is Stephen Hawking here? I think Miss arias may have been expecting me to speak on the phone. I lost my internet connection. So I do apologise. I hope you can see and hear me We can now write

51:34

all

51:36

we've had problems this morning. So yes, didn't happen on behalf of the applicant. Yes, session 135. I think this might also be an agenda items for tomorrow, possibly. So forgive me if this is something I'm taking forward early?

51:51

No, not at all. It's got a leg in it's got a leg in both camps. And and you know, because it's a land battle, but it's also a DC decio matter. But given the the correspondents arrived this morning, we thought we would flush it out here.

52:05

Absolutely. And I think the the reason that we've we've come to conclusion we have regarding section 135 is because the Section of the Act actually requires the crown to provide consent. If the order authorizer compiles compulsory acquisition of an interest in crown land. And the point here, unlike many other dtos, is that even at the seashore, the crown is confirmed has no interest in the onshore land. And therefore, since we're not seeking any power to compulsory acquisition, offshore, social most preferred doesn't apply to the crowns and dresses on the seabed. Now, I appreciate that where you have the crown have interest in the foreshore. That's when this this point comes up quite often in other dtos. But that's why we've taken the approach we have here, and why the crown was in touch with us. It may have been yesterday, and you may have received the notice today to confirm the date at the same view. I hope that is helpful without that's why we're in this position remained. Okay, well, we will do a little more digging into it. And simply because this goes back into some fairly deep history around the handling of amongst other things, offshore wind farm arrays in circumstances where there is no physical attachment to the shore at all. And I'm thinking back to the case of the Triton no array, which is back from memory 2013. I think that that order was made, we will need to do some digging.

53:42

Because I my recall of that was that that raised this question and that, at that particular point in time, us having gone round the consideration of what was a crown, what was an interesting crown land, whether

it whether it consent was required for the purposes of Section 135 or not, in the end, the crown did consent, I believe in relation to its interest in the seabed. And in that order. Now, it may well be that reasoning has moved on since then, we we both need to go away and make sure that we're absolutely clear that all other things being considered that there isn't an unintended potential blockage to the making of an order that arises from, you know, a silly but potentially serious

54:37

technical consideration. So we will be looking into that. If anything emerges from our end. We will of course, alert the applicants by whatever mechanism we have remaining to us. But equivalently if you can do your own diligence, including maybe looking into what occurred, that Triton, that would be much appreciated.

54:57

Certainly, steam covenants outcome. Thank you very much. We

55:00

We'll do that. And we will also come back at deadline eight with comments on what was submitted by the crowd. So apologies is not happening yet fully in front of me today. But indeed, and you couldn't necessarily be expected to because as I say, it rose this morning, but we thought we wouldn't go past today without giving me at least a heads up that it had arisen. So that those are my matters in relation to that agenda item done, Mr. Rigby. So I'll come back to you. Thank you very much. Indeed, Mr. Smith. I think that was helpful, even though this has only just landed on our doorstep.

55:34

Right. Unless I see any hands. I think we're done for item three now. So let's move on to item four, which is to hear remaining objections from affected persons.

55:51

These any effective persons have not already been either heard or fully heard, strategy undertake, as I'm proposing to hear at item five,

56:01

I think we might have said item six in the published agenda, which apologies for that error. So I want to hear from any remaining persons who've learned and all rights are affected, and who wish to object to either or both applications on the basis that the applicants have not complied with regal, relevant, legal, real, relevant legal tests policy on guidance in relation to either compulsory acquisition, or temporary possession. So we're referring as necessary to the latest versions of the land plan for each application. And I think we've got that down as rep seven DASH oh four.

56:41

And the corresponding book reference version six, which is rep 7021. And as I said earlier, in order not to have to wait until item 10. I'll also hear on at this point as part of their submissions from any effective persons on any matter in connection with human rights and the public sector equality duty if they've not already been heard.

57:07

So I understand from the intros that we've got, do we have St. Peter's 1000 PCC presence? I don't think they were present earlier. Are they with us now? Please, believe not. They. They did request they were invited, but they're not in attendance. And we'll have to find another means of dealing with their their interest. Yes, we will. Thank you for that. Mr. Smith. That's very helpful. So I then have Michael Marnie,

57:45

Richard Cooper, Sesa Wojciech, is there anybody else here who wishes to be heard under this item? Or is that everybody?

58:02

Great. So if I could

58:07

get on to Michael marny, please, if you'd like to be heard, that he thinks Oh, well, I didn't think I just clarifying. Actually, this was actually applied to me, because I have already been heard in a previous hearing.

58:22

We weren't conscious that you have. But it was a point about being fully heard. And we were conscious from your correspondence that deadlines seven that were perhaps matters outstanding, and we felt it would be useful if we could hear on the narrowing of the issues as it were. And what remained, I mean, they do they do come up under items five and six. And that was why I was proposing to speak if that's fine, if you'd like to clarify, as I regard myself has been heard, or others who should be, that's absolutely fine. If you're happy with your content, we just want to make sure we've got it covered so much since you to refer to it later, then. We'll do that. Thank you very much for that. And that means we now have

59:06

Richard Cooper. Mr. Cooper Good morning, sir.

59:11

Thank you, sir. Richard Cooper, on behalf of Neil and Lisa Kenyon in miles food. I think I would echo Michael Barney's comments. I'm, I think I've said all I need to say I'm really looking to see what the applicants come up with in items five and six. So I'll reserve any comments until then, if that's okay. That's absolutely fine. Mr. Cooper. Thanks very much. Again, we just wanted to make sure we got all the bases covered. So thank you. Thank you. So next we have Tessa Wojciech, if you wish to speak at this point was for chat.

59:51

Hello. Yes, on reflection I think I'm going to hold off to on this agenda item because I think that probably everything that I want to say

1:00:00

appropriateness I think it's probably at six. Right? Thank you very much indeed. Just to be clear, item five is more the item where we are looking for effective persons to make their contributions. You may also obviously contributed item six, item six is chiefly rehearsing items in terms of whether the tests are satisfied. So do feel free to speak at both, if you wish. Both items.

1:00:27

Five, five sounds appropriate then. Thank you very much indeed. Right, then that's a quick one, then. Mr. Reeves is not here. I understand that he's here only because Miss Moore check is appearing as Mr. Reaves. So is there anything else under this item to my panel colleagues or anything else they want to raise over this item?

1:00:48

Not directly. Now, given that we seem to have narrowed the points everybody's agreed that they've been heard, but just have outstanding matters to raise it either five or six. So I would suggest we move on. And there's of course, some Peters favourites and parochial church council points. And we're going to have to find a mechanism of addressing their concerns, which I suspect, is there a way they could be contacted to find out what they're there?

1:01:18

Actually, yes, because you need to help us if they could make an appearance as it were, Leave Leave, leave that in the background. Mr. Rigby and I will check with the case team. If there's any way of bringing them in before the end of today,

1:01:34

then we'll see if that can occur. If it can't, for some reason, then we will obviously have to resort to a recent process. Okay. Thank you. Right, so let's get on to item five. And

1:01:47

this is the compulsory acquisition and related provisions as presented within the draft development consent orders and the land plans. And again, we'll make reference to the onshore land plan for each application, which is rep 704. And so the tracks versions of the gcos which is rep 707. And two any draft protective provisions which have been submitted by other parties, and we'll hear from the applicants and other parties on Firstly, the extent of acquisition sought, how each

1:02:26

draft developer consent order relates to the other East Anglia draft and relevant consent order in the various possible consent, construction and Operational Programme situations. And we have a number of scenarios we want to look at here, including the need for a centimetre wide cable corridor for each project, the extent and nature of the right sort for the realignment of the existing national grid lines at more farm, operational land and landscaping at the National Grid and East Anglia, substations sites, the bending the cable alignments at the wardens trust, the connection at broom covers the work successes of overcome the need and nature of the proposed works miles furred. And briefly, the last two items relating to the need to justify costs to off gem as part of the evaluation process, and the need

or otherwise for falling away provisions. Which part we may refer to rep four dash o one, four, and rep six dash o four nine responses on that. The second part of this item

1:03:40

is to look at how each decio will operate in the context of other nearby projects. So that's not the other project here, but other nearby projects, including other projects with agreements to connect a crystal and also the size of our C project, again in the various possible consent, construction and Operational Programme situations.

1:04:07

Part C in this item, we will look at whether the development consent orders exclude the application of a compensation provision or modify it beyond what's necessary to enable that to be applied.

1:04:22

Item D whether protective provisions were a satisfactory form, and one that's agreed with the relevant parties. And here we'd love to hear from statutory undertakers and

1:04:35

noting national grid's procedural submission earlier, we would hear from them

1:04:43

under that item on other matters, which they want to put to us, if that will assist them.

1:04:51

Part II relates to Article 19, which is the time limit for exercise of compulsory acquisition powers that's got a foot in both camps as well as I said,

1:05:00

Both in terms of today and tomorrow, but in view of the recent proposal to amend requirement one, so, the times are not now long not not now, the same as they were article 19 an article on requirement will have different time periods. And then finally, as a wrap just any other relevant outstanding matters. So, if we start with Part A or item five, so, the first points which is five a point one, the need for the centimetre wide cable cold or for each project, and I'm going to the applicants response to our

1:05:42

examination question 1.3 point 29 about this.

1:05:50

So, just points I want to make to the applicants please Firstly, to establish that the onshore cable corridor with generally in other words apart from areas where you've made modifications is requested for each project is centimetres Is that correct?

1:06:19

Regardless of outcomes, generally speaking, the order limits are 70 metres for each project and that is the same 70 metres for both projects. So, they wholly overlap and within that 70 metres generally the onshore cable route is 32 metres wide for each project and we have

1:06:40

stated previously that we would obviously seek to

1:06:43

share facilities and share infrastructure where where possible with a notice to 32 metre Carter So, they overlap where where feasible fine So, the as you say that would actually require to construct each project is 32 metres which is 26 metres with up to six metre allowance for micro siting Have we got that correct?

1:07:09

So within the Abrahamic brown girls without concern within the 70 metre onshore cable corridor, the order limits worst case scenario we would have 232 metre Carter's on up at least six metres stand for exciting purposes. Right.

1:07:27

But you say to 32 metre corridors, presumably that means one is for one projects and the other is for the other project. It's not 232 metre corridors for each project

1:07:41

bramah girls for the African stuff that is correct. So East Anglia through limited would have a single 32 metre corridor and East Anglia one North limited would have a separate 32 metre corridor, those two separate 32 metre corridors may overlap, where for instance, we have the opportunity to choose a single whole route, we would ensure that all route was at a location that both both hard limits could overlap and utilise that Hollywood rights but in that would only be the case presumably if the projects were both proceeding at the same time or with some sort of overlap on programme

1:08:16

bramah gas for napkins. So, our previous commitment three instal the second project starts at the same time that we construct the first projects onshore cable route would subject to both projects current consensus that that would essentially force the the trenching operation for the second project to go hand in hand with the construction works up the first project. So, we

1:08:44

know that that commitment would then drive the need for for the cables for the second project to be installed as part of the first project run parallel, Yes, right. Thank you. So, that would apply when they were both happening at the same time or where there was a temporal overlap and you knew that the second project would come along and finish off

1:09:08

project

1:09:09

right. So, given that the width actually required to construct each project is 32 metres.

1:09:18

The rest of the 70 metre wide corridor which is the same and is being requested for both projects is simply to allow the other project to be accommodated

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weather at the same time or later

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Rome across for the Africans, that that is partially correct. It also facilitates the micro siting of the of the of the cables. So for instance, in the event that one project secures consent or indeed one project is elected to be proceeded with rather than the two. We were down, be able to Microsoft and take the optimal routine within that that 70 metre corridor.

1:10:00

That's for a project. And in fact, the project's secure consents, and we progress with those two projects, learn our macro siting ability reduces considerably. But that's a, that's a project risk that we're able to take because we are

1:10:17

an essence, for the development of both projects or both functional cable routes in parallel, we then have more opportunity to focus on pinch points, for instance, and raise solutions for for those pinch points. Because that would be for the benefit of both projects, rather than for a single project. So the the impact versus benefit, real, maybe slightly different. Right? So right, so what you're saying is, if one projects consented than the other reasons, then you've got an awful lot of room for Microsoft icing on the first project that goes ahead, because you've still got your asking for centimetres when you really only need 32, or 26 plus sex. I'm just thinking that if the first project, let's assume that both they're both consensus,

1:11:07

the first project presumably has a 70 metre wide corridor. So presumably, it's going to have to pick a side and stick to it. Because that way, there'll be room within the typical scale corridor for both projects. But if you don't do that, then there won't be room for the second project to be constructed when the order limits. Is that right?

1:11:33

Listen to me to see you got to, you got to go half, one project half for the other. You've got to pick up the first projects got to pick which half as needed can't just wander all over the place, because otherwise you won't be able to fit the second one and

1:11:45

I'm prone grasping outcomes absolutely correct. The first project to progress must take most of recognition of the potential for second project to proceed and not sterilised the opportunity for that second project to proceed. But going back to the initial point, in the event that both projects secure consent, when we're constructing the onshore cable route for the first project, we've also made the commitment that we must instal the cable ducting for the second project, that's understood, I'm just trying to get what I'm trying to get at is what the actual need for the land is really. And whether there's an over acquisition issue in the case that one project is consented.

1:12:27

So when you're constructing the second project, whether that's East Anglia to or Eastern, only one north, whether it's at the same time as the second project or not, you only need what's left on the other side of the centimetre corridor, that's all you've got. That's the side you didn't pick. So that's 32 metres and lots 70.

1:12:46

primer grounds for the applicants. So

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with the with the second project proceeding,

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there may still be overlap with the order limits of the first project. So for instance, if we have a whole road that that has been established for the first project, even if that Hollywood has been removed, we may choose to go back and utilise that same corridor for that Hall road. So the I again, the two overlaps for both projects would still be would, would still occur, even if they're even if we come back at a later date for for the second project under a sequential construction scenario. We also require trunk base, which

1:13:29

depends on the length of onshore cable corridor that is installed, those trunk base would need to be located at certain locations around the onshore cable. I

1:13:40

think they'd be on the low cable a lot of the cable, wouldn't they they'd be in within the 26 metres. They're within the 33 metre cable. Yes, yes. Yeah. Does that mean that you be thinking about putting the whole road up the middle between the two cables,

1:13:56

two cable rods is that the idea are brahma groundspeed applicants, so the default position would be or the preferred position would be for the cable card or the day holder with the temporary haul road to be in the middle off to one side we were down have the the infrastructure for this for one project and after the oversight of all the infrastructure for the second project, and I would include spoil stockpiles, cable trenches for surface water management. So you've got this world you're just trying to get to to

understand why you need centimetres for each project. So each project is that are correctly saying that's two cables with a haul road in between them.

1:14:40

Each project house or the outcomes of each project has to kill trenches on the temporary road. Yeah, and would you would you be looking to put the haul road between the cable trenches to make it easier to to excavate or would you be looking to have a common haul road if both projects

1:15:00

consented, which goes up the middle with two cables on one side and two cables on the other. Yep, our brand grace for napkins. Certainly the latter would be our preferred solution. Where we were used to Hollywood for for for access, rather than we're not using the Hollywood to construct from where we don't think the trenches from the Hollywood reads to Hollywood to get to where we need to dig the trenches, and then return off to Hollywood, and undetected the construction work.

1:15:27

So it would return to be the case, the preference for the Hollywood to be in the middle, and then to trenches to left and to transistors. Right. Right. Thanks for that clarification. Because what I'm trying to do, I'm just starting with what we need to do as examining authorities is to establish why you're requesting 70 metres for each project, when you're saying only 32 metres is needed. Bearing in mind, you've got to be able to justify and have a clearer idea

1:15:56

on how all the land which shall go into a car is to be used for each project. So in particular, I'm thinking this doesn't really appear to be the same situation as where you've got a single project with two phases where, for instance, advanced ducting might be installing the additional LAN card or which I know you're doing here. But we noticed if you've committed a deadline to in your project update node to installing ducting for the second project to be constructed at the same time as you construct the first project that's noted. And that's obviously included in your revised statements of reasons. But we do know that the two projects are still separate entities are separate projects. So what happens if only one is consented?

1:16:44

Surely you use the second projects order pass to instal the advanced darts as their advanced works with second project should that reconsement it. So what I'm getting at is you're actually using powers under different orders to do this. So they are still separate projects.

1:17:04

parameter help spark part for the second project, the provision of the ducting for the second project will be undertaken under the second projects dcl I'll perhaps hand across to Stephen Humber or Stephanie Mills to talk through the the

1:17:21

the point around or near acquiring the land that is required for for the particular project to contour to the point of over acquiring land. Well, that would be helpful in a minute because it appears at the moment that although centimetre corridors likely to be needed for both projects together.

1:17:45

There's no expressed need for the whole of a centimetre width for each project taken separately. So is there any likelihood or possibility of there being more capacity in the centimetre wide corridor as a whole? That is justified by either project considered separately? Is it possible that the centimetre corridor might be used in the future by others, particularly if only one of these projects is consented?

1:18:13

So just to conclude,

1:18:16

now, you do respond, please. But at the moment, it appears to us that the order lamb showed on each land plan is actually the total requirement for both projects. In fact, it looks to me like an order plan would look if you'd put both these projects in as a single project for instance, like Dogger bank decide A and B was put in as a single project.

1:18:40

So it looks as if it's actually the total requirement for both the projects rather than the necessary land for each project by itself. And as I say, would probably have applied and would have been the case of the two projects before it's been submitted as one so yes, if you could respond on that that'd be grateful Thank you.

1:19:01

Brian, cross for doubt Ken's. So, in terms of the the the choice of the 70 metres, order limits typically not being the same order limits for both projects. The logic behind that was in the event that we do develop projects, we obviously have a constrained onshore cable route.

1:19:23

And the the the ability for us to have that constrained grid is that both projects can then start looking at opportunities to share infrastructure. So when in fact are within that 70 metre onshore cable corridor? We wouldn't in reality have 232 metre onshore cable routes right beside each other, taken up 64 metres off that off that area we would be looking to to overlay an overlap say for instance to haul routes potentially subsurface water management facilities also. So we have the ability to effectively platoons between both projects to optimise

1:20:00

The the the the layout of both projects, so that we can accommodate the micro siting necessary to accommodate both projects within that 70 metre corridor. In terms of whether one project in the event of one project proceeding, we would still say that the 70 metre corridor

1:20:19

would be justified in terms of our ability to Microsoft, that 32 metre onshore cable within that 70 metre onshore cable Carter, and that would reflect any archaeological constraints or

1:20:33

ecological constraints that we would then have greater flexibility to choose to avoid or and to just ditional mitigation measures during the construction works for that single project. It's, it would provide that that extra width, if you like within that, that work area to or within the contract cable corridor itself to to optimise the routing of that single project.

1:21:00

Right, because I'm just having a bit of a problem here, I have to say with the proportionality of that, because if both projects are consented, you got to have to fit them both within centimetres, that seems reasonable, because that's 32 metres twice with a little bit of a little bit extra just in case you need for the macrocytic. But what I have a problem with is centimetres for each project separately, because To my mind, it really ought to be possibly tops 40 metres for each with an overlap in the middle. That's the way I've been looking at this. So that the the lambs requirement for each project would not be what it is, it would be what you needed for, for that project, each project separately.

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Really, that's that's where I'm at with my thinking. So if you can help me with that, that'd be appreciated, particularly if there's anything that you consider you want to put in with your posting submissions on that point.

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Did you say you wanted to call other parties to speak to this point? Yes, I'll run across for outcomes. I'll call another Stephanie middle our student number to talk through the follow up the the

1:22:12

the motto around only acquiring compulsory acquiring land on this acquired just one other point in terms of the one project versus three projects. Because of the linear nature of the onshore keyboard there are times when we are east of a field boundary or raster field boundary or Northstar field boundary. So the ability to to microsite, the onshore cable route within that 70 that the single projects on our cable route within that 70 metre corridor allows us again to optimise the routing of the actual single project onto our cable route to to minimise any disruption to landowners so that we have the ability to to move to to

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to the edge of the field, rather than working save 30 or 40 metres offset from from that field boundary, which in essence would tend to sterilise the that land from from agricultural use or from ongoing use during the construction period of that first project. But I would hand across to other Stephanie middle arshdeep number on the point of the the acquisition, compulsory acquisition of land that is only required for the project.

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Thank you.

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Mr. Rigby, Stephen hoppin here on behalf the applicant. And thank you for raising this point. I think actually it was it was what was said at the end of on Mr. Gross that is most relevant point. At the moment. The reason for a 70 metre wide corridor applying to each project is so that should anyone project proceed, the route of the cable and the land take would be optimised and now it sounds a bit illogical. And I do take your point about the 40 to 140 metre corridors reef project and overlapping. It's really down to that point Mr. mcrel has just made which is that

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if we do that we have to select for each individual project where it might run and wouldn't be able to adapt unnecessarily to get to the field boundaries you only one project proceed or to run long another sensible environmentally limiting route for that reason. Now, it is sort of counterintuitive, and I do fully appreciate that and I do take the point you made absolutely as to why would you need so much land take we can only acquire compulsorily, compulsorily such land is actually required, as you pointed out, but it is to allow for that flexibility in terms of working with landowners and minimising the disruptive nature of the land take his wife project seeks to 70 metre wide corridor accepting and on the assumption that should obviously both proceed. Then we have the same commuter corridor to use for the two combined, but you don't wind up with having ident

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To find a location in the wrong place for one boat over the other, if that makes any sense. And we can follow that up with deadline eight, probably with illustration, if that might help, if that would be a useful tutorial thority. Yes, that would, because that's not really coming out in the statement of reasons as, as I've read it. So that would be very helpful if you could do that. Thank you. Understood must repeat. Thank you very much.

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Is there anything else the applicant wishes to say on this point?

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And is there anything other parties want to say on this point? Before we

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close this point?

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Mr. Rubio? Yes, I think you're going to say what I'm going to say, which is

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close to break time, is indeed,

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if Mr. Nunez wants to address us on this specific point, then then by all means, because I think we should land this point before we break. But I was going to suggest that we don't move on and start and then ended up having to stop abruptly. item five, a two and the more farm point, because I just don't think we will do it justice before the break. So by the grace agreed, that's very sensible. Okay. So if we can then go to Mr. Ennis, if it's on this point?

1:26:26

Yes, it is. Excellent. Yes, Colin, some half the applicant, just to confirm on the proportionality point is that the other key point is the vast proportion of what we're talking about, in relation to the order limits is land required for temporary possession. And, of course, the way in which the applicant is proposing to deal with this matter is not to acquire the permanent rights at the at the initial point in time, but to construct under temporary possession. And the reason for doing that is it minimises the permanent, subsequent land take. And furthermore, insofar as the order limits are defined, they're also related to accessories and other related matters, and where we're putting construction compounds, as well. And I think one of the things that can get a bit lost in the hypothetical, and looking at 70 metres is also we need to make the whole of the corridor work as a construction area, and how it all fits together. And it's not as straightforward as just looking at our plan and saying 17 metres, there are areas where it be quite complicated. And equally, it's to take into account the environmental factors, in terms of the finalisation of the of the project lines in terms of the final rating. And in terms of this particular aspect, I think it is of note that, essentially, those temporary possession rights are virtually all being taken through largely arable farmland. In that context, there is no fundamental issue with having those temporary rights taken over, that are potentially taken over that type of land. And it has less effect than if it were an area, which were subject to say, for example, to, to feature development. And in that context, we haven't had objections, based on this particular matter to any real substance. And therefore, I think that's also indicative of how the applicants have worked with the landowners in respect of these matters, in terms of managing the impact on the operations. And equally in that context, if you were down to one project, you would have to look at how that all worked in the context of the particulars of the agricultural holdings. And we have more come on to talk about this. But we do have a very real interest in actually minimising impacts on the construction phase for agriculture, as for Come on, to speak about in the context of where that sits in terms of compensation and other related matters. But I think it is important to look at the project as a whole in that linear route. And to understand there's more than just a linear route going on there's access and other related and construction compounds also incorporated within that. And that will also ultimately influence final rating decisions in relation to a single project. And the other matter, of course, is by the time when reaches the substation, there's also two routes, ultimately into different substations. And one of the reasons was the council requested that flexibility in terms of the process, and that was what was delivered in terms of the developer sent or the drafting. So it was during that pre application consultation that the council requested that

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So level of flexibility within the orders. But, as I say, my submission in terms of proportionality and consequence,

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various,

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I think, most efficient important to recognise the temporary nature, as I say, of the width. And really what the applicant has done through its structure is to make sure that the longer term implications are narrowed and limited as far as possible. And I think temporary at the fact that it is temporary, which should should be marked and recognise, because this is inevitable in an insert project, that we do require flexibility on aspects of temporary possession to enable the construction to proceed as effectively as possible.

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Thank you. Thank you very much. Right. I'm going to propose that we take a break now for 20 minutes.

1:31:00

10 to 12. Is that okay? with Mr. Rieger? Yes, it is. But just before we come back, and let's retain the the 10 to 12 target. There's just one point that I wish to raise the we are conscious for anyone who may have been watching the live stream, there was a brief period in this morning session where the live stream failed. And we understand that it was very brief, probably in the order of no more than 20 seconds. And so hopefully, very little useful comprehension of this morning's proceedings would have been lost. But if there is anybody who is interested in is contemplating writing in at deadline eight, who's out there watching on the live stream, of course, the recordings of today will be published as soon as we can reasonably achieve after the close of today's proceedings. And the recordings will include everything, including the little drop out that occurred. So anybody who was worried about the dropout, please use the recordings. On that basis. We will now close and return as Mr. Rigby has said at 10 to 12 Thank you very much