

TEXT_CAH3_EA1N&2_Session4_18032021

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00:00

Good afternoon, everybody and welcome back. Just before we recomend Could I just check with the case team please that the you can see and hear me the live stream is working in the captions are working. Thank you.

00:12

I can confirm that the live caption is working. We can see you and hear you both underlined stream is up and running. Thank you very much Kj. Okay with that I shall now pass over to Mr. Rigby to recommence with agenda item six please. Thank you.

00:31

Thank you very much, indeed Mr. Hochberg. So on agenda item six. This is here for us to consider any remaining matters relating to the statutory tests, which are bound earlier on

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in the previous hearing.

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So that whether considerations be given to all reasonable alternatives to compulsory acquisition and temporary possession, whether the rights to be acquired, including those for temporary possession and necessary and proportionate,

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whether the purposes for which the compulsory acquisition powers are sought, comply with the statutory tests in Section 122 subparagraph, two of the Planning Act, namely that land is required for each proposed development, or is required to facilitate each proposed development or is incidental to each proposed development. And finally, whether in accordance with the test in Section 122,

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subsection three of the Planning Act 2008, there was a compelling case in the public interest for the compulsory acquisition proposed both in relation to the need in the public interest for the project to be carried out, and in respect of the private loss to those affected. So we've left this item and as Pat heard, and I want to know whether the applicant has anything to add to what we've heard already in previous hearings.

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corners of the African, I'm going to deal with the first

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matter under subheading A, which is reasonable alternatives.

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To some extent, that is responding to alternatives provided by others. But equally in the context of whether the applicant has considered those matters is also relevant. Insofar as I can take this relatively briefly, because we have probably been around the houses on some of our sites before.

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Insofar as bramford is concerned, very clearly, we've set out our response to various submissions that are made by se C's as as as alternatives, I don't think they've been quite put in the same way in the CPA but given that you will consider the totality of the information is right in our response, select rec seven hyphens 054, which responds to deadline five submissions from Stacy's been largely speaking, bramford was considered by the applicants and was clearly at one stage being evaluated by the applicants. Ultimately, in terms of the coin process,

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it was preferred occasion at least it was preferred, having regard to the various factors that were set out in the coin process, however, it is possibly worth pointing out that effectively one line of argument put forward is the sufficient remit existing bramford substation for another two substations, the applicants have evaluated that and they don't have do not think that is accurate, there's not sufficient room given what else is getting on there to accommodate to further substations. So that would require a further breakout of land at bramford. In any event,

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second part of bramford, which is probably worth particularly noting is the length of the cable corridor at 37 kilometres, almost four times the route four times the length of the proposed route here. And also the fact that it also has to run through the air MB for six kilometres, and it also has to cross the Devon s3, SBA ramsau triple si on two occasions, and that's it's landfall, the boss the cliff, triple si.

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It therefore, is clear that the list and connection will mean a significant cost left with severe severely impacts from project economics. And that was reflected in the hearing. When we discussed these connection offers were in the context of AC connections. Clearly the route and length of the cable is a critical factor in the

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economics in terms of bramford. Another suggestion that's been put forward was essentially trying to buy thesis was combining projects to connect at bramford using a single 1700 megawatt bipole HVDC connection.

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Currently, the compact maximum capacity from HVDC link is 1320 megawatts. And this has been confirmed through extensive discussions, which the applicant has had with the supply chain in relation to a three as the combined capacity of 80 and one n is 1700 megawatts. In order to connect both projects for an HVDC connection, it will require two circuits. And that means there'll be two offshore substations, two sets of export cables and to onshore converter stations, one for each project. And again, at the sessions, that was clearly not a viable option in terms of the projects.

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So, in terms of that conclusion, the bipole HVDC technology suggested by CCS therefore, doesn't work as a 1700 megawatt connection. It requires two circuits.

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And as I said, the current limitation is 1321 Pfizer 320. In terms of other sites, I'll be brief Bradwell

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site much further site was considered through the coin process.

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It was rejected at the early stage of the sift. And in that context, there was a series of factors construction, complexity, land availability, environmental and consenting issues and costs. It was swiftly deemed unviable and discontinued, as it required a significant extension of overhead lines, which results in significant consenting environmental challenges, the connection would not be available within the interest rate timescales.

06:57

Finally, in relation to alternatives was one that was not considered by the applicant during site selection process at that was the less than airfield at saboten.

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And as we previously identified, in particular, the the applicants were very clear that for efficiency reasons that the onshore substation should be located close to the 400 kV over line as possible. And that was a clear

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site selection criteria for the applicants in terms of efficiency. The site's proposed by proposed are over three kilometres from the overhead line. And what is clear that if you cite the onshore substations

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away from the 400

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kV lines, what you'd then have to do is have an onshore substation, and thereafter you'd need 400 kV lines coming out of the onshore substation, to head to an onshore substation, National Grid offshore substation.

08:05

Two key issues about that the first is the there's a significant costs associated with 400 kV lines. These could either be overhead or underground, but in either situation, both have significant challenges. The first, the overhead obviously, in the context of bringing in further 400 kV pylons would be a potentially significant matter. And that's something which the applicant has always sought not to do it at sought to achieve its electrical connections underground. And the second thing was the obviously the cabling. But one of the issues that's raised by putting forward a reasonable alternative, it has to be a reasonable alternative. And the other ownership practice is that the reasonable alternatives that not include landfalls, no connection routes to get to national grid. It isn't really in my submission, a reasonable alternative.

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For the more in terms of the lease and airfield site, it has proximity to residential dwellings and a caravan park. It's also in close proximity to less than now be. It's an open landscaping views. And there's general absence of existing from well established screening

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against that background and also against the background of no other connections being existed. In our submission, it cannot be said to be a favourable site compared to the application site that has significant disadvantages. It's not been tested in terms of a landfall nor how to reach the national grid and therefore it is not a proper and full alternative that has been put it's only a possible location for the onshore substation.

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I've nothing further to add on Thomas's have been put forward in that context. Thank you. Do you want

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To add anything in respect of any of the other parts of items sex bearing in mind that you may take the view that it's already been sufficiently rehearsed. I'm thinking perhaps in respect of item six, see where we've heard in respect of those seven items, seven sub items in item five. And whether you want to add anything to what you already said in item five, in respect of the test in Section 122, subparagraph, two of the Planning Act 2008.

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comments about the outcome? I don't think we need to add anything to what's already been said in relation to those matters. Thank you. Thank you very much. And do you feel you need to add anything to your compelling case argument? We know you've revised certain other documentation in that respect. But is there anything you particularly want to to add at this point to what you said in the first hearing?

11:05

I'm kind of mapped out because I noticed that Mr. Montes perhaps got his hand up. And before getting on to my compelling case argument, it might be more appropriate to hear from him at fourth before we reach the conclusion, but

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that's fine. If you'd like to do you're happy to do that. I was wanting to hear you out first. Yes. Mr. Maroni, would you like to speak please? Yes, I've just returned, talking in a personal capacity here. But I do have a certain knowledge of the arguments in relation to site selection. So I'll, I'll comment on those. I think we always have to remember when it comes to Branford that it was actually selected as the original location for EA one and da two. So clearly, there were arguments at one point for that to be the most economical, efficient, and coordinated place for connection is not as if it was considered and discounted, it was considered and chosen. And then it was subsequently discarded as a very material difference there.

12:10

Second point in relation to the land available, there is land there, not just for scottishpower, there is undeveloped land there for national grid. And it's unclear when we're talking about land take whose land we're talking about. And also, there is no, I can't comment on the extent to which land is required, but there is a substantial pass of lambda. And therefore it's possible that only if more land is required, it can only be relatively incremental to the land that's already owned, which must be a material consideration when it comes to compulsory acquisition.

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Mr. Nunez made a number of submissions in relation to

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proposal Stacy's made. I don't have the expertise there. I know somebody in se C's does. But as with all of these issues around electrical engineering, and we are very much dependent on what the applicant says about it, there is no independent view as to what engineering requirements might be. And I was taken by the comment that in relation to single lines that the limit currently is 1320 megawatts, and we were suggesting 1700. You know, I know, it's not very far away. I mean, technology is moving all the time here. And it's quite possible that in a year or two years, that level of capacity could be available before the applicants start their project. So I think when it comes to technology, you're looking backwards, and I think we need to anticipate forwards a little bit as well. I also was to take away the fact that when it came to site selection, Mr. Ennis was talking about bramford and radwell. And and leisten. And, of course, the point Stacey's has made, is that this is the true site selection process. And I won't repeat the submissions that were made at IE h two are following is h two. But the person who really needs to ask answer on that site selection is National Grid, because National Grid

14:17

conducted that site selection exercise, albeit not in accordance with law policy law. I leave it as I'm conscious that we have made those arguments. But it was interesting to hear that described as a site

selection process because that is it was a site selection process, which is the point that says this has been making from the outset.

14:38

Understandably, as a commercial organisation and represented commercial organisation, Mr. Ren is focused on cost focused on cost in relation to bramford focus on cost in relation to less than airfield. But of course, cost isn't the only criteria here. There is environmental damage, as well. And just

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To restrict comments to what we're talking about under decisive if that's okay, because we've heard other item.

15:08

So I just wanted your take as an individual effective person. Really? Yeah. Thank you. Okay. I just want to make the point that Mr. is focused on cost, but that is only one of several criteria. And I'm done. Thank you. Yeah, that's, that's my God. That's very useful. Thank you very much. Mr. Marnie. Is there anything that you want to come back on applicants before we wrap item six,

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call his Bluff, the African Fergana come back on two points. The first is that when the coin process was,

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which is about options for locations for connection was undertaken, when it was first undertaken, there was no available capacity, at least. And that was the fundamental change. In terms of the options that were considered on the claim process. There was a change in circumstance, the availability, but I think one one cannot leave cost light of account. Because if one looks at the trajectory of government policy in relation to such matters, it is very important, I think, perhaps illustrated by page 45 of the flight paper, carrying two unnecessary words identifies the contracts for differences auction, held in 2019, procured 5.5 gigawatts, gigawatts of offshore wind and 275 megawatts of remote island wind price at a strike price of 40 pounds per megawatt hour.

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The paper goes on to say, This contrasts with the prices for offshore wind of 150 pounds per megawatt hour for projects, which became operational in 2017. And what that illustrates is the government's drive and there's lots of references in the white paper to the CFD process of in order to to get built and to deliver to government policy, you've got to be doing at the price rates, which the government has sex as part of the contract. So price and cost are very closely aligned when it comes to electricity, and is a very important and key factor in terms of the overall matter. In terms of the back countries my response and compelling case. Yes. I believe

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that I've probably set this out now for three or four times. And I'm not going to repeat the big broad positive Sykes, I've expressed that. Yes, yes. We've heard many ways, numerous ways had anything

you wanted to add? Yes, I suppose the other side is that it's got to be balanced against the projected loss

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to those affected. Now, one of the opportunities for compulsory acquisition hearings, is for those affected persons to come forward and express their views about the detrimental effects that the project will have on their particular interests. And I think I would say that in terms of with no health three compulsory acquisition hearings, and insofar as the numbers of parties that have come forward to express the views have been exceptionally limited. And secondly, insofar as those parties are affected, is primarily affected, either by temporary matters relating to construction, or accesses, or temporary works. I think what is very interesting, that those that are affected permanently, those whose rights are actually been taken potentially, by compulsory acquisition, or rights formally taken in the land permanently, have not come and suggested that the cases are disproportionate. And I think that, in my submission, is very telling for a compulsory acquisition perspective. And certainly, in my experience, and undertaking, many cases that involve compulsory purchase, quite unusual. And I think that's something which does give an indication. Furthermore, in terms of that compelling case, when considered against those whose rights reflected insofar as those whose whose rights are directly affected permanently, have not chosen to avail themselves to suggest that balance has not construct. And apart from that, I say, I'm not going to dwell on the other aspects has been canvassed too many times.

19:39

And I'm happy to leave it at that point. So thank you. Thank you very much. What would assist us greatly, actually, is that you'd made some useful comments under part A of this item under the reasonable services to compulsive acquisition. I was wondering whether you could make sure they were included in your post hearing submissions that deadline at

20:01

Up, comments about that contest will do. So. Thank you. Thanks very much. Indeed. That's that'd be very useful for us. Thank you. So, right, Mr. Mani has his hand up again. Is that something EIU wanting to come back on with with new material or something? It's, it's something new. Mr. Ruby. The reason is, as I understand you're trying to wrap up everything in item six in one go. Is that correct? That's right, because you've heard quite a bit of the arguments already. And the applicants already said that they've made various arguments already? Well, yes, I'll tell you a little bit closer to home.

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For me is, it's really a question of whether REITs are necessary. And this is to do with plots 114, of which, which is a plot of lattice thin strip of land on the

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eastern side of my field, which is currently also used as a public footpath. And I am the assumed owner of that land. And I've made the point and that it will come back. But as we are, we'll come back to it. But as we are aware, the applicants have reduced the size of the of their substations, and they have moved further to the east. And in those circumstances, yes. seen that, in order to reduce land take and

everything else that the operational access road could also be moved further to the east, because there's no room to do that, given the reduction in the size of Scottish power substation. Now, the only reason given for

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the acquisition of plot 114 is to enable this to be used for the operational access road. Well, I think there needs to be a question is why can't the operational access be moved to the east? And that way? The acquisition of plot 114 would no longer be required? Yeah. So I'm selling it on the plan. So what you're saying is, that's quite a long, thin plot between our nine and 129. And it's currently a footpath. Yes. And so the gist of your argument really is that if everything's moved slightly north and east, then it's not needed to be the land itself is not needed anymore for compositing, which this reduction in sizes, the substation footprint ought to accommodate all of

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this in the written submissions. Yes.

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The

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I think Mr. Ennis made a point about

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how few people have come forward in terms of affected persons. I mean, I'm making these comments in the personal capacity. Obviously, there's an agenda item tomorrow, which will discuss issues concerning versions and agreements. And I think I'm not I'm not directly involved in that. But I think there may be reasons why people have chose not to come forward and express objections, but I think that matter is something which is probably best left to agenda item one tomorrow. So one a job tomorrow. Yes, thanks for that.

23:06

Mr. rainiest? Would you wish to comment back on the issue of whether plot 114 is any longer needed to be in the pink and whether it could be temporarily taken?

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Almost grellus?

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Yes, primer growl is 40 options. Just to clarify work number 33. It covers I'll get the definition here from the draft decio.

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Work number 33 is landscaping works including bonding and planting together with drainage works sustained sustainable drainage system ponds, surface water management systems, formation of footpaths and access. Now that covers the entirety of the

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doors elements covered the entirety of port number 33. The access road that Mr. Mani refers to is also overlaid within work number 3040. So in fact, even if the access route itself was Microsoft ID, we would still require that land under the PC or for those landscaper marks etc. Under marks number 33.

24:18

Thank you, sir. Please let Mr. Marley your hands still up is up because it's stuck or did you forget something? apologies the legacy hand remover. Oh, that's that's absolutely fine. Thank you very much indeed. And thank you very much to the applicants. So I think as the auctioneers would say, Are we all done? on item six, we'll carry on to item seven, which is a review of the compulsory acquisition schedule, and related matters. So really, bit of a supervision item. All I wanted to do here is to ask the applicants to summarise that stunning objections and progress on negotiations on alternatives to compulsory acquisition. And we've been making reference to the latest track versions of this

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schedule and ca and CP objections which the applicant submitted as rep 7047. So to the applicants, please.

25:22

Good afternoon.

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How are you? Hi Doug McLaren behalf the applicant just provide you a quick summary of the the CA and TPA objections. There are currently 46 listed in the schedule. Just to give you a breakdown of that 20 of those affected parties aware agreements, respect of land rights are being sought by the out

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of that 2012 agreed format with the option agreements remained to be completely subject to human completion or very close. six of those heads of terms have been actively negotiated.

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It's just hope that discussions will result in agreements of instruct solicitors to progress towards legal completion to those agreements are being prevented from progressing as a result of the lamping and probate spot forward.

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And then there are two further agreements required were as

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outlined in the citp that we've been unable to make any progress with those, despite

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trying to engage with the with the affected party will not be reciprocated,

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the remaining 26 that are listed in there. These are people that we are not seeking any land rights by the applicant and no rights being sought from these parties.

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The parties largely fall into category two, we've beneficiaries of rights over land and over the order limits

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that the applicant proposes to use all reasonable endeavours to cause little disturbance these rights as possible.

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With regards to the matters pertaining to private tenancies, or grazing agreements used to be resolved through agreements with the landowner or the landlord of the property.

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I give you a brief overview of the 46 that are listed. Thank you. That's very helpful, useful update. What further progress Do you think have been made before the close? I mean, we're not far off the close of the examination now. So we'll have a closing position from your I presume they'll final deadline?

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Yes, there would be there will be a further update on this. Thanks very much.

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So let's

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he do miss Hockley. All Mr. Smith have anything he wants to raise under that item?

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No, thank you, Mr. Rigby.

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Thanks, right, let's go on to item eight, which is all about funding. And all I want to do here is again, a bit of a supervision item.

28:06

Just a brief update on the current situation in respect of the options currently available, including power purchase agreements, CFD,

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and pipeline bidding for CFD in 2021. Now,

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I'd appreciate it update, my understanding is it's still fairly not nailed down as to when the CFD rounds actually going to be.

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And also the applicants can present any updates to the funding statement, including the costs of acquisition of land and rights. So

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to the applicants, I suppose the main thing really is the passage of time since the applications were submitted. But anyway, I'll let you update us, please. Yes, thank you, sir, calling us on behalf of the applicant. In terms of the options currently available for bringing forward the projects. They continue to include power purchase agreements, contracts for difference. Yeah. And in that context,

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these will all be decisions, which will ultimately they've not been taken until final investment. So it's even, it's a projection forward.

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All those remain in the open. What I would say is the applicants have obviously kept very close watch on what has come out from base in relation to the future location rain for which as you say, there's we haven't moved on much since the white paper announcement that it was likely to be towards the end of 2021. But what I think we can be assured of is that ultimately, I suspect the decisions about the size and the scale of that will be taken later in the year. And that's what set out in the white paper. One of the factors in determining the scale

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fork will be brought forward an auction, round four is the consented pipeline at the end of day critical, and it comes back to this whole point of the CFD process is critical in ensuring that, as we decarbonize, we've moved at to that process in having full competition in offshore wind. And one of the reasons for that is the evidence of the white paper, that that competitive pressure has brought down the cost of renewable energy dramatically. And that is one of the reasons why the government has announced policies which are so supportive of the technology, having seen what's been achieved through the auction rounds. And equally, their ambition is to increase the scale of the auction round. And also, as we can see from the white paper, that early delivery is critical to the 20 2030 targets. So we have an acceleration through this decade of delivery. And that's sort of key component parts. So what I would say is, since the start of the examination, the position relative for offshore wind has become more supported, and the scale and ambition of the government has increased. And that has also been reflected in the comments, and which they see as the key procurement measure of being the CFD coming forward. So that's really where we stand at the moment. There's, I think, the white papers as

good as we're going to get probably in terms of the examinations for stands. But every indication there have not only an option run for for projecting forward, that there is a key willingness on behalf of government to increase this mechanism for ensuring future delivery. And it has two obviously huge benefits. The first is that the those that didn't have surety as to price and therefore can build project to price, and secondly, it gives long term energy security and price to the UK as a whole and knowing essentially, at the cost of decarbonisation. So it brings a degree of certainty to all the parties involved in the delivering of that key policy, and parrot of

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thanks. So if I'm right in thinking you might still be considering a PPA funding structure being viable, if even if there's no CFD, but it's not concerning as if that's likely to be the case.

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That's correct. But we wouldn't rule it out. I'm in the corner, some African we're certainly not ruling out any of those. But clearly, the the opportunities afforded by the CFD process appear to afford a fairly immediate and straightforward access to a scalar scalar. Market. Yes, even if even though the time scales a little bit, it used to be every two years. And now it's kind of got a bit wobbly. But it's still it's got to happen at some point, as you rightly point out, depending on the consenting pipeline being there. So thanks for that. That's that's useful update. Do you want to say anything further in respect of the funding statement, which has been revised deadline? Seven, is there anything big stuff there? Or kind of some part of the applicant? I'll explain, obviously, we launched a new funding statement, revised funding statement. At deadline, seven reps here. What for? What that illustrates is that there is an increase in the level overall level of, of the property estimate costs. We also includes a further report from Dr. McClaren in relation to that

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in terms of the key increase, it's in relation to compensation arising from temporary works. And if if you want further detail that Miss Barker could easily give it to you. But I'm just thinking that's probably what it is, and the reasons why it's moved a bit.

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And the clear, if I could just very briefly explain the reason for the increase is the direct engagement that we've had with the landowners. Yeah. And what they have revealed to us is their actual contracts and cropping contracts. And that's enabled a very accurate picture to be

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estimated in terms of those in the impact of the temporary works. Yeah, so he's basically you're able to put some much more accurate numbers to things that you than you could before. No, that's fine. Thanks very much. Just finally on this item about guarantees alternative forms of security. I was wondering what factors would lead The Undertaker's to choose either a guarantee or an alternative form of security and which would be preferred? And in what circumstances it might be more cost effective to

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puts in place an alternative form of security instead of a guarantee.

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coin, some half the applicant, and what we propose is the funding proposal will be a

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sort of paired company agreement would be the way that we would seek to achieve it.

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It's something which we've obviously got a draft off, we've got the commitment to. And insofar as the nature of the the, the applicants are concerned that they have that it has sufficient weight, and we've produced a case to give an indication of the scale of the

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sport that it has, and therefore, it is an appropriate option for the scale of the entity that that is able to support the projects. So that's what we propose external funding with not really an external source would probably not be the right way to go in respect to this matter, because we have adequate security in relation to the company intercompany agreement. Yeah. So yeah, thanks very much for that. Right. Anybody got anything else on item eight panel colleagues before we move on?

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No, thank you, Mr. Rigby. But I see Mr. Mani has his hand up.

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Right is Mr. Marnie? Could I asked what it is you just just very quickly, Minister, Mr. Minister referred to copying contracts and matters such as that. All I say is nobody has come and discussed anything with me in terms of the

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agricultural use of my field, which runs to 40 acres, very substantial size of field. There has been no discussions with me whatsoever. And I would say that I've had no contact with anybody since November 19. In fact, the the greatest extent of my contact with National Grid since then, has been the involvement of Mr. Humphries in these hearings, that is the sole extent of the contact zones to clarify that point. Thank you. Thank you for clarifying that. Mr. Marnie.

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Do you want to return on that point, applicant before we move on to item nine

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cause of the applicant told us was to fight respond, please. Thank you.

37:35

Good afternoon. How are you? Hi, Doug Campbell off the applicant.

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In response to the the detailing of the cropping information that's been made available and understanding this in great detail. This is across the broad scheme from landfall to the substation site, the types of crops that being grown, this allowed us to give us a clear understanding what the values are, and to be able to put that in the funding statement to give an accurate reflection of that.

38:08

So notwithstanding the fact that, Mr. Mani, we have not spoken to him directly about what cropping goes on his land, but the type of cropping that does go on that land is identical to some of the other fields here by by we are actually in active discussions about taking the entry onto that property over the next nine months for intrusive works, which has given us this deep level of detail.

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This really is writing in respect of the contact with national grid.

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Previously was November,

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where we met him with national grid to discuss the proposed works, which are broadly speaking identical to what has been described in these hearings, to to the panel from National Grid. So no further information has been supplied to that since that date.

39:07

Is there any other further questions? Well, that's it, we closed out, I just wanted you to have the opportunity to respond to Mr. Barney. So thank you very much for that. And if we move on to item nine now, which is statutory undertakers, and I'd just like to ask the applicants to give a brief update on the current position in respect of

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the section one to seven stuff, jumps acres, land or rights, and section 138 in respect of extinction of rights and remove our operators, noting that we've already had a helpful submission from Mr. Humphreys on behalf of national grid electricity transmission in this respect.

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Obviously here we've been making reference to

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The latest track versions of the applicants written responses which are rep 7048, and rep 7050, in respect of Section 127, and sexual 138, respectively. So if you could applicants, please give us a brief update on where we are there, please

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remember for the applicant, just like to cover off one point on the previous agenda item.

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We did submit commercial terms to Mr. Mani, in respect to B works on his land via national grid. The feedback that we received and the message that we got from him was that he didn't feel that there was enough detail for him to assess that commercial offer.

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And we took it upon, you know, took that as when once the detail of the works was known that we would make an approach again at that stage.

41:04

So just just Yep. Just to.

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Yeah, so Meantime, as you said, You've used figures approximate figures from similar situations for the time being.

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Correct. Yeah. Yeah. Thanks very much. So yes, if you could, thanks. Thanks for that. If you could

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give the update and respect to the standard Undertaker's. Thank you very much. Is that yourself, sir.

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cuter Myrna for the applicant? Yes, that's myself. So yes, I've prepared a general update rather than going through the schedule, which I think I did see a one. So it's just been a bit of a passage of time. And it's obviously important to us to know where you stand before the examination close. Absolutely. And I won't obviously include national grid. As they made their submission earlier on and start recording gas we've reached agreement with them, and they have withdrawn their representation from the examination.

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angle and water. We've agreed protective provisions. The draft statement, a common ground was submitted at deadline six.

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And a final statement of common ground will be submitted at deadline eight,

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Anglin mortar advised that they would remain as an interested party throughout the examination just in case there was any questions related to their statutory undertaking that they needed to feel.

42:38

Network Rail. Oh, just give me water. I understand they they have no objection to withdraw in any event? Yeah. Thank you Please carry on network variables. Next. Yes. Network Rail. So we've got an agreement in final form. And that is going through a signing process.

42:57

Yeah, so that we're looking to conclude that imminently

43:03

Eastern power networks PLC. So they made a representation quite late in the process.

43:11

We are in the process of negotiating a compromise and asset protection agreements with them. Always that that's UK power networks have reappeared as Eastern power networks. Is that it? Yes, correct. Correct. Yes. Yeah.

43:28

Yeah. So we carry on then, with the others that are involved. This is sighs We'll see. So they are substantially agreed. And then we're size will be we are making good progress with the target to have them agreed by deadline eight.

43:46

So at the moment, you don't see any reason why it shouldn't all be sorted before the end of the examination, then the very latest deadline nine but hopefully by deadline date.

43:59

I think get as much as possible for deadline eight with hopefully only a few matters falling into deadline nine would be the proper realistic position. That's right. Because I love it when I don't have any loose ends hanging over the end of the examination. Siddons nice to have it all all nailed. Right.

44:20

There are I think I might say no statue Undertaker's any longer present. So we nobody wanting to come back. It's right. So that's nice. item nine update sorted and we'll get that a deadline eight anyway, and deadline nine. So that brings us on to agenda item 10, which is the human rights and the public sector equality duty.

44:44

Now, this is part heard, and I just wanted to leave this open. In case there is anybody

44:54

other than the applicant who has any representations to make on this item, that one

45:00

made earlier on in these hearings. So is there any body? Yes, I can see Miss watch check. You have your hand up.

45:11

Please.

45:13

Address.

45:21

Hello. Oh, hello. Yes, I just like to address a e and f.

45:29

e. Sorry. I'd like to address items A E and F in 10. Yes. Thank you very much. Thank you. Yeah. Okay. Okay. Thank you.

45:39

In terms of Part A Dr. jimson, Chair of wardens raised the issue of our human rights in terms of access to the safe water supply. And I want to say that I don't consider that the landfall hydrological risk assessments, which is rep 6021 has fully addressed concerns on that score. I have responded to that in detail in Rep. 7096. Yeah, I just want to say that confining their remarks the potential for harm to the process of HDD doesn't fully address the issue. I won't say more on that, I think most of that is in my representation.

46:12

in respect of EA, I would just like to reiterate that neither EC HR rights nor public benefits losses need be incurred, if the split decision is made, and the onshore infrastructure is relocated to Brownfield or other available sites. And finally, just in respect of f,

46:32

the public sector equality statements of the applicants are 231 says in scope and approach, a differential equality effect is one which affects members of a protected characteristic group differently from the rest of the population because of specific needs, or a recognised sensitivity or vulnerability associated with their protected characteristic, irrespective of the number of people invent affected a compulsory acquisition hearing to Mr. Smith, RC applicants whether consideration in terms of routine inciting has been given to the use to which wardens trust is put in relation to the public sector equality duty. And also clarification of that a deadline six, I apologise if I missed that submission. And I would be grateful to be directed to to that exists. But if no such submission exists, I would say the applicants are not addressing their statutory duty in this regard. And that's saying that.

47:27

And if on that latter item, if you'd be able to give your reasoning, perhaps as to your view on that, that would be that would help us?

47:38

Yes, I mean, I understood from the request at compulsory acquisition hearing to and in respect to the public sector equality duty that it is concerned with, where there may be people with special characteristics or protected characteristics, that there is an equality of treatment between them. Now in respect of how the effects have been assessed at this area, and the the effect that it would have on the people with those protective characteristics.

48:08

I'm saying that if there hasn't been a response to that request for clarification on whether a view has been formed by SPR upon those potential effects on those people, then there should have been in order to fulfil that duty? Well, I think there's an easy way to sort that out is just to invite the applicant to respond. Is there anything else you want to say before I invite the applicant to respond? So that's all I have to say. Thank you. Thank you very much, very helpful. So yes to the applicant, please, if you could respond to what you've just heard that would help us greatly. Thank you.

48:49

cause

48:54

some other hand comments of the applicant against deal.

49:00

We've already dealt with

49:03

a number of matters in terms of human rights. And I just want to deal with some of the practical aspects. And Mr. Harper may come in afterwards. In terms of what happened to compulsory acquisition, T, as you will call the wardens trust raised a number of concerns.

49:18

The public sector equality duty, ultimately is imposed on the Secretary of State, what we have done is listened very carefully to the matters that were raised at that hearing. And what we were invited to do is go away and consider the matters raised and respond. And that is actually the focus on which the applicants have approached this, not trying to debate the aspects of the duty, but on the matters actually raised so I just want to make it clear that as part of that process, the matter was considered in rap 6023

49:59

which was the

50:00

Horizontal directional drilling clarification clarification note,

50:06

because of matters raised the bank that particular technique and its potential to impact upon the water supply. No, I appreciate that the applicants to date haven't brought regular associates to the hearings. But it's fairly clear from that report that they've been engaged from the outset and considering the HDD matters at landfall, that they rank as one of the most experienced advisors, and the technical aspects of HDD that you can find, and you can see from their experience, so in terms of their experience, they were able to illustrate, they had extensive experience of actually dealing with aquifers, and conducting HDD interaction with aquifers. And key key

50:59

matters were raised there of exactly how they're dealt with in the technical process of the HDD. So, that work was in part directed towards the concerns that have been raised a compulsory acquisition hearing to the Furthermore, to follow up on that, from a technical perspective, a further report was commissioned six zero to one which is the land for hydrological risk assessment, which built upon and worked with the Add alignment. And ultimately, the approach to the potential impacts is an assessment one, and that ultimately identified that the risk to the potential water supply was negligible.

51:47

And notwithstanding that position. Within those papers, there is a clear indication of offers made to support the water supply, should there be issues during the construction process. So, in my submission, a very clear indication of how seriously the applicants responded to matters raised a compulsory acquisition hearing to and in particular, those raised by the wardens trust, very detailed assessment from specialists who have extensive experience in the particular field who've actually been to site and understand the particulars of the circumstance and in my submission, rich, very clear findings.

52:40

The second aspect is obviously, as this examination has progressed, the applicants have also taken forward other documents, including the outline code of construction practice, oh 700 to seven and within that particular aspect, again, throughout the whole cable corridor, sensitive receptors have been identified and very specific measures identified as being appropriate for particular locations. This was obviously be built upon on detailed design, but it was specifically again, responding to matters raised to compulsory acquisition to to demonstrate that during construction, there are practical matters which can be introduced, which both introduce effective screens and barriers to mitigate adverse effect and to reduce them as far as practicable. Again, the one situated closest to the landfall is identified for specific associated with the wardens trust and not arrest a specific residential receptor, again, considering the particular aspects and coming forward with detailed proposals. So in terms of response, the applicants have very carefully considered what can and can't be done, and continue to engage with the wardens trust in relation to matters relating to the applications.

54:16

And therefore, in my submission, it's not fair to characterise that the applicant has not sought to respond to the matters raised a compulsory acquisition, hearing part

54:28

two.

54:31

And furthermore, in terms of the articles, the rights property, it is clear that the the the applicants have very carefully considered the potential impact on water supply, and it's been fully fully assessed as part of the process.

54:48

In terms of other matters, I would just perhaps ask Mr. Hubner to come in to see whether I've left anything out of account that he feels that should be added.

54:58

Thank you.

55:01

Thank you Steven Hubner on behalf of the applicant. In fact, sadly Mr. stole my thunder there by talking about the outline coated destruction practice, which I was going to turn attention. So I feel cheated, but timeframes to be other than that, and are not sadly trying to be facetious or flip into either apologise or come across as such. But it is the fact that the applicants have taken it seriously the hydrology is one aspect and very important, but the mitigation that is being sought to be introduced through the construction practice is something which is not taken lightly. And we are very much focused on that, in terms of ensuring there is no disproportionate impact on any affected group of persons. So I'm afraid that's that's probably the end of submission on that point. Thanks very much. I've got I'm just thinking of you the time that there are three things I wanted to put to you. And I think it's probably best that they're put by way of actions so that you can have a think about them by deadline, eight, because that'll still give people opportunity to respond before the close of the examination. So we're needing to assist Secretary of State to discharge his duty under the relevant legislation in terms of the public sector equality duty.

56:22

So in terms of your public sector equality statement that was wrapped for dash o one, three. Firstly, if you could explain why no significant impacts are being predicted on any current use of land which you would tend to acquire in the context of the PSC D.

56:45

Secondly, if you could explain, you say you're going to agree bespoke mitigation measures, if you could explain how agreeing bespoke mitigation measures, via presumably individual consultation with affected landowners will justify screening land use out of further assessment. And, thirdly,

57:11

we've heard previously in the previous ch is hearing about wardens trust activities and how they will be affected by the proposals. So if you could explain why there will be no significant impacts, and what measures you're discussing with the trust in order to assist the Secretary of State in satisfying his public sector equality duty obligations.

57:34

As I say, we'll put those in the Action List. But I'd be grateful if those could be taken away and responded to by deadline AIDS. Thank you very much.

57:47

Do my panel colleagues have anything they want to ask at this stage? We're coming to the end of agenda item seven now? No, thank you, Mr. Rigby. And if not, I'll hand back to Mr. hoccleve for a ob and the wrap up items. Thank you very much, everybody for your very useful contributions today.

58:09

Thank you, Mr. Rigby. Agenda Item 11. Concerns any other business. There are no other matters that the examining authorities wish to raise during today's hearing. But before we move on, Does anyone else have any final matters that they wish to raise?

58:26

not seeing any hands going up or cameras on so I shall take that as read. Thank you. And we now move on to agenda item 12 procedural decision to review of actions and next steps. We have not identified the need to make any procedural decisions. Today, we've been compiling a list of actions arising from these hearings. These have been flagged as we've progressed and we will aim to publish these on the national infrastructure planning website. As soon as possible after the closure of this hearing.

58:52

We'd advise all participants today and those not in attendance. But we have an interest in the matters covered by this hearing. To review these Action Lists were published and act accordingly. The deadline for responses to the actions will be deadline eight, which is the 25th of March as a week today, with comments on responses by deadline nine to six of April close examination date. As we've said in our opening comments yesterday, given the late stage of these examinations, it's imperative that all parties adhere to these deadlines. And in particular, that final positions are clear at deadline eight in order to final right of replies afforded to everybody before the examinations close. Thank you. That brings us to item 19 and the close with these hearings. Is it very important. I do apologise Mr. Hawk is it worth emphasising that deadline nine is a noon deadline. Thank you very much. Mr. Rigby. Yes, indeed said yes, noon deadline for deadline nine, the sixth of April. So that brings us to items item 13. Closer these hearings. These were compulsory acquisition hearings free reference to the notices for hearings were identified at we had time reserved for these hearings during week commencing 22nd Of March 2012.

1:00:00

You want a place to do a German business from here? had these hearings been disrupted by technical details. Having reached this point we can be cleared at a time Reserve will now not be required. Our next hearings are issue specific hearing 15 on the draft development consent orders, and they'll be held tomorrow morning, Friday the 19th of March 2021. So that's the usual time 10 o'clock for started hearing 920 for the arrangements conference. I'd like to thank you all for your assistance and contributions today. And I'd like to assure you that everything that you said today will be carefully

considered. And I'd also like to thank the case team as ever for supporting these hearings. So well, sort of final check that there isn't anything else anybody wants to raise before we close?

1:00:45

Again, not seeing any hands or cameras on so on that basis I'll ask my colleagues to come on camera and say their goodbyes.

1:00:54

Thank you very much, Mr. hoppy Wren Smith panel lead speaking. Thank you to everybody for your participation today and for all the very valuable contributions and I will say goodbye.

1:01:06

And guy Rigby here panel member, thank you very much, everyone, for your assistance and contributions today and good afternoon.

1:01:15

Thank you all again, the time is now 1651. And a compulsory acquisition hearings free are now closed. Thank you