

File Name: Audio\_Compulsory Acquisition Hearing\_13 April 2022.mp3  
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FULL TRANSCRIPT (with timecode)

00:00:15:29 - 00:00:45:06

Good morning. The time is now 10 a.m. on Wednesday, the 13th of April 2022, and the first compulsory acquisition herein in relation to the application made by Orsted Hornsea Project four Ltd for the proposed Hornsea Project four Offshore Wind Farm is now open. Before I proceed any further, can I just check that everybody can see and hear me. And if you can't see or hear me, please use the raised hands feature on teams.

00:00:49:24 - 00:00:51:01

I'm not seeing anyone.

00:00:51:16 - 00:00:53:17

I can confirm, but we can see and hear you.

00:00:53:27 - 00:01:02:14

Recording has started. The closed caption are functioning and I'm just going to have a look to see that the live stream is up and running.

00:01:04:12 - 00:01:05:18

Thank you, Mr. Johansson.

00:01:12:00 - 00:01:37:17

I'm just waiting for you to confirm that the live stream is up. It's up and running. Thank you. My name is Gavin Jones. I'm a planning inspector and a chartered town planner. I have been appointed by the secretary of State. Should be a member of a panel of inspectors to examine this application. In this introduction, I will be going through the management of today's events. I would now like to ask my colleagues to introduce themselves.

00:01:39:00 - 00:01:46:16

Good morning. My name is Jo Downing. I'm a planning inspector and a charter town planner, and I'm the lead planning panel member for this project.

00:01:48:22 - 00:01:51:20

Good morning. My name's is McArthur. I'm a chartered architect.

00:01:51:22 - 00:01:52:10

And I've.

00:01:52:12 - 00:01:57:16

Also been appointed by the Secretary of State to be the member of O'Connell inspectors to examine this application.

00:01:59:11 - 00:02:30:03

Thank you. We also have Mr. Stephen Brantley and Mr. Andrew Morgan who are not present today. Together we form the examining authority which from here on in Asher referred to as essay. There are other colleagues from the Planning Inspectorate here today. You will all have spoken to Mr. Cain Johansen, the case manager for this project in the joining conference. I would also like to introduce Caroline Hopewell and Dray Rice, who are also here from the case team.

00:02:30:20 - 00:02:49:10

In addition, there are technicians from CBS International who are attending today solely for the purpose of managing the recording and livestreaming of the hearing. If you have any questions regarding the application process in general, could I ask you please email the case team who will be happy to help?

00:02:52:01 - 00:03:24:16

I would first like to deal with a few housekeeping matters which are specific to a virtual event, as some of you here today may not have attended any such events previously. Firstly, can I ask the old order? Will notifications for electronic devices be switched off? And remember to make sure your microphones are switched to mute unless you are speaking. This helps to reduce background noise. No requests have been made for any special measures for arrangements to enable participation in today's hearing. But I would just like to confirm that this is the case.

00:03:25:09 - 00:03:28:05

If you do need any special arrangements, please raise your hand.

00:03:32:19 - 00:04:06:24

Not saying anything, so I'll proceed. Please note the chat function in teams is not being used today, so please do not send any messages via chat as it is not being monitored. If at any point in the meeting you can't hear us or wish to speak, can I ask that you turn your camera around? If it's turned off and used a raised hand function in teams, that may sometimes be a delay before we can acknowledge you. Mr. Johansson will have explained what to do if you lose your connection. And we are able to adjourn for a short period if there are any more significant connection problems.

00:04:08:06 - 00:04:41:05

We will adjourn for a short break at a convenient point if required. And that will usually be no more than an hour and a half or so. If a medical or other reasons anyone requires a break at a specific time, could you please let the case team know and we can hopefully accommodate you. For the purposes of identification and for the benefit of anybody who may listen to the digital recording later. Could I ask that to every point in which you speak? Because you. Could you please first give your name? And if you are representing an organization who maintains that you represent.

00:04:42:26 - 00:04:48:04

Does anybody have any questions today about the technology or the general management of the event?

00:04:50:18 - 00:04:53:24

Again. Not seen any hands. So I'm involved.

00:04:55:16 - 00:05:34:29

There is a digital recording being made of this here in this were made to be made available on the project page of the National Infrastructure website. If you take part in the hearing today, it is important that you understand that your comments will be recorded and that the digital recording will be published and retained usually for a period of five years from the Secretary of State's decision. As such, the Planning Inspectorate is subject to the General Data Protection Regulation. It is very unlikely that the X8 will ask you to put sensitive personal information such as email addresses, economic, financial, health related matters into the public domain.

00:05:35:15 - 00:06:02:10

Indeed, we would actively encourage you not to do that to date. However, if for some reason you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to

speak to our case team in the first instance. We would then explore with you whether the information could be provided in a written format, which could then be appropriately redacted before being published. This is particularly important today because it's a compulsory acquisition here in.

00:06:03:28 - 00:06:23:17

Please bear in mind that the only official record of the proceedings is the digital recording that would be placed on the project page of the National Infrastructure website. Therefore, tweets, blogs and any similar communications arising out of this meeting will not be accepted as evidence in the examination of this application. Thank you.

00:06:25:16 - 00:07:01:00

Today's compulsory acquisition hearing is being held at the request of the examining authority who wished to explore a number of matters already in respect of compulsory acquisition and temporary possession and for ease of reference, hearing after compulsory acquisition will be key and temporary possession will be abbreviated to TPI. I would also like to remind you the examination is a predominantly written process. The exercise has already asked a significant number of questions on these matters in its written questions. The Exam Reference Library is PD 006 for our first written questions.

00:07:01:25 - 00:07:38:24

Furthermore, as you will have seen from the examination timetable, there are further range of questions and opportunities for hearings proposed. The purpose of this examination is for the X-ray to examine the information submitted by both the applicant and also by affected persons. As a result, I would like to reassure you that we are familiar with the documents that you have sent in. So in answering a question you do not need to repeat at length something that you have already submitted. If you want to refer to information already submitted, we would be very grateful if you could please use the appropriate forensic examination library reference.

00:07:39:12 - 00:08:10:15

Furthermore, could I please ask that the first time you use an abbreviation or an acronym that you give the full title as that will be people here today or listening to the digital recording, they may not be as familiar with the application or the documents that you are. Whilst we accept that the majority of discussions will be undertaken by those parties that have requested to speak. This is a public examination. Therefore, if there is a point that you want to make, please feel free to raise your hand and switch on your camera at the relevant time that you wish to contribute.

00:08:11:15 - 00:08:26:12

The hearing today will be a structured discussion, which Ms. Dowling will lead based on the agenda that has already been published. And as I've already said, the purpose of this discussion is for us to ask questions and to seek clarifications on matters related to CIA A.P..

00:08:29:22 - 00:08:59:29

Therefore, I would like to take this opportunity to reassure you that whilst we may not be asking a specific question that you were expecting, it is not necessarily that we view this matter as satisfactory. It merely indicates we consider that we have all of the information that we need on this or that we are proposing to examine it at a later hearing. Finally, I would like to remind everyone that this is not an inquiry. And therefore, unless the NSA has specifically requested or agree to it, there would be no formal presentation of cases or cross-examination.

00:09:01:13 - 00:09:34:28

As such, any questions that you may have for other parties need to be asked through the examining authority. Rule 14 two of the examination procedure rules requires the start of the hearing. The exchange shall identify matters to be considered at the hearing. These are set out in the agenda for this hearing. Exam Library Reference E.V. 009, which is available on the inspectorate website. For the

sake of expediency, I do not propose to read out all the separate agenda items. Nine. Please note that today's agenda is for guidance only.

00:09:35:28 - 00:09:40:10

We may choose to move items around the agenda or add other issues for consideration.

00:09:41:29 - 00:10:30:05

If we need to take any short breaks and you can stay logged on to teams throughout the break the police and show you switch your cameras off a mutual microphone. If you do lose your connection, use the same link that used to log on this morning and the case team will endeavor to reconnect you soon as possible. Finally, it is important that we get the right answers to the questions that Mr. Handling is going to ask. I reiterate that this is predominantly a written process. Therefore, if you cannot answer the questions that are being asked today, or if you require more time to get the information, then rather than giving a restricted or potentially incorrect answer, can you please indicate to us that you need more time to respond in writing? We can therefore defer the response order to an action point to be submitted at deadline three or to the next round of written questions or to a later hearing.

00:10:31:21 - 00:10:38:24

So before we move on, are there any questions at this stage about the procedural side of today's agenda for today's hearing?

00:10:43:22 - 00:11:06:28

Can not see anything. So now I'd like to ask you to introduce yourselves. I would like to take the names of those who wish to speak at today's hearing. If you are a representative of an organization, please state whom you represent. Please also state the manner in which you prefer to be addressed. For example. Mr.. Ms.. Mrs.. Or Dr.. But I start first. Pleased with the applicants.

00:11:11:12 - 00:11:43:22

Good morning. My name's Claire Patrick. I'm a solicitor at Pinsent Masons. I'm representing the applicant today. I'm joined by John Galloway of Orsted and Hixson of McLaren, who are asked to introduce themselves. We also have other members of the applicant's team available to answer questions if required, including Jamie Baldwin. He's the project director and Francesca DEVITA, his in-house legal hand over to John Galloway so he can introduce himself.

00:11:46:16 - 00:11:54:24

Good morning. John Galloway, head of Land and Property Aerostat, appearing on behalf of the applicant. And I'm happy to be addressed as Mr. Galloway. Thank you.

00:11:59:12 - 00:12:00:18

Ethics, an associate.

00:12:00:20 - 00:12:02:04

Director in charge at.

00:12:02:15 - 00:12:05:00

McLaren here on behalf of the applicant.

00:12:05:12 - 00:12:07:17

Popularly referred to as Mr. Hixon.

00:12:11:00 - 00:12:29:10

Thank you, Mr. Hicks. And. And if anybody else from the applicant's team comes in at any point, if they could introduce themselves, please, we would be grateful. The next organization on my list is East Riding of Yorkshire Council. Can you please introduce yourselves for anybody who wishes to speak at today's hearing?

00:12:41:05 - 00:12:43:05

Morning. My name is Mr. Parsons.

00:12:43:24 - 00:12:48:03

Representing East Riding of Yorkshire Council. As the local planning.

00:12:48:05 - 00:12:55:17

Authority happy to refer to as Mr. Parsons. We also have Rob Mansell, who I'll pass over to you now. Thank you.

00:13:02:24 - 00:13:13:16

That. Good morning. I'm so happy spirit that was instrumental in getting me and looking at this from the context of the struggle of your spouse this time. Thank you.

00:13:14:24 - 00:13:27:24

Thank you, Mr. Mansell. That completes all the names on my list. But before we proceed, I just to a last call. Is there anybody else today who wishes to speak and would like to introduce themselves at this present point in time?

00:13:33:08 - 00:13:41:08

Not seeing anybody, in which case, thank you very much. I'm not going to pass over to Miss Dowling to lead on the rest of the main items of the agenda for today.

00:13:43:15 - 00:14:28:10

Thank you very much, Mr. Jones. As Mr. Jones already mentioned, the examining authority has already asked a significant number of questions in respect of compulsory acquisition. And for the most part, we are content that our questions have been satisfactorily answered or that it will be more efficient to follow matters up with further written questions. Therefore, my aim today is to focus on those matters where clarification or further examination is needed orally. I'd just like to start off by offering the applicant the opportunity to set the context for today's discussion by asking them, in no more than 10 minutes to very briefly set out the case for compulsory acquisition and temporary possession against the tests in sections 1 to 2 and 1 to 3 of the Planning Act 2008 as set out on the agenda.

00:14:32:04 - 00:15:05:27

Claire Patrick for the applicant and in accordance with Section 1 to 2 and Section 1 to 3 of the Planning Act 2008, the applicant's case for compulsory acquisition and temporary possession powers are set out in the Statement of Reasons, which is a document reference AP 2 to 7. I will give a brief summary of how the relevant tests have been satisfied. The application itself included a request for compulsory acquisition powers in accordance with Section 1g3, subsection two of the Planning Act.

00:15:06:24 - 00:15:59:21

The purpose for which the compulsory acquisition powers are sought is set out in Section six of the statement of reasons, and those relate to powers to construct, use, maintain and decommission the onshore elements of the Hornsea four project, including rights of access and rights for landscaping and other mitigation measures. In particular, this includes compulsory acquisition powers to acquire land for the freehold freehold of land for the onshore substation, which would either be an AC converter station 88 C substation one HP DC converter station, an energy balancing infrastructure, the

acquisition of new rights and the imposition of restrictions at landfall and the acquisition of new rights and the imposition of restrictions for the installation.

00:15:59:23 - 00:16:33:21

Construction use. Maintenance of the onshore export cable corridor. The rights are set out in table. One of the statement reasons and can be found in schedule six of the draft DCA Section one duty. Subsection two requires that the land must be required for the development it was required to facilitate or is incidental to the development. And the applicant confirms that the compulsory acquisition powers are required for or to facilitate the development.

00:16:33:23 - 00:16:38:12

And this is set out in more detail in section seven of the statement of Reasons.

00:16:40:00 - 00:17:20:27

Section one, two, two, subsection three requires that to be a compelling case in the public interest in order for compulsory acquisition powers to be granted. The compelling case is set out in Section seven and Section eight of the statement of Reasons, and it set out in more detail in the statement of need, which is application reference. AP two, three, four. And this sets out the detailed reasons for the urgent need for new energy, which has been supplemented by the recent British Energy Security Strategy, which sets out a desire for 50 gigawatts of renewable offshore wind by 2030.

00:17:22:20 - 00:17:58:09

There are a number of other tests that are applicable in relation to the grant of compulsory acquisition powers, and these include a requirement for the applicant to demonstrate that they have considered reasonable alternatives. This is set out in paragraph 7.2.1.5 of the statement of reasons and Chapter three of the Environmental Statement on site selection and Consideration of Alternatives, which is AP Dash 009 and the relevant appendix which is AP Dash 038.

00:17:59:02 - 00:18:35:10

The applicant considers that his has adequately considered alternatives, both in terms of route selection and alternatives attempts of technology. However, for the reasons set out in the applicant's responses to the first written questions, see a 1.11 and PDF 1.1 which are contained in Rep 2-038. The applicant's position is that there is a need for compulsory acquisition powers for both HP, AC and HVDC transmission technology.

00:18:36:19 - 00:18:54:00

The applicant has also sought to acquire all land and rights by voluntary agreement as an alternative to the use of compulsory acquisition powers. And Mr. Galloway will provide an update on the status of those negotiations in respect of agenda item two too on the list.

00:18:58:15 - 00:19:17:00

In summary, the applicant considers that the rights restrictions and temporary use powers that it is seeking in the DCO application to be necessary and proportionate. And further details of this are set out in Section seven of the Statement of Reasons. Be happy to expand on any points further, if you would like me to.

00:19:22:23 - 00:19:53:06

Thank you very much. Ms. Project. Can I just pick up on one point that you've referred to? There is obviously, as we are all aware, energy is very much an iterative process in how we're going to deliver energy in this country. It is very much a rolling feast at the moment. And you've referred to the fact that obviously the targets for renewables has increased recently. Are you proposing at any point in time during the examination to update your statement of need to reflect these recent changes?

00:19:57:11 - 00:20:04:11

Club logic for the applicant. Yes, the intention is to provide an update or an addendum to the statement if need.

00:20:06:02 - 00:20:09:08

Think you know when that would be? When you when you talk to that fool.

00:20:10:08 - 00:20:12:06

I'm just sick instructions. Bear with me. Wings.

00:20:22:27 - 00:20:52:06

Clear project for the applicant. In order to ensure that the document is as up to date as possible, it's the applicant's intention to submit an update for deadline seven so it can incorporate both the policies that have been released by the government to date and any additional policies that may be released between now and then. For example, in the event that the draft national policy statements are adopted between now and the end of the examination.

00:20:53:02 - 00:21:26:11

I think you see that Section 4.4, deadline seven, that the statement of need will be updated just while we're dealing with section one, three, two, one, two, three tests in relation to that being required to facilitate the proposed developments. I've work through the work and plans in detail and I just got a couple of questions with a number of regards to a number of plots as to how they meet. The criteria for a Section 1 to 2 require to enable the development, obviously on the basis that the minimum amount of land should be taken rather than the maximum.

00:21:27:10 - 00:21:43:18

I'm not going to try and share the screen or rather the case team going to try and share the screen so that I can actually talk to the various plans. So if I could ask Mrs. Hopewell if it possible to get up sheet one of the work plans.

00:21:49:08 - 00:21:51:03

Just bringing that up for you now, Starling.

00:21:51:23 - 00:21:52:08

Thank you.

00:22:04:01 - 00:22:39:06

Okay. I've got a couple of questions with regards to two of the areas that are coloured yellow, which is temporary possession on these land patterns. One of them, I just want to double check. There's a rather large leap of land in the top left hand corner of this green, which is a proposed access track from reason the evidence this is needed in order to avoid a building that contains owls. I'm just wondering if this any further work has been done to refine in the land need to be taken or is this the maximum or the minimum? If Ms..

00:22:39:26 - 00:22:41:10

Broderick can come back to me on that one.

00:22:50:00 - 00:22:59:03

Clever trick for the applicant. Yes, I can confirm that. That's the minimum amount of land required in order to appropriately avoid and mitigate impacts on the Earth's.

00:23:00:01 - 00:23:34:09

Thank you. And then if I can just go to the foreshore. There's a block of yellow at the bottom of the where the onshore cable would come on onto the land and a obviously a yellow track. I'm just wondering, this is described as work number nine, A, which is a temporary access track and 90, which is a construction ramp. I'm just wondering why that amount of land is required for a track, particularly on the foreshore.

00:23:35:19 - 00:23:39:15

And also why they can't be incorporated within the Blue Land.

00:23:44:19 - 00:24:12:21

Claire Patrick for the applicant. The truck in this location is required for emergency access only, and that's the minimum amount of land that's required in order to accommodate the geographical features, both in terms of access from the sort of clifftop down onto the beach. The areas required to then access the blue area in order to deal with an HDD that has that has failed.

00:24:14:09 - 00:24:31:18

But it is an access track. The block on the shore is obviously quite a large block, meaning that the block on the land is obviously a track. Is there any possibility that that area of land could be refined so that your requesting the minimum amount of land rather than the maximum amount of land needed?

00:24:35:20 - 00:24:51:05

Clap for the applicant. The applicant will take that away and have a look at it. All I would say is that we're not sure where on the beach we would need to access. So the access has been allowed. So any point along the beach.

00:24:51:24 - 00:25:06:25

If you could if you could look at that's not the provider. If you could look at that and either provide a more detailed explanation as to why that amount of land is needed in that location, or look at the opportunity of refining it. That would be great if we could all say if we can then move onto sheet six.

00:25:13:18 - 00:25:31:26

And what I just want to ask here, which I'm not very sure about, is the you can see the yellow lip. What is the purpose beneath this little pit stone? Again, it's an access track, but I'm not sure what it's actually serving. Given, obviously, you can get access up and down the cable corridor within the blue land.

00:25:56:22 - 00:26:11:11

Clap or check for the applicant. I've just thought clarification and the access track is required in order to get access either side of an HDD in this location. And the option is agreed to use HDD in this location to avoid an agricultural feature.

00:26:12:14 - 00:26:18:15

Okay. If you could just confirm that in writing, that would be useful. Okay. If you can move to sheet 11.

00:26:24:23 - 00:26:31:15

I'm just wondering why both access are required in this location.

00:26:42:15 - 00:26:46:10

Clap for the Applicants. I'm just going to see clarification a few things.

00:26:56:08 - 00:27:14:12



Clapper, the applicant, understand that these are acquired for highway safety reasons in accordance with discussions that have been had with East Riding of Yorkshire Council and said wider construction access is required both to the north and to the south of the cable corridor in this location.

00:27:15:02 - 00:27:20:08

And if you could confirm that in writing that be useful. Okay, we can move to sheet 14.

00:27:26:14 - 00:27:37:08

All of the other logistics compounds except the one on sheets 2526 have a direct access from the highway. This one doesn't. Is that an oversight or is it not needed?

00:27:55:17 - 00:28:07:10

Claire projects the applicant in this location. Access will be taken within the blue cable corridor of Calais, so there's no separate access required for the yellow compound area.

00:28:08:02 - 00:28:11:06

And that's nine feet 19.

00:28:17:19 - 00:28:23:15

This is a similar question to sheet 11. I'm just wondering why both accesses are required.

00:28:29:25 - 00:28:39:13

Clapper checks the applicant. Again, this is for highway safety reasons in order to have suitable access points both to the north and to the south of the cable corridor.

00:28:40:23 - 00:28:44:09

And then finally sheet 25 or sheet 26.

00:28:50:27 - 00:29:06:03

I'm assuming this is going to be the same potential response as she. 14 But again, this logistics compound would have no direct access point from the highway. So it's confirmed whether that's an oversight or whether as the sheet 14 that we access through the cable corridor.

00:29:14:22 - 00:29:27:26

A project for the applicant. Yes, this is the same as for sheet 14 access to this construction compound at Plot 297 would be taken off the cable corridor, which is shown below on the plan.

00:29:29:01 - 00:30:10:14

He is hopeful. You can stop sharing the screen now. Thank you. I just want to then come on to the onshore substation and the land that's being sought there. National Grid in the relevant rep a25 and Rep two o 63 have questioned the amounts of land being sought by you adjacent to the existing 400 kilowatts kilovolt substation at Creek Beck as they would be the organization that would construct and install the convert substation. I note we asked a question on this excu 1ca 1.9 where we asked why the amount of land being sought was needed to enable delivery of the proposed development.

00:30:10:16 - 00:30:47:18

And your response? Rep two oh 38 referred back to your response provided to the relevant rep, which was Rep 138. And there you indicated that the order limits have been drawn more widely around to allow for maximum flexibility as to the final design and layout the works being undertaken by National Grid and should the location and design in the Converse Station and associated infrastructure proposed by National Grid become more developed and certain than the amount of land could be refined? I note that you're working with National Grid. Could you just provide an update as to what's

happening here and whether we will be seeing any reduction in the amount of land being sought in this location?

00:30:51:22 - 00:30:53:27

John Galloway on behalf of the applicant.

00:30:55:27 - 00:31:38:07

In addition to what you've just described in terms of our written submissions, which which are correct, we do have ongoing interactions with National Grid in respect of the land required. They are the freehold owners of the land contained in plots. Three, four, two, three, two, three, five, six that you have identified. We do hold regular meetings with National Grid and as part of this dialogue, we have been in discussions around how this could be refined. Unfortunately, we don't believe we're at a stage where it's possible to reduce the order limits or the powers. So in this area, as at present, National Grid are going through their own internal clearance process to continue discussions with us and at the latest indication that was going to take a further four weeks from now.

00:31:38:09 - 00:31:49:28

So we do not anticipate making progress in that period, but we do anticipate making sufficient progress both on the land agreements required in this location and if necessary, a refinement of the area prior to the close of examination.

00:31:51:00 - 00:32:25:00

Thank you. That would be appreciated because obviously at the moment, if you look at the tests, the section, one, two, two, one, two, three, we have the person who's who will be installing a converter substations, querying the amount of land that's required. So obviously we would need quite a strong case as to why what's being sought is acceptable if it remains as it is. Okay. On that basis, I'm then going to just move on. The examining authority is aware from the deadline two submissions that the applicant has submitted that your activity in discussions to try and secure the rights that you need through voluntary agreements.

00:32:26:01 - 00:32:43:20

I have to say, you know, it's looking very good at this stage and I'd just like the applicant to provide a general update. It doesn't need to be so specific and in relation to specific people, which we will be dealing with in the next section. But just as to how those discussions are progressing and current expected deadlines for conclusions.

00:32:46:11 - 00:33:24:13

Thank you, John Galloway, for the applicant. I'm happy to give an update on the negotiations by reference to both the submissions made, the deadline to and the submissions made and the statement of reasons reference EP Dash 227. The specific update given on negotiations at paragraph 7.2.1.5. The update has now reached agreement that is to say agreement has been signed and completed or agreements have been signed, but are with solicitors pending completion with 90.7% of the landowners and or 100% of the occupiers in respect of the order limits.

00:33:26:03 - 00:33:56:26

This means that the applicant has reached agreement for land rights across 97.8% of the land required within the order limits. As you'll be aware from written submissions already, the applicant has also secured the land rights for the onshore substation site and the energy balancing infrastructure north of Cottingham and to the west of of Creek Bank. I'm pleased to say this means that the applicant has now concluded negotiations for voluntary agreements with all private individuals and farming businesses in respect of the order limits.

00:33:57:21 - 00:34:13:18

That means there are only four remaining landowners with whom the applicant is engaged in negotiation. They are east riding of Yorkshire Council, the Environment Agency, National Grid, electricity transmission and network rail. I'm just. Yes, of course.

00:34:13:22 - 00:34:42:24

I think I think we're probably going to do the same thing in the next section. So I think I've got I've got those various people highlighted, plus a couple of other things that I'd just like an update on. So. Shall I lead on that? And then you can respond because I think I've got a few more people than the ones that you've just highlighted. So just for context, I'm not proposing to hear detailed discussions on individuals plots as at this stage, we as you've highlighted, we'd expect the applicant to be tempting to resolve any differences outside of the examination.

00:34:44:12 - 00:34:50:16

Just for clarity, where we've not received a representation, we are assuming that there is no objection to either CAA, OTP

00:34:52:05 - 00:35:23:27

and the examining authority are aware from the relevant representations and subsequent submissions that deadline one and deadline two that there are a number of specific plots where there are outstanding concerns. And we did actually invite those affected persons to attend today. Those were Mr. Mrs. Forman which was relevant. REP 005 That was Mr. Mrs. Goatley, which is relevant. REP oh 23 and the Hotham Family Trust relevant REP oh 30 In addition to which, there was the query about Mr.

00:35:23:29 - 00:36:10:24

Mrs. Taylor, which is relevant both 17 and 19. And then in addition to those individuals, we've had objections to CA from the following organisations which was Network Rail, which was relevant REP 001 and then followed up in REP to oh 86 to 88 East Riding of Yorkshire Council Highways Department with regards to relevant Rep. 008 and that was to do with concerns regarding the proposal that would affect the CPO and proposals for the log interchange and then the Environment Agency, which is relevant REP oh ten and then subsequently followed up by REP 272 and 73 and then the submission that we received on Monday, which was oh 30.

00:36:11:15 - 00:36:35:08

So it's just to go through each of those affected individuals. A note from the applicant's deadline to submission rep to oh 22 that an agreement has been completed with the Wholesome Family Trust on the 8th of November 2021. Can I just ask whether they will be formally withdrawing their objection? And so whether we're going to get anything to the examination to say they now have no objection because they signed the agreement?

00:36:36:14 - 00:37:06:15

John Galloway For the applicant, we have contacted their representatives suggesting that they do withdraw, that I believe or the applicant believes that the representation was made, if you like, as a as a holding response to ensure that they are involved in the process. And indeed, if there should be further compulsory acquisition hearings, they may be invited. As things stand, as you say, the applicant has reached agreement. There are no matters of outstanding disagreement and we are continuing to engage with them on an informal basis, as we do with all landowners with whom we've reached agreement.

00:37:06:17 - 00:37:18:14

So I do not anticipate that they will attend anything or make any further representations. I may also not anticipate they will withdraw that representation, but it was done for the purpose, as I say, of of being involved in this process.

00:37:19:28 - 00:37:53:25

If you could potentially just request that they do do that for just just one line email will be fine. It just neatly runs everything off in terms of making sure because obviously I've got you saying that they signed a voluntary agreement, but I've got no evidence that they've actually done that. So it would be helpful if we could actually have just something for them by the close of the examination on that one. I'd just like to touch on Mr. Mrs. Taylor a note from the applicant's response to it. qsall point eight ah is in question that Mr.

00:37:53:27 - 00:38:07:11

or Mrs. Taylor, although their residence of the farm, are neither the relevant landowners or occupiers of the land. Can you just confirm that that is correct and what status they have for the purposes potentially of C-A or TPI?

00:38:09:00 - 00:38:49:25

John Galloway For the applicant. Mr.. Mrs. Taylor That is correct. What we said in our submission. Mr. and Mrs. Taylor are not the land or occupier of the land, to which I believe the question pertains to areas that may be left unworkable by agricultural machinery. So that land that was referenced as land that does adjoin their property, their residential property, but is on land owned by their landlord open. Why is limited? Mr.. Mrs. Taylor's interest in the order limits pertains to a Category two interest in respect of rights, of access on their access track to their property and a right of drainage over adjoining land being the site of the onshore substation and energy balancing infrastructure.

00:38:50:09 - 00:39:14:23

We have also included them as category three potential claimants in respect to their proximity to that site and that that is the extent of their interest. I may just add, if it says I, we are meeting the applicant is meeting with Mr. Mrs. Taylor on the 21st of April. I think we may have mentioned that at the open floor hearing on Monday both to talk through the issues that were raised at the open floor hearing and to continue our constructive dialogue with them.

00:39:16:01 - 00:39:22:24

Can I just ask your opinion on a precautionary approach, which you consider them to be an infected person for the purposes of a.

00:39:26:17 - 00:39:42:24

Clapper, Patrick, the applicant. Yes, we would consider them to be an effective person because they fall within the definition of the Planning Act 2008 for those purposes. But they do not own or occupy any land that is within the order limits.

00:39:43:13 - 00:40:24:20

Actually, if I can then go on to ask for an update on negotiations with Mr. or Mrs. Forman. From looking at the information that's been submitted, the applicant has agreed the principal heads of terms and legal agreements are in negotiations, and it appears that the outstanding issue is an impact that the proposed development may have on their dairy farming business. They have commissioned a report and you are in the process of reviewing that and in discussions to agree measures that could be implemented to reduce mitigate any impacts on their land and farming business.

00:40:26:02 - 00:40:41:03

Can I just first of all, ask you to confirm what part of the development would be on their land? I think it's probably the cable corridor and access to the cable corridor. And then provide me with an update as to where you are with the negotiations with regards to Mr. or Mrs. Forman.

00:40:44:28 - 00:41:19:18

John Galloway for the applicant. I may answer your question in the reverse if that's possible, partly because I don't have to hand the plot numbers. And the reason for that is to confirm that we have successfully reached an agreement with Mr. Mrs. Foreman that that legal agreement was signed by them on the 30th of March 2022 and has been signed by the applicant. So the legal agreements are with solicitors pending completion. In that respect, we did make contact with Mr. and Mrs. Foreman's representatives to ask them to withdraw their relevant representation prior to this hearing they had.

00:41:19:25 - 00:41:25:12

I don't believe, as that latest update that they have done so, but we do expect them to do so very shortly.

00:41:26:21 - 00:41:42:18

Okay. And so as with the wholesome family trust, if it's possible to get that withdrawal before the end of the examination, that would be appreciated because obviously it ties everything off. If I can then go on to.

00:41:44:15 - 00:42:19:01

Mr.. Mrs. Goatley, while you're checking what the what part of the proposed development is being affected by Mr. and Mrs. Foreman's. Mr.. Mr.. Foreman's land. Mr.. Mrs.. Looking at information submitted, I have sold the farm to East Riding of Yorkshire Council and Planning Commission for change of use on the property is being granted on the 7th of February of this year. And so you have indicated that you no longer need to continue discussions with Mr. Mrs. Goatley, but you would need to talk to East Riding of Yorkshire Council.

00:42:20:06 - 00:42:37:12

Can you just provide me with an update? Given all east riding of Yorkshire Council are here today, they may want to come in on this matter as to what's happening with regards to compulsory acquisition or temporary possession of the plots in relation to what was formerly Mr. Mrs. Goldie's Land.

00:42:39:18 - 00:42:55:18

Thank you, John Galloway, for the applicant. If it may assist, I can now give you the plot numbers with respect to Mr. or Mrs. Forman. Those are plots 90 432107 inclusive. And you are correct to say that that is in respect of the cable corridor and site access.

00:42:57:27 - 00:43:22:14

And with respect to Mr. Mrs. Goatley, the applicant was made aware of, in fact, yesterday that the sale of the property did conclude on Friday, the 8th of April 2022, so that the land contained in plot numbers 149150 and 151 being what an cars road are now in the ownership of east riding of Yorkshire Council.

00:43:23:29 - 00:43:58:08

We have been in contact with Mr. Mrs. Gormley's representatives to ask them to withdraw their representation again. I don't believe that has been possible, but taking a cue from you on previous matters, we will continue to seek that. They do that shortly. We have also made contact with East Riding of Yorkshire Council as part of our other ongoing land negotiations and in fact draft legal agreements for the land contained in these plots were issued to east riding of Yorkshire Council on the 4th of April on the basis we expected that sale to happen on the eighth. So we are progressing that and we are confident we will reach agreement prior to the close of examination.

00:43:59:18 - 00:44:24:04

Just on this one, just acknowledgment from his writing Yorkshire Council in writing that they are now the owners of the land. And obviously I'm assuming the book of reference would also be updated to

reflect this. That would be sufficient if we can't get anything formally withdrawing Mr. or Mrs. Goldie's objection, because obviously they then will fall away as an effective person because they're no longer listed in the book of Reference.

00:44:26:16 - 00:44:27:26

Would that be okay, Mr. Galloway?

00:44:28:19 - 00:44:49:09

Yeah. John Galloway. For the applicant, that will be acceptable, I think, in terms of diligent inquiry and its incorporation into the book of reference. We will have to obviously make sure we have some sufficient evidence in respect to the land ownership. But if you're satisfied with the response from the council that they are now the owners, then I think we would be too and we would update the book of reference. Yes.

00:44:49:22 - 00:44:59:27

I mean, I'm assuming that the book of reference by deadline seven would actually designate Sebastian last, and that will be reflective of the new ownership of this piece of land.

00:45:01:18 - 00:45:06:25

John Galloway For the applicant, that's certainly the intention and I think we are also due to submit the compulsory acquisition schedule,

00:45:08:16 - 00:45:23:22

which is a document RFP to dash zero for one. We are due to provide an update for that, I believe it deadline five. So the fact that Mr. or Mrs. Gormly featured in that document, we will we will make it well aware that that is now in the ownership of east riding of Yorkshire Council.

00:45:24:12 - 00:45:35:10

And just given that East Riding of Yorkshire Council are actually here today, can I just ask them to come in and they can provide me with any kind of indication as to when they feel that they can complete the negotiations on this plot

00:45:37:00 - 00:45:37:23

or these plots.

00:45:38:17 - 00:45:51:28

Mr. Mansell I'm so sorry. So we took instructions on that as Mr. Galloway did, so we only completed the acquisition of those properties on Friday. But I will come back to you on that. Certainly.

00:45:52:12 - 00:45:53:00

That's lovely.

00:45:55:23 - 00:46:29:06

If I can now turn to organizations have objected to compulsory acquisition network rail have objected to the compulsory acquisition of plot 176 where you're seeking to run the cable under part of the operational Yorkshire coastline. Network Rail advised in their response to its Q1 CAA 1.8, which is rep to 87, that the parties are close to finalizing an agreement that will allow the applicant rights to lay the cable under 176.

00:46:29:08 - 00:46:31:10

Could you just provide me with an update on that?

00:46:33:02 - 00:47:02:16

Yes. John Galloway for the applicant, I'm pleased to say with regards to Network Rail, the applicant held a meeting on the 30th of March 2022 to run through those outstanding matters with regards to the Land Agreements four plot 176 An agreement was reached, so the applicant has issued a final form of draft legal documents to network rail solicitors and we are anticipating the response in pretty short course. So the applicant remains confident that with respect to the land agreements, we will be able to conclude matters, particulars of examination.

00:47:04:11 - 00:47:06:24

If you could just keep us updated on that, that would be useful

00:47:08:17 - 00:47:44:18

if we can then move on to the east riding of Yorkshire Council. They indicated in their relevant REP 008 that they had concerns regarding the potential impacts of land acquisition on the compulsory purchase order for the jock's large interchange works. And the indications are that you've been having discussions and negotiations. If I could just ask for an update as to what is happening with these, both from the applicant and from East Riding of Yorkshire Council and an indication as to whether or not these will, will or will not be concluded before the end of the examination.

00:47:44:28 - 00:47:51:16

So I don't know if you want to Mr. Galloway wants to start by sitting it out and then on offer the east riding of Yorkshire Council right to respond.

00:47:53:27 - 00:48:37:01

Yep. Happy to. John Galloway. For the applicant, it is correct to say in respect of Jock's Lodge, which is land in the freehold ownership of east riding of Yorkshire Council plots 307308 and three or nine that we have not yet concluded heads of terms of agreement. And this is because of the one outstanding matter of negotiation, which is the interaction and co-existence of the improvement works to the Jock's Lodge Junction and our own project. There is now a meeting scheduled for the 21st of April 2022 between technical advisers for the applicant and technical advisers for East Riding of Yorkshire Council to discuss in more detail how co-existence could be possible and how the due to developments could exist at the same time.

00:48:37:26 - 00:48:48:17

I am confident that being the outstanding matter that we will be able to reach agreement prior to close of examination. I am not aware of any other matters in respect of negotiation are still still outstanding.

00:48:49:13 - 00:48:56:20

I think if I can just ask East Riding of Yorkshire Council if there's anything they'd like to ask on regards to this moment, Mr. Mansell.

00:48:58:08 - 00:49:06:19

Yes. Thank you. Just to say, I agree with Mr. Galloway's comments. There's a meeting next week between engineering and police, which hopefully will resolve any issues.

00:49:07:18 - 00:49:41:28

Thank you. If you could both just keep us updated as the progress with that, that would be most gratefully received. If I can then move on to the Environment Agency. They raised objections to the compulsory acquisition of land around what met on Monday. The Environment Agency advised that they were not attending this hearing but submitted a statement which is an exam library at age 31, which indicates that they are in discussions with you and are confident that you will be able to come to an agreement for what and back either through the use of land agreements and or protective provisions.

00:49:42:10 - 00:49:47:18

Could you just provide an update on what's happening there and the timescale for the conclusion of those discussions?

00:49:49:28 - 00:50:26:27

John Galloway For the applicant, that is correct to say so. The Environment Agency are freehold owners of Wotton Back, which is the land in plots 158159 and 160. We have been an ongoing, constructive negotiations with the Environment Agency on this. And as you have mentioned, we are aware of the submissions that were made by the Environment Agency on Monday, the 11th of April. We are in ongoing discussions. The main point of discussion being the potential for future flood defence works on what and back and again we are including our technical advisors with the applicant technical advisors and the environment agencies in meetings going forward.

00:50:27:10 - 00:50:43:15

I'm sorry to say I don't have a precise date for the next meeting to discuss that, but as I say, it is an ongoing dialogue and I would just agree with what the Environment Agency submitted on Monday. That is to say that we are also confident a satisfactory agreement can be reached and I anticipate it will be reached prior to the end of examination.

00:50:44:18 - 00:50:58:15

Just ask, is it likely to be a land agreement or is it likely to be through protective provisions? Because obviously we discussed protective positions yesterday at that department consent order issue specific hearing, or is it likely to be both? Do we know at this stage?

00:51:00:10 - 00:51:10:09

John Gallo, for the applicant, I am referring to a land agreement. So that will be the grant of land rights from the Environment Agency for the crossing of the cables through those plots of land that they own.

00:51:11:08 - 00:51:18:28

Okay. Thank you. Those were all of the people on my list. Mr. Galloway, was there anyone that is on your list that I may have missed?

00:51:23:09 - 00:51:59:28

Claire Patrick for the applicant. Whilst not on your list, we just wanted I suppose to note that there were also relevant representations and further submissions. DEADLINE to submitted on behalf of Mr. and Mrs. Transfield. They're not and they don't have an interest in land within the order limits. But they were listed in the book of Reference as category three persons on the basis that they potentially and could be eligible to make a claim for compensation under part one of the Land Compensation Act.

00:52:00:00 - 00:52:32:04

And we just wanted to note that we obviously responded to the relevant wrap at deadline one reference 1-038 and particularly in Annex four. And we have seen that deadline two submissions which were up to Dash 074 and we will be responding to those at the next deadline, deadline three. Their concerns primarily, as I'm sure you're aware, relate to the consultation process, which we we feel we have adequately addressed.

00:52:32:06 - 00:52:40:22

But as they are listed in the book of Reference, we felt it was important to to note that concerns in this forum.

00:52:42:08 - 00:53:08:00



Thank you for that. I mean, I think you've covered the point that I was going to raise with regards to Mr. Mrs. Rumsfield. And just while we're talking about Category three, as we've already heard you, Mr. Mrs. Taylor ordering this category as Category three, and I think at the open floor hearing on Monday, it was mentioned that some mitigation has already been put in place to address their concerns. I think some tree planting was done in December 2021 to address the Category three concerns. Is that correct?

00:53:11:26 - 00:53:33:08

Clap for the applicant. Yes, some additional planting took place last year. That's not part of the formal mitigation that's been assessed and relied on as part of the environmental statement was but was part of the voluntary agreement that was reached with it with the landowner there to provide some additional screening for Mr. or Mrs. Taylor.

00:53:33:23 - 00:53:45:29

Thank you. So I've gone through all of the people I have on my list. I just want to check at this point whether there's any other effective person who wants to raise anything with the examining authority.

00:53:50:22 - 00:53:57:04

Can I just check? Given that an east riding of Yorkshire Council here says anything further they want to raise with regards to their land interests.

00:54:02:08 - 00:54:03:02

Look at the space.

00:54:04:14 - 00:54:22:21

And on that case, I'm going to move on to item three on the agenda, which is section one, three, five of the Planning Act 2008 Crown Land. Can I start off just by confirming this relates to six plots only where the proposed export cable would make landfall from Stone Beach.

00:54:26:29 - 00:54:35:29

Clapper check the app. Yes, that's correct. The applicant is not seeking compulsory acquisition powers over any other plots in which the Crown has an interest.

00:54:36:05 - 00:54:40:21

And can you just provide me with an update as to where you are with securing Crown consent?

00:54:42:15 - 00:55:16:22

The opinion has formally written to the Crown Estate Commissioners requesting consent pursuant to section 135193135 to the Planning Act to that formal application. That consent was submitted shortly after the DCO application was submitted into the Planning Inspectorate. We have been regularly chasing for an update from the Crown Estate Commissioners and we believe it's on their list of things to deal with and we're confident that it will be dealt with by the close of the examination in their usual in their usual way.

00:55:16:24 - 00:55:19:12

But at the moment, we're waiting for them to respond to us.

00:55:21:12 - 00:55:58:21

Okay. Just on that point, obviously, we had quite a long discussion yesterday with regards to the overlap area and the Crown estate. And one of the action points yesterday was that the examining authority was going to look at contacting the Crown Estate Direct to see whether or not they could release the interface agreement. If we do write to the Crown Estate as part of that. Do you think it

would be useful if we also remind them of the timelines for Crown consent in terms of this compulsory acquisition and possession of their land?

00:56:01:15 - 00:56:32:10

Clapp The applicant in terms of the Section 135 consent, our experience is they have a fairly set process. They normally instruct solicitors and they have a standard, David Covenant that needs to be entered into in order for the consent to be provided. We're fairly certain that that process is underway. It's just not been completed yet. And so I'm whilst obviously free to remind them of the need for them to give consent.

00:56:32:12 - 00:56:46:12

We do. We are confident that it's in the system and we're working with them and we. Okay, I'm just going to check when I have an update on the point that was raised yesterday in terms of the interface agreement. So just bear with me whilst I get questions on that.

00:57:05:25 - 00:57:31:29

Clever logic from the applicant. I've been informed that last night the Crown Estate have given permission for the interface agreement that was referred to yesterday to be submitted into examination and the applicant's solicitors and liaising with BP solicitors to determine the best way of how that should be submitted into examination, both in terms of who submits it and at which deadline.

00:57:32:20 - 00:58:02:22

Okay. And if you have any concerns, because obviously it is a commercial agreement, please feel free to liaise with the case team about how that could or couldn't be rejected in order to enable to go into the public realm. Okay. Thank you on that one. Just one final point. With regards to Crown Land, as you've mentioned, you are in discussions with getting Crown consent, but obviously I have to look at worst case scenarios and I just want to know what are the implications if Crown land consent is not forthcoming by the close of the examination?

00:58:07:18 - 00:58:36:24

Clever trick for the applicant in terms of section 1351. If Crown consent was not to be issued for any reason, then it would not be possible to seek compulsory acquisition powers over those plots in respect of other persons with an interest in that land. But as it is the foreshore, there are limited other interests in that land.

00:58:37:15 - 00:58:53:17

So given the importance of resolving this issue of Crown consent, if it has not been secured before deadline eight, which is Thursday, the 18th of August, the examining authority will want an explanation at that deadline of how the project can proceed. If all crown land has to be removed and the. And.

00:58:56:25 - 00:59:27:03

Project for the applicant. Yes, we can provide a statement on that. However, I would note that the requirement is for section 135 consent to be provided prior to the Secretary of State making a decision. And we are aware that the current state has provided its consent between the end of the examination and the decision making point on other projects. However, we appreciate that you will need submissions from the applicant as to what would happen in the event that that consent was not provided.

00:59:27:27 - 01:00:00:29

I'm more than well aware of that because I've experienced it myself. So, yes, if we can provide that because obviously we have to report on the basis of the evidence submitted to the examination. And if it's not concluded, then we obviously have to look at the possibility that that crown land would need

to be removed from the order limits. I've got nothing further with regard to section 135, so is proposing to move onto sections one, three one and 132 of planning actually thousand eight, which is item form the agenda. It would appear from the book of reference that the only special category land is open space.

01:00:01:01 - 01:00:02:09

Can I just confirm that?

01:00:04:28 - 01:00:12:19

Clapper, the applicant? Yes, that's correct. Its open space and the open space is located at the foreshore and beach landfill.

01:00:13:05 - 01:00:40:27

Yes, it consists of ten plots and of those, as I can see it from the land plans. Possession is sought for three of the plots and the remaining four plots. Compulsory acquisition is sought for the acquisition of new rights and the imposition of restrictions. Can I just given that is the case, can I just check that signature? Only seeking the acquisition of rights in land would therefore section one treaty only apply or in your opinion, to section 131 also apply.

01:00:42:19 - 01:01:06:26

For the applicant? Yes, that's correct, because it is the acquisition of new rights only. Then it's section one, three two of the Planning Act two that applies in relation to the compulsory act and the temporary use powers. They are not triggered by the request for temporary use powers. So section 132 only applies in relation to the blue coloured plots and not the yellow plots.

01:01:07:29 - 01:01:14:26

On that basis, could you just briefly set out why you think and how it meets the test of Section one, three, two?

01:01:16:19 - 01:01:53:26

For the applicant. Yes, the applicant considers that the requirements of section 132, subsection three are satisfied because the land, when burdened with rights, will be no less advantageous to the public than it was before. And this is based on the fact that the cables will be constructed using horizontal directional drilling or another form of trench technology, and therefore there will be no restrictions on the availability of the open space for use by members of the public. And once the cables are in place, there may be some temporary restrictions for health and safety purposes during the actual drilling operations themselves.

01:01:54:05 - 01:02:03:04

But once they have been completed, there won't be any interference with the public recreational use of the open space on an ongoing basis.

01:02:05:09 - 01:02:18:04

That's the main impact in terms of public uses, the coastal path in this location and is that being diverted during the temporary works or while the works are being installed?

01:02:20:21 - 01:02:34:21

That protects the applicant. The applicant has sought powers within its DCO to divert the coastal path if required for safety reasons during construction. At the moment, it's.

01:02:36:08 - 01:03:00:12

Still a footpath. The actual coastal path has not yet been put in place, but it may well have been done so between now and the commencement of construction. But the powers sought in the DCO provide

for a situation where the existing footpath has been up upgraded, as it were, to form part of the English coastal path.

01:03:01:07 - 01:03:01:25

I think

01:03:03:12 - 01:03:23:02

if I can then move on to item five, which is temporary possession and compulsory acquisition. I just wanted to raise a general concern that there's been an increasing concern by extending authorities to applications fitted out in consent, have been trying to use temporary possession powers rather than compulsory acquisition powers

01:03:24:19 - 01:03:32:21

as per the agenda. As the applicant briefly set out how they decided whether a plot would be needed for compulsory acquisition or whether temporary possession would be used.

01:03:35:20 - 01:03:36:25

Clapper, the applicant.

01:03:38:13 - 01:04:13:19

Japan has sought to acquire the minimum amount of land necessary in order to deliver its project, where only temporary possession powers are required, for example, and for access during construction and for construction compounds. Then temporary possession powers only have been sought and those the parts that are shown coloured yellow on the land plans. Temporary possession powers can also be taken over any of the land that shown coloured blue or pink on the land plan. So the powers set out in articles 28 and 29 also apply to the Blue Land.

01:04:13:27 - 01:04:51:08

And the intention is that in the event that compulsory acquisition powers needed to be exercised, which hopefully is unlikely given the number of voluntary agreements, but the working area would be entered into entered. Using the temporary use powers and then permanent rights would be sought over the land that is required on a permanent basis for the onshore cables. And that's so as to ensure that only the minimum amount of land is required on a permanent basis going forward based on the need to microsite the cables within.

01:04:52:08 - 01:04:52:28

The corridor.

01:04:56:17 - 01:05:20:28

If I can then move on to item six on the agenda, which is securing the habitat regulation assessment compensation measures that have been advanced on without prejudice basis. The applicant has proposed and without prejudice basis a number of compensation measures for HRA. And I just want to clarify whether any of these measures which require the compulsory acquisition or possession of land to enable them to be delivered.

01:05:22:22 - 01:05:30:12

This is obviously on a without prejudice basis because obviously we are clearly aware at the moment that the applicant believes that these measures are not needed.

01:05:33:15 - 01:05:47:19

Approach the applicant and the applicant isn't seeking any compulsory acquisition or temporary use powers in relation to land for the delivery of any onshore or compensation measures that may be selected if required.

01:05:49:25 - 01:06:23:00

And that the approach taken by the applicant in this regard is consistent with the approach to the delivery of compensation measures on other offshore wind farm projects, notably Hornsea three, Norfolk Vanguard and Norfolk Piraeus. And as we set out in the response to your first written question, HRA 1.3 for the intention if onshore property rights are required to deliver compensation measures, the applicant would seek to enter into a voluntary agreement with the landowner.

01:06:23:24 - 01:06:28:10

However, if as a last resort, in the event that it was not possible to obtain

01:06:30:01 - 01:06:42:11

land rights by voluntary agreement, then the applicant would be able to utilise its compulsory acquisition powers under the Electricity Act 1989, should that be necessary in order to deliver the compensation measure.

01:06:43:16 - 01:06:50:13

Okay. You're confident that if you can't do it voluntarily, there is a fallback position of being able to do it through compulsory possession.

01:06:51:25 - 01:06:53:23

To the applicant? Yes, that's correct.

01:06:54:07 - 01:07:09:12

So on that basis, the examining authority could be confident that the measures that you referred to that may require the onshore compensation measures that may require land could be secured collaboratively.

01:07:09:21 - 01:07:12:09

Yes, that's correct. The applicants are confident they can be delivered.

01:07:13:02 - 01:07:21:04

Okay. You talked about. Onshore. Is there anything offshore that would require a compulsory acquisition or temporary possession?

01:07:23:03 - 01:07:28:15

The applicant no. The applicant would not be seeking compulsory acquisition rights for offshore measures.

01:07:30:01 - 01:08:00:07

If I can then move on to item seven, which is funding. The agenda was drafted before deadline two, so funding was included on a precautionary basis. I can confirm that the examining authority are satisfied with the response by the applicant to report to oh 38 and to question Camp 16 and the fact that you've also submitted updated documents at deadline two. So he's no longer want to ask any questions with regards to this matter.

01:08:00:25 - 01:08:15:02

So I'm just going to check before I hand back to Mr. Jones to deal with the remaining items on the agenda as to whether there is anything else that any any of the parties have attending today want to raise with regards to compulsory acquisition or temporary possession.

01:08:18:24 - 01:08:21:29

I can see no hand raised. So I'm going to press back to Mr. Jones.

01:08:23:05 - 01:08:44:00

Thank you, Ms.. Dowling. I shall not engage with item eight, which is the action points arising from today. They are all for the applicant, and the applicant will no doubt be very pleased to know that we've got far fewer than from yesterday's meeting. So I intend to go through them orally now rather than wait wait to publish them.

01:08:45:24 - 01:09:08:24

I'm the first one I've got is, as I said, for the applicant, they're all for the applicant. It's for the statement of need to be updated to account for the recently published Energy Security Strategy, plus any other new policy or guidance that may arise between now and deadline seven. So the applicant to provide a commentary on that by deadline seven.

01:09:13:20 - 01:09:36:06

We've got action point too, which is further rich in clarification to be provided to justify the inclusion of those sections of land. It was down in referred to depicted in sheet one sheet spec sheet just 11 on sheet 19. And that's for the applicant to provide by deadline three, if possible, which is the 21st of April.

01:09:37:26 - 01:10:12:15

The next three action points are lumped together dealing with them now, and that is for the applicant to use its best endeavours to give a gentle nudge to the parties where land agreement has been concluded, or the applicant is saying that you've concluded land agreements just for those parties to write in to us, please, so that we can close that loop in terms of an audit trail, to say that, you know, both sides have now confirmed that land agreements have been completed and those are for the health and Family Trust, Mr.

01:10:12:17 - 01:10:45:12

and Mrs. Forman and Mr. and Mrs. Goatley, and that those are all to be done by the applicant and really by the parties. But the applicant to, as I said, give them a gentle nudge for those positions to be confirmed before the close of the examination. And the final action point that I've got at the moment is for the applicant to provide a statement clarifying how the proposed development can proceed if prime consent is not secured, and that would be by the close of the examination.

01:10:45:14 - 01:10:55:28

So presumably deadline eight, certainly no later than deadline eight, which is the 18th of August 2022. So those are the ones that I have got.

01:10:57:22 - 01:11:18:27

Are there any other action points that anybody else picked up? Well, obviously the saying we'll have a discussion before we finally publish this action point. So there may be something else arising. But if any representatives from the applicant or East Riding had anything else that they wish to discuss tonight and please do so.

01:11:23:12 - 01:11:45:25

If I don't not see any hands, in which case I'll move on to agenda item nine, which is any other business. We've not been notified that anyone wishes to raise any other business that is relevant to the hearing. But before we close, can I just ask if there are any other matters that any party wishes to raise? Please indicate by raising your hand on teams.

01:11:50:28 - 01:11:52:10

Not seeing anything.

01:11:56:22 - 01:12:28:07

Okay. Which is now brings me to agenda item ten, which is the close of hearing. If there are no other items that are relevant to this hearing, may I remind you that the timetable for this examination requires that parties provide any post hearing documents on or before deadline three, which is Thursday, the 21st of April 2022. So a week tomorrow. May I also remind you that the recording of this hearing will be placed on the Inspectorate's website as soon as practicable after this hearing.

01:12:29:21 - 01:13:01:04

The next virtual event for this application will be issue specific here in to on onshore environmental matters which be held which will be held on Tuesday, the 26th of April 2022. We haven't quite yet got the agenda for that on the national infrastructure webpage, but we're hoping to by close of play today. And I'd also like to take this opportunity to remind you that this meeting would start slightly earlier than than is customary. It's a 930 in the morning start, please.

01:13:01:06 - 01:13:28:07

Not the customary 10:00. So 930 for issue specific hearing to on Tuesday, the 26th of April. Before we close, we would like to thank you all for today's participation, for your time and assistance during the course of the hearing. We shall consider all of your responses carefully, and they will inform the examination examining authorities decision whether further written questions and or a further round of hearings will be necessary.

01:13:29:24 - 01:13:40:25

The time is nine 11:13 on this compulsory acquisition hearing for the proposed Hornsea project. Four offshore wind farm is now closed. Thank you.