



## Hearing Transcript

<b>Project:</b>	Five Estuaries Offshore Wind Farm
<b>Hearing:</b>	Compulsory Acquisition Hearing 1 (CAH1) – Part 2
<b>Date:</b>	17 September 2024

**Please note:** This document is intended to assist Interested Parties.

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

## Five Estuaries\_Wivenhoe\_17 Sept\_CAH1\_PT2

Created on: 2024-09-17 15:37:40

Project Length: 01:37:28

File Name: Five Estuaries\_Wivenhoe\_17 Sept\_CAH1\_PT2

File Length: 01:37:28

FULL TRANSCRIPT (with timecode)

00:00:05:05 - 00:00:09:12

And it's 4:25. So this hearing is resuming.

00:00:12:20 - 00:00:45:27

Um, I forewarned that there might be a technical question or two. We've now reached those, and I think what I'm going to do to shorten the process a little bit is just turn to the applicant and ask that a note be produced in respect of a couple of items that are now going to follow. Um, the first item relates to some, um, sort of contracting type issues. Um, it would be of assistance to us to particularly understand, um, the temporary position powers that are being sought.

00:00:46:10 - 00:01:41:11

If we can have a note that explains, um, contractor responsible responsibility, whether or not you're going to have one main contractor who is going to be responsible for civils, um, Earthworks, etc. perhaps then, um, with more specialized contractors dealing with the electrical stuff or whether there going to be multiple contracts. Um, we'd also like to have a better understanding of sequencing of works, whether the trenching, duct installation, cable pulling are gonna, in effect, progress in a linear fashion, perhaps starting from landfall, working in shore to the substation site, or vice versa, or whether potentially you're going to, um, have the route, the cable route in particular, divided into sections with concurrent working in each section.

00:01:45:17 - 00:01:56:27

Well, let me get you for that. I'm sorry. I'm afraid it's not actually possible to produce a needle that gives you the benefit of answers to these times, because we would be prejudging the procurement of those contractors, which we can't do at this stage.

00:01:58:06 - 00:02:01:00

Well, you must have some idea about how this

00:02:02:20 - 00:02:04:23

is going to be constructed.

00:02:07:23 - 00:02:08:12

Alice may not.

00:02:08:14 - 00:02:30:29

Speaking on behalf of the applicant. We do have an idea of the options. We are currently investigating the contracting strategies. This hasn't been finalized. That what what we would be able to do is to outline the various options. Uh, the the actor might know what they those options could be. Um, but we're not able to confirm that at this point.

00:02:32:15 - 00:02:33:06

I mean, certainly.

00:02:33:08 - 00:02:38:25

Would be useful to know what the options are, particularly in terms of sequencing. Um.

00:02:39:21 - 00:03:04:10

Yes. Sorry, I was uh, my answer was referring to contracting strategies and environmental contractors. Yes. At the moment we are retaining the flexibility to do concurrent working in different sections. Uh, the need for that is partly due to, uh, well, timing of the works. I'm trying to, you know, make sure that we do the most appropriate works in the most appropriate sections at the best time of year.

00:03:05:28 - 00:03:10:06

We can't necessarily start from one side and then go linearly up

00:03:11:21 - 00:03:14:03

to the cable to the substation. Yeah.

00:03:14:21 - 00:03:47:01

I say it it would be of assistance to us to understand what the sort of sequencing is likely to be. Um, and I'm going to ask if we can have sheep for of the lamb plans, which is 8008 up on screen. I'm hoping I've selected a neutral land plot just to have a look at I-1 that nobody's raising vehement objections to in terms of affected persons who have actually made, um, submissions up to this point.

00:03:47:15 - 00:03:50:02

So if we can have that plan up.

00:03:58:00 - 00:04:07:29

Is it possible to enlarge it a bit? I know which pot I'm looking for, which is 03014, which I think is actually in effect in the bend.

00:04:12:20 - 00:04:27:03

And really the point again, would like covered in the technical note is some sort of indication as to how long, um, the temporary possession period would be to undertake works in that plot.

00:04:31:04 - 00:04:45:03

And I presume you must have an idea in terms of a linear meter, ten metres, 100m, how long it takes in those ground conditions to do the trenching, the duct installation.

00:04:51:18 - 00:05:27:00

The reason I selected that plot was. It seems to be a reasonably lengthy plot, but it can be found on one sheet, and it's possible to see field boundaries and its relationship to adjoining land. Some of the other plots. When you look on sheets, they span several sheets, and it's actually quite difficult, um, to see how they relate to other field boundaries and in some instances not helped by on some sheets we get into information which seems to obliterate a lot of the field boundary information and or relationship to the adjoining public highway.

00:05:39:27 - 00:05:56:29

So I'm not necessarily looking for an answer now, but I think if that could be used as an example within the technical note, to give an indication of how long it would be expected a plot of that length would take to complete in terms of.

00:05:59:12 - 00:06:07:21

Tunnel, trench formation, lane ducting, um and then potentially how long it takes to pull the cable

00:06:09:14 - 00:06:09:29

in

00:06:11:07 - 00:06:12:21

and then revert the land.

00:06:14:27 - 00:06:45:23

Let me get you for that. Um, we are quite reluctant to start trying to give times for individual plots. Um, we are quite reluctant to go over the timescales already indicated in both the EA's and the Land rates tracker, when this length of temporary position was raised before, partly because we do not want to mislead people. Um, if we find something in that plot that we don't know is there, we could be there longer if we have a really adverse way that we could be there along, or we are trying to do this. If you're not quite challenging.

00:06:45:25 - 00:07:16:27

If you're not prepared to do it on a plot basis, we do need an indication. using reasonable assumptions about ground conditions for this, um, cable corridor. And I presume the ground conditions don't vary that much from landfill to substation. Um, because we know that we've either got grade one agricultural land or we've got grade three. Um, you must be able to give an indication of how long you think works will take.

00:07:18:11 - 00:07:23:27

Uh, Paul McKinney for the applicant. Yes, we can. We can give indications that they will be subject to caveats. So.

00:07:26:16 - 00:07:41:08

Yeah, I fully understand, having worked on other engineering projects, that until space start hitting the ground, uh, things can be encountered. Um, but we I think it's reasonable to ask, um, that we get some indication. Um,

00:07:42:27 - 00:08:06:29

I don't know how you want to do it. And then you're ten metres, 100m km, whatever. Yeah. I mean, at this stage, do you have a feel for how a contractor might subdivide the work site up in terms of how they how they will break it? Will they look at it across the length or two kilometres at a go? How will they generally phase the work?

00:08:07:11 - 00:08:25:00

I was not speaking on behalf of the applicant is going to really depend on the fields, the field boundaries. Most of the majority are sort of the field boundaries seem to be within the 500 metre ish, which would be one cable circuit, one cable, because about 500m is about the length that you can get on one cable drum.

00:08:26:15 - 00:08:38:12

But, uh, the applicant is willing to provide some sort of generic, uh, outline of length of times and durations for certain activities, but obviously with the necessary caveats. Yeah.

00:08:40:05 - 00:08:41:19

If assistance and.

00:08:45:02 - 00:08:48:10

So this note will also it covers some sequencing information.

00:08:51:07 - 00:09:02:28

Alice Maynard again. Um, yes, we can. We can put it all into one note if that would be preferable. The sequencing. Okay, so so one note with the sequencing and a bit of high level indicative timelines. Yeah.

00:09:03:04 - 00:09:09:09

Because this note is likely to also inform um when we look at agricultural issues.

00:09:09:21 - 00:09:21:13

Yes I think we've we will we have done some of this work before for this DCO. It might be in other documents that. Yeah I haven't come to one have been submitted. Thank you.

00:09:29:26 - 00:09:46:18

Right then we come to the second technical note. Um, and this really we're looking for some assistance in understanding how the applicant's gone about balancing, if you like, farming needs versus engineering practicalities. Um.

00:09:51:04 - 00:09:58:17

And therefore, whether there is or is not scope for reducing the number of trenches and all the substations. So we'd like this note to cover

00:10:00:06 - 00:10:07:29

each of five estuaries. And North Falls would need two cable trenches with three power cables per trench.

00:10:10:05 - 00:10:21:13

And therefore why, um, trench and or cable sharing is not possible. So again, there may well be technical reasons or procurement reasons. We'd like to know what those technical reasons are. I mean

00:10:23:09 - 00:10:54:15

we'd also like some assistance with um, in terms of the geometry for cabling, whether there there's a set radii beyond which you cannot go, so you can't have a right angled turn, that sort of thing. So what the limitations are, uh, the frequency of um, in effect, maintenance or inspection chambers because there's been an issue raised about. The number of chambers and what effect they might have on being able to reuse the land, particularly when it's farming land.

00:11:01:01 - 00:11:12:22

Um, we'd also like this note to cover why cable pulling is will be done by each project, or would be undertaken by each project. Why it can't be done concurrently.

00:11:18:29 - 00:11:23:24

Um, we'd also like to understand why each project needs its own substation.

00:11:27:07 - 00:11:33:10

Might and why? Even if two substations are required, they can't actually share a single site.

00:11:39:21 - 00:11:40:06

Um,

00:11:41:18 - 00:12:02:21

the coordination document at AWP. 263. A paragraph 3.2. ten. Um, it talks about there being different technical requirements for five estuaries and North Falls, but doesn't actually allude to what those different technical differences are. So it would assist to understand what they are.

00:12:10:02 - 00:12:22:02

And then finally, I think it's finally yeah. On on substations. Why there has to be a separate national grid electricity transmission substation.

00:12:27:03 - 00:12:31:22

And this may not for the applicant. Can the XO please repeat that question?

00:12:31:24 - 00:12:47:23

Yeah. What. Why National grid needs a separate substation. So why in effect, there needs to be three substation sites. Again, there may well be technical and or procurement reasons for it, but we'd like to understand precisely what those reasons are.

00:12:55:09 - 00:13:10:20

I'll make do with that. So coming back at the end and the action points to picking up when you want these notes, because our concern with this is we can provide this detail, but we're going to have to run some of it past North Walls and National Grid before we do it, to ensure that they agree with what we're telling you, and that will slow down the production of it slightly.

00:13:11:16 - 00:13:39:24

Well, certainly when we get to action, we'll we'll talk about timetabling. Um, and it may well be, as you say, that we might suggest a deadline that doesn't work and it'll have to follow on, and it may well be that it has to be mid deadline. And so at least. And then if it's between deadlines it would be an additional submission, which I'm quite sure my colleagues and I will accept because we've asked for it. But we we would want to see it as soon as possible.

00:13:55:11 - 00:14:28:17

My next question I think we've partly covered in earlier submissions from the applicant in terms of why you consider you need to acquire acquisition rights over the whole of the, um, East Anglia connection node site. Um, and if I recall correctly, from what you said earlier, it's likely that five estuaries would do its own works within the National Grid site to, in effect, effect a connection.

00:14:28:19 - 00:14:35:17

Although I think you also went on to say it is possible that National Grid can do those works.

00:14:39:02 - 00:14:58:21

That's just a theoretical statement. You know, somebody is doing some works. They need to be done. I'm not saying, um, I wasn't saying or intending to mean, but that is on. That is not the basis on which the, um, connection agreement is with National Grid.

00:15:02:13 - 00:15:33:03

Uh, so at the moment, we have to get our cables to the connection point in the connection where they specify for us, regardless of where that is within that site, there is absolutely no proposal at the moment that National Grid would do any of the works outside that connection point on the boundary to their substation site. And that is the, um, that is the basis on which we are currently negotiating with National Grid around things like protective provisions within that area. That is the shared understanding of how this would work.

00:15:38:11 - 00:16:08:25

It would also help us to understand, in terms of sequencing on the National Grid site, what happens to National Grid. In effect, start work first and you follow. Or can your works be done? And having determined National Grid, having determined the connection point, you can do your works and they can affect work around you. If they come later in the queue. You may not be able to answer that question now, but we'd certainly like to understand that.

00:16:08:29 - 00:16:48:06

I can tell you what the intention is. So the intention is that National Grid, although their DCO is intended to be applied for later than ours, would start work earlier because they don't, for example, have to go through the CFD process. The even if that did not happen, we would do the HDD under the adjacent highway into that site at the time that suited our build programme, and may stop there until they define the connection point. And we know the final route. We wouldn't put the final cables in until we know where they're going because we wouldn't, for example, want to take them around the wrong side of the site or unnecessarily create a cable crossing with somebody else.

00:16:48:08 - 00:17:05:08

So there's only there's only really an option of do we know what our final connection point is at the time we start or don't we. And that will determine whether or not we do an interim step or stopping at the end of the HDD, or just doing all of that work to the connection point.

00:17:47:05 - 00:18:06:27

So if I've answered to that correctly, you wouldn't exercise your acquisition rights for the main body of the National Grid site until they've actually got on site and starting works, so they would have acquired the site.

00:18:08:24 - 00:18:10:24

So why

00:18:12:12 - 00:18:32:00

does five series need to acquire rights? Is there not some way, under the contractual arrangement, that the two parties have got for five estuaries, just to be able to install whatever it needs to install to make the connection without needing to acquire rights.

00:18:33:13 - 00:19:15:03

For the applicant and some reason no. The connection agreement applies from the point of connection and in the National Grid substation. Um, there's there's a couple of bits of uncertainty there. First of all, exactly how much of that site National Grid would acquire and then therefore would be in a position to give us rights over had they acquired it. And then there is a timing point and that use of CCA powers is time limited. Um, and if we had, if we had to take the rights to preserve those powers because for some reason National Grid fallen behind, we couldn't wait on them because we don't know what the gap we would have to cover would be until we know what they are acquiring.

00:19:15:25 - 00:19:51:18

Um, we would also want to keep the rights of fallback, for example, for unknown interests in that land if there was ever a problem. We we are in the middle of having this discussion with National Grid about how each project's compulsory acquisition in this area would work together and how we would protect each other. That note is not quite finalized yet, but it is an active discussion that is ongoing between us, and we are hoping to reach a conclusion of that so that we can come to you with a joint understanding of how this would actually work in practice in that site. At the moment, I cannot speak for that paper is not yet agreed, and I can't speak for National Grid's view of that.

00:19:51:20 - 00:19:59:03

But there are those two points thereof. We don't know exactly where their substation boundary and land acquisition will be, and we cannot guarantee their timing.

00:20:31:12 - 00:20:33:16

I'm still struggling slightly because.

00:20:36:07 - 00:20:56:15



If National Grid are going to have to do their works, or at least have started on site before, um, they can in effect say, okay, you're going to be able to provide a connection at point, whatever you're going to. Therefore, five streams will follow. Once you get into the main body of the National Grid site.

00:21:00:26 - 00:21:07:07

I'm sorry, I didn't say National Grid, but I had started where you said they have to finalize their design and tell us where our connection point will be.

00:21:09:21 - 00:21:17:10

Because we do not know where in this site we are taking our cables to, and therefore what our access route will be until National Grid tells where our connection point is.

00:21:20:18 - 00:21:56:27

Okay. I think what we'll use usefully again, either as part of the same technical note that's dealing with substations and whatnot and cabling or as a separate note, and it might be it needs to be a separate note that you, in effect, jointly present with National Grid. That explains precisely what's going to happen, what the likely sequencing is going to be and why. Um, five trees consider you need to acquire, uh, rights over the whole of the site that National Grid will potentially, uh, acquire at some future date.

00:21:58:22 - 00:22:20:12

Uh, we will produce a note, but can I can I just point out we do not. National grid not submitted their application. Therefore we don't know that they're going to acquire all of this site or seek compulsory powers to acquire all of this site. They may not they may only acquire part of it. That's an uncertainty. And I can give you scenarios for the sequencing, but I can't commit to one at this stage.

00:22:20:14 - 00:22:46:27

Just just sitting here understanding your your your situation, it just seems rather strange that you don't just seek powers to, in effect, cross the road and hit the boundary with the adjoining land so that I can. Connection can then be facilitated over whatever land ultimately becomes the National Grid substation if it gets consented.

00:22:47:24 - 00:22:50:20

Because there could be a gap, so they might not quite up to the boundary.

00:22:52:12 - 00:22:57:10

They haven't committed to acquiring that whole site. They might only acquire a part of it.

00:23:00:16 - 00:23:16:06

I mean, this this doesn't sound much in the way of a particularly well thought. Through a set of coordination arrangements, the National Grid must have a fairly good idea of where they wish to put their substation,

00:23:17:24 - 00:23:23:03

and that how you and potentially North Falls would then need to connect into that substation.

00:23:25:15 - 00:23:50:18

Oh my goodness. Applicant National Grid have just concluded their statutory consultation on this. So they would have been pre determining the outcome of that to to put a final substation location. And that's that. They have an area, they have an area that they would site it within the precise orientation within that area and how it would work and what they need in terms of, for example, landscaping. They haven't got to that level of detail yet. They can't tell us that yet. They're still working on it.

00:23:50:23 - 00:24:02:01

Do we have an idea when they might get to that level of detail? Is that going to be during the life of this examination, or will it be after this examination closes?

00:24:05:11 - 00:24:39:21

Julian Bussell for the applicant. Um, I can't answer that question, but I would like to make a broader point that this is not the first time that a project like ours has faced a challenge like this. And I'd just like to briefly mention this position at Norwich Main. So, um, we purchase them and promoted the Equinor, Sheringham and Dudgeon extensions that was granted earlier this year. When we came to look at that site, we were confronted with what, um, Orsted's Hornsea Project Three had had to do at that substation.

00:24:39:23 - 00:25:11:20

This is the large existing substation. And if you look at the, um, the land plans for Hornsea Three, um, they virtually surround the entire substation and with, with a large swathe of, of land. And the reason that the Hornsea Three had to do that was because they were simply coping with the uncertainty of where they would be put in to the existing substation, because there was prolonged uncertainty from National Grid to Hornsea Three as to where they were going.

00:25:11:22 - 00:25:46:13

So they had no choice but to take a precautionary approach and put a large amount of land that completely surrounded that. Then we came along connecting to the same substation. So Equinor came along a bit a bit later connecting to the same substation. And we it's it's you know, it's a matter of public record that we couldn't get enough certainty as to where we were going to connect, even though Hornsea Three was already granted, even though they were significantly ahead of us in the development cycle.

00:25:46:19 - 00:26:44:22

We then had Equinor, then had to put in a huge area overlapping with Hornsea Three to cope with the same uncertainty, plus also having to cope with the fact that that that substation was potentially going to be extended. Um, and in fact, his, his, his is being extended. So this is not the first time that developers have been faced with the uncertainty of what what. And this isn't intended to be a criticism of National Grid that there is just there is just inherent uncertainty in these situations where we have no choice as a developer to, um, to adopt a precautionary approach, a proportionate but precautionary approach to the rights that we might need, because the downside is that we get it wrong and then we have to come back and seek a material change to the DCO, which which is a very lengthy exercise as, as, as I'm sure you know.

00:26:44:24 - 00:27:23:13

And so in the end, we will only ever take the land that we need, which we accept, of course, is a relatively small proportion of the area that we're seeking rights over. Um, and yes, it does mean that, um, the landowners in question for what is agricultural land and there's not any proposal other than the national grid that I'm aware of in relation to, to to that location. It might be that, that that there was a greater impact if there was, um, that we are, that we are, um, necessarily having to adopt, um, you know, an approach that responds to that, to that uncertainty.

00:27:23:15 - 00:27:55:25

And so, um, and I just, I guess I just want to make it clear that we aren't going to be changing our approach because we, we, we have no choice but to follow the approach that we're doing. As miss McGinnis indicated, we are in substantial, ongoing dialogue with National Grid and with North Falls in relation to these matters. But we don't have any, um, looking to my right. We don't have any expectation of refining our red line going forward. Um, prior to prior to decision.

00:27:55:27 - 00:28:00:26

And I think it's important that we that we sort of make you aware of that.

00:28:40:29 - 00:28:49:24

That will be set out in writing in the, um, following on from this hearing. So we've got that clearly as a position for the applicant.

00:28:58:20 - 00:29:04:10

Right. Turning to the Offshore Connection Support scheme and the submissions that you made.

00:29:06:04 - 00:29:38:26

Um, a procedural deadline D, which indicated that as of the 3rd of September, the Secretary of state, I presume, for energy had made a decision, um, that funding would not be made available for a connection between Sealink, um, that could be used by five estuaries and North Falls. Um, can the applicant explain how that Secretary of State decision was communicated? Um, because there's nothing that you attached, um, in your deadline submissions.

00:29:39:03 - 00:29:42:09

I mean, was it a letter? Was it a ministerial statement?

00:29:55:15 - 00:29:58:10

Sorry. Julian Boswell for the applicant. I'm going to ask.

00:30:00:20 - 00:30:02:09

Um. Um,

00:30:04:08 - 00:30:11:28

project lead, um, to address that. But can I just clarify because the the funding in question

00:30:13:17 - 00:30:32:15

Wasn't was simply, um, further funding to develop the. Yeah. The idea, as it were. You have to realize just how limited that the purpose of that funding was. Um, so it was to explore a development scenario possibility. What if.

00:30:32:20 - 00:30:51:11

If I understand correctly, in effect, the possibility of making connection to, uh, ceiling has in effect, been terminated? Is that correct? Yes. Yeah. I mean, that's the main point. And really what what we're asking is how that decision was communicated.

00:30:52:21 - 00:30:55:29

I'll ask, um, as mayor to do that.

00:30:56:06 - 00:31:29:21

Okay. Uh, Diane Miller for the applicant. Uh, so we have been in discussions with designees for the period, uh, of the Oaks. Uh, we submitted our, um, the Arab Report and the feasibility study to designees in March. And so we've had ongoing dialogue with Dennis in terms of the outcome and whether the Secretary of State would grant funding for the second stage. That was obviously delayed as a result of the election.

00:31:30:02 - 00:32:00:03

And then after the election, the matter was put to the new secretary, secretary of state. And we have had dialogues with Dennis, but it has been communicated through Disney's. Um, and then, uh, we that they did did provide, uh, letters to the local MPs in the area and uh, did develop a reactive statement. Um, and we have put a statement on our website in relation to that response.

00:32:00:05 - 00:32:05:19

But the communication has largely been through, um, through dialogue with Dennis.

00:32:15:24 - 00:32:38:25

I think what the examining authority is going to ask, and it might be that the applicant is going to have to go back to Disney's. Either we need to see one of the letters that went to an MP or MPs, or we'd ask that you ask Disney's to produce something that confirms what the position is, so that that can be submitted formally. Um, as the Secretary of State's position.

00:32:40:00 - 00:32:56:03

Uh, Diane Miller for the applicant, uh, I believe Disney has also sent a letter to the councils, to the local councils. So there may be a copy of that letter that would be available for the examining authority.

00:32:56:15 - 00:33:20:05

Thank you, sir. Mark Wood County Council. Letter dated 3rd of September 2024, which I believe went to all affected authorities, including Essex County Council. Signed by Paul van Hannigan, deputy director, Electric Network strategy and Regulatory Policy. I can send a copy of that letter across to the applicants as you've asked them to present.

00:33:20:07 - 00:33:44:28

Um, or as as you or your authority hold a copy of it. If you can make a a submission directly to us rather than passing it through. Certainly, if you're prepared to do that, um, that that would at least provide some written clarity clarification for us, um, that it's come from the department and it's clearly in the public domain.

00:33:47:27 - 00:33:48:21

Yes, sir. Thank you.

00:34:14:12 - 00:34:50:06

Um and also accompanying, um, your deadline submissions. Um, you provided for short form. I'll just call it the Arab Report because it's got quite a lengthy title. Um, and it's described as an independent report, um, that was jointly commissioned, designed to send it by National Grid five Estuaries and North Falls. Um, certainly the report that we've seen doesn't explain the terms of reference, um, that that Arab were working under.

00:34:51:04 - 00:35:00:19

Um, so can you explain precisely what independent means in that context of that report having been commissioned and then produced?

00:35:07:03 - 00:35:26:11

I mean, not speaking for the applicant. Uh, the term independent there means that ARP were given a scope of work, and they to investigate the feasibility and the constraints in relation to connecting to Sealink, and then they were left to come to their own conclusions.

00:36:09:05 - 00:36:45:00

I think you briefly touched on the next question earlier. Um, so again, I think this is really just a point for reiteration in the note in terms of alternatives. Uh, to the to the exercise of compulsory acquisition powers. I think you explained earlier there is the voluntary route which you're still exploring. Um, so I think that has really covered that point, but I'm going to ask the affected persons whether any of them have any comment to make on alternative to the applicant seeking compulsory acquisition.

00:36:45:04 - 00:36:50:28

So are there any effective persons who wish to comment on any possible alternatives?

00:36:58:27 - 00:37:00:08

Yeah. Mr. Gold.

00:37:00:28 - 00:37:01:28

That's very kind.

00:37:02:08 - 00:37:40:06

Um opposition as Cobra missed is that we hope for a voluntary agreement and we are fully wanting to cooperate and fully in support of the scheme. Our difficulty, though, in commenting about, um, compulsory purchase and all of that sort of thing is at the moment we haven't been given any detail. We know roughly the plan, um, that that was required initially we were told 50 told six hectares, and then it turned out to be about three times that. But now there seems to be changing back again. But we

have no idea at all when they're asking about restrictive covenants, um, and the like, what restrictive covenants they're seeking.

00:37:40:21 - 00:38:15:13

Um, we have no idea of any heads of terms. We have no idea what the what option agreement is being proposed. Um, and we also became apparent this morning about the awful situation. So we don't know what is happening there and whether we're going to be doubling up or having something completely different. Um, the other thing relation to survey. Um, we note from all the, um, requests regarding, um, surveys and what's necessary on our land is that, um, we want to cooperate on that.

00:38:15:15 - 00:38:46:08

But the trouble is that what is advanced was proposed was a one sided agreement, effectively for £250 for ever and a day for 40 years. They could come all over our land, which is subject to health and safety aspects. We have 12 towers up to 340ft high. Some of them have national security infrastructure implications, and there was no right for us to terminate. Um, but they did have a right to terminate.

00:38:46:10 - 00:39:15:16

And when I said this was subject to legal advice, we were told that it had been drafted so that no legal advice was necessary. Well, as a solicitor, I'm afraid I cast a little bit of a question about that. Anyway, the main question is the relation to. Um, these compulsory purchase paths is we don't yet know what they want compulsory purchase powers over or in relation to what? So, um, it's very difficult for us to come in fully. Thank you. So.

00:39:30:23 - 00:39:47:00

Does the applicant have any response to what Mr. Gold has just said? Um, can you provide any clarity in terms of just how much land you're seeking to acquire? Uh, and how that might change depending on how things progress?

00:39:50:18 - 00:40:01:02

But I should clarify that they have put apparently a notification of intention to change in. But I don't know what's happening to that and what the process is and what happens with that from here.

00:40:03:19 - 00:40:35:15

On on the change because we have got an item later, perhaps if we can come to that and the applicant can explain what they're proposing and how they see that going forward. Uh, certainly I can this is Mr. Goh. Part of the process will be a further consultation with certainly some of the affected landowners and I presume, um, that Covid would be one of those parties that will be consulted in that process. But I think if we can deal with that more in detail when we get to that item, which should be shortly.

00:40:37:01 - 00:41:07:10

Uh, all I can do for the applicant, what is currently before the examination is a wider site within which would be seating six hectares. Following more work and discussion with Mr. Gould, he is absolutely correct. We have notified you of an intention to change that area, um, changing the orientation and taking much of it out. Adding a small part in that then brings us back to the six hectares. I'm not sure

that it's the appropriate time for us to go into exactly what we plan to do on that land, unless you would like to start.

00:41:11:26 - 00:41:15:02

I know what you're going to do on that land, so I'm not worried about that.

00:41:17:05 - 00:41:31:21

I think I think until proposals firm up in terms of what you might be doing on the change request front, then we need not hear any more about it this afternoon. Um, Mr. Gould does seem to understand some of what you're talking to him about at the moment.

00:41:33:27 - 00:41:40:27

Are there any other affected persons who are not seeing anything? Yeah.

00:41:43:28 - 00:42:15:16

It's not necessarily a question, but more I think as landowners we're not necessarily against voluntary agreement. And perhaps the questions that came out at the very beginning. In the first meetings, I think probably were more productive, and they made their position clear that they would be, although they're not happy with the proposal. They're not against agreeing by negotiation, but it's the lack of clarity. I think the applicant sort of talking about they can't make this decision because they don't know this. But that's the same for the farming businesses.

00:42:15:18 - 00:42:33:26

They can't determine whether they're the options or the heads of terms that are being suggested to them are a good deal to take, because the applicant can't give them any clarity on exactly how they're going to be affected. There's a lot of well, we'll have to wait until further down the line or design or it's sort of the same situation.

00:43:19:06 - 00:43:25:12

Does. The applicant wanted something in response to what the families farming have just indicated?

00:43:31:05 - 00:43:52:29

I mean, certainly having read not just fed is a relevant representation, but a number of representations from various farmers. Concern was being raised that, um, there seem to be a lack of clarity about what was being sought. Um, and that Negotiations. Um,

00:43:54:20 - 00:43:58:04

had not been all that, um, forthcoming. Let's put it that way.

00:43:59:03 - 00:44:30:12

Uh, without looking, I think part of the problem may be here that we don't have a detailed design, and we want to have one. At this stage, no project does. We have we have to make assumptions and take a Rochdale envelope approach. Um, we are entirely happy and very willing to meet with the landowners and explain what we do have and listen to their concerns and response. But we will not during this process. And I don't want to raise expectations that we will come up with a detailed design because we want that work will not be done pre consent.

00:45:11:25 - 00:45:12:19

Uh, Mr. Fell.

00:45:14:15 - 00:46:00:23

Uh, apologies. Sorry. Um, yeah. I just wanted to say something. I've. I've been involved in a lot of these, uh, schemes from North side, north of Scotland, and I've seen some pretty poor construction on them, um, where they have worked. Well. And credit to alcohol. McCarron have been involved with some of the ones that have worked there where all roads have been installed and that enables the land take, in my opinion, to be minimised. And I think from the point of view of all the landowners, all what we want is the minimum disruption and Often what is found is that these working rights and temporary acquisition rights are, uh, uh, sometimes overexaggerated because contractors just like it for ease.

00:46:01:12 - 00:46:31:22

And my experience has been is that whatever CPO rights are granted and temporary possession rights are granted, they take those and whether it's needed or not, it's just taken. Um, and I think if if construction principles are followed properly and I think here is proposed to have a whole road, if a whole road is put in place, that massively limits the damage the land and enables you. You were talking about earlier about how speedily can they construct these ducks and put them in the ground.

00:46:31:24 - 00:47:08:00

The answer is pretty quickly if they've got the right infrastructure in their in in the first place. Um, obviously the cable route stays open as I'm moving up and down the Hall Road between crossing points. But, um, I think I think from my point of view is it's about minimizing the amount of land take. And I think what we're all concerned about here is what happens if North Falls doesn't happen. How much of this land was really necessary for five estuaries? Um, obviously we all would much prefer them both to happen at the same time, and for the ducks to be laid in pull thrus may happen later.

00:47:08:12 - 00:47:42:14

Much less construction. Much disturbed as much as issues with drainage and putting drains in just to return them back out again, which is just mindlessly pointless, um, and damaging. So we're all, I think all the landowners would favor that. We just want to have minimal disruption. And therefore, and I'm just concerned that we've got a lot of extra disruption and disruption, as I talked about earlier, about unnecessary connection routes because of ecology reasons and constraints, which in my opinion, shouldn't always outweigh land use.

00:48:00:15 - 00:48:18:11

Did the applicant have a thing? Which is to say in response to Mr. Fell's comments. I do have a few questions about the negotiation process to come to. Hopefully in a few minutes time. I wonder whether it might be worth parking that and we'll deal with those questions. Um.

00:48:20:23 - 00:48:24:23

In a short while. But did the applicant want to say anything in response to Mr. Phil at this point?



00:48:26:21 - 00:48:43:01

Uh, Paula McCurdy for the applicant? Um, I think, sir, it'd probably be more useful to pick up the habitat and ecology points tomorrow in that session, and then maybe circle back to the impact on farming from those decisions, because there are reasons why there are habitats in these hedgerows that are trying to avoid.

00:48:48:07 - 00:48:48:22

Thank you.

00:48:51:09 - 00:48:56:17

Uh, captain. Cool, Mr. fella, are you are you joining us tomorrow or not?

00:48:57:26 - 00:49:00:12

Yes. If you can put up with me, I'll, uh. I'll be there.

00:49:01:00 - 00:49:21:13

It's not that. No, it's just that you'll have the opportunity then if you are attending tomorrow to hear what I said. And then when you make, uh, presuming your written representations on behalf of your clients, um, you'll have that full knowledge and you won't necessarily be relying on listening to recordings, watching recordings and or, uh, not being able to participate.

00:49:22:05 - 00:49:31:26

Uh, don't worry, I'm here tomorrow, so. So that's absolutely fine. I think, you know, we can talk about the negotiations and where they are, and it's always very tricky on that point. Um.

00:49:33:29 - 00:49:39:05

Yeah. Anyway, whether you want to do this or a bit later on, I can comment on that.

00:49:39:07 - 00:49:48:11

I've got a few questions to, I think run runs through before we get to negotiations and the process of negotiation. Um.

00:49:53:21 - 00:50:23:13

I'm also conscious of the time we've reached 5:15. Are parties content to perhaps sit through the latest six just to try and get through? Um, the agenda, I think. Yeah. That's achievable. Yes, I think that's Mr. Gold. Are there any parties objecting to the idea of potentially going through to six? Not seeing anything. So I think we'll we'll try and make that the cut off.

00:50:30:24 - 00:51:07:07

Um, so moving on to then agenda item three three. Um, and that we were going to ask the applicant to give a summary of its position with respect to, uh, in effect, that the powers it's seeking, uh, being a, um, being. That being a compelling case in the public interest, I think we've kind of gleaned through what we've heard already this afternoon. Um, what the applicant's position on that, um, compelling case is, is there anything that the applicant wants to very briefly say in that regard?

00:51:17:26 - 00:51:29:27

I mean, I'm would I be right in thinking you may produce prepared some speaking notes? Might it be easier just to to put those in as a written submission? Uh, and then others can respond to those.

00:51:31:16 - 00:51:45:01

Uh, again, if the applicant. Yes. Very happy to do that. So, um, the other point that we did want to note under this was that we noted that there was a draft first written question around the capacity of the project, which goes to the contribution to it. But okay, that.

00:51:51:03 - 00:52:15:16

I'm doing the affected persons want to make any comments about, um, the case in the public interest at this stage, what are you content to wait and see the written note that the applicant would otherwise have already delivered this afternoon, and then respond to that in due course? I'm certainly seeing from fenders. Yes. Uh, Mr. Feller, you content to proceed on that basis?

00:52:16:05 - 00:52:17:21

Yes. Fine. Yeah, yeah.

00:52:18:12 - 00:52:23:24

Okay. I think that might be a useful way then. Saving a little bit of time.

00:52:25:27 - 00:52:28:19

Right. Coming to to the point that, uh,

00:52:30:07 - 00:52:46:06

was just mentioned in terms of, uh, in effect, capacity, uh, can the applicant assist us with, your grid connection offer. And what that actually means in terms of potential capacity for the development.

00:52:48:27 - 00:53:26:19

The reason we're interested in this is, is we've got a public interest test to consider for compulsory acquisition. We are also going to no doubt under the habitats. Rex have some issues there to consider. So, um, we feel we should have more information about what it is. Um, your scheme is likely to generate um, because if, for example, it was 101 megawatt, i.e. just over the NCP threshold, that might attract a different level of weight, um, in our recommendation to the sector, compared to if we're dealing with hundreds, if not a gigawatt.

00:53:27:15 - 00:53:30:17

So turning to the applicant, can somebody assist, please.

00:53:31:16 - 00:53:56:24

Uh, publicly for the applicant? Um, we did note this in the draft written questions. And we do want to give a full answer in writing. We've prepared a very, very short summary for this, um, session. Our headline position is that the applicant's intended capacity for this project is up to 1080MW, which is the capacity that National Grid is committed to connecting and which appears on the tech register.

00:53:58:18 - 00:54:15:25

Um, as you will note in the other consents and library licenses document that we submitted, there was an indication in that that work was ongoing with Crown Estate on capacity in that work. We provide an update for that submission as well. But that work is ongoing. But the national grid connection is 1080MW.

00:54:51:18 - 00:54:55:09

Next question. I don't think I need to ask because we've already covered that.

00:55:02:13 - 00:55:31:23

I'm moving on to agenda item 3.4, which would be the implications of limiting cap and or temporary possession powers. Um, Mr. Boswell, I think you largely answered what we might have covered in this section earlier. Um, so depending on what you feel, whether you want to rely on what you said previously, um, much nearer or closer to the opening of this hearing.

00:55:33:02 - 00:56:06:18

Julian Boswell for the applicant. Just so I'm clear. We weren't sure that it seemed to us that there were two interpretations of this this heading. One was that it was simply, um, a hook for the sort of debate about whether we it's appropriate for us to have included, um, the, um, North Falls aspects of, of the scheme, in which case we've already, I think, sort of said as much, particularly given the pressure of time as we need to on that.

00:56:06:20 - 00:56:46:11

So we we very much do want to include those powers and wouldn't have any, um, intention or expectation of altering the application that we've, that we've submitted. Um, in terms of a broader challenge, as it were, to our approach to CCA and, and Tpw Then I guess in a similar vein, we are comfortable stroke confident that we have struck the right balance with the different, um, the different powers that we are seeking and the land that we're seeking it over.

00:56:46:13 - 00:57:01:12

And so if those were limited in your recommendation and followed in the decision, then that would be, uh, problematic, potentially a lot more than problematic to the delivery of of the scheme.

00:57:08:00 - 00:57:11:11

Much longer version of that prepared. But I'm not going to read it out.

00:57:17:08 - 00:57:56:15

Yeah. I mean, really, this agenda item comes back to what we discussed earlier, which was in effect for a standalone, um five series versus Verses and five streets plus making provision for cable ducting for North Falls. So we I think we have largely covered, um, this point um, and no doubt what is in your note potentially will find its way into your post hearing submission because it it won't be new information that nobody's heard this afternoon because you've largely covered it much earlier,

00:57:58:09 - 00:58:20:29

I'd thought about whether I should curtail what you said earlier, but I thought it was appropriate knowing that we were likely to come back to it. Um, do any affected persons want to comment on on

this agenda item, or do you want to wait and see? Um, in effect, the full submissions from the applicant post hearing and then respond accordingly?

00:58:23:03 - 00:58:23:18

I'm.

00:58:26:26 - 00:58:30:15

Not seeing anything from Mr. Happy to.

00:58:30:19 - 00:58:35:23

Yeah. Just happy to wait. Yeah. Happy. Happy to wait until for submissions and comment if I need to.

00:58:36:04 - 00:58:39:27

I'm not seeing anything from anybody else that's contrary to that. Okay.

00:58:57:14 - 00:59:01:01

Right. So turning to agenda item three five, which is

00:59:02:24 - 00:59:05:21

the the negotiation process.

00:59:08:08 - 00:59:21:08

Um, can you give us a brief update in terms of how those negotiations have been progressing since the application submission? Um, I presume there is some progress being made.

00:59:34:13 - 00:59:37:26

I mean, we we've seen the land rights tracker.

00:59:42:18 - 00:59:56:13

Julian bosworth, the applicant. I think we had interpreted that heading as wanting us to sort of rehearse the overall approach that we've adopted, you know, throughout rather than an update since submission. And, um.

00:59:58:16 - 01:00:10:04

So we could make some sort of incidental comments on what's happened since submission. But it is it is mostly in the land Rights tracker. So it's whatever assists you the most. So.

01:00:12:12 - 01:00:30:06

Okay. Well, I think what we'll do then is we'll ask the affected persons whether, um, they've got any observations to make about how negotiations have or have not been going. And then we'll ask you to respond. Um, so turning to affected persons. Um, does anybody want to.

01:00:32:15 - 01:00:38:18

Talk to this item in terms of how you consider things have been going? Yeah.

01:00:38:24 - 01:01:08:20

Tamsin fairly for TNR, fairly farming partnership. I think I probably said this earlier, so I'd probably echo the previous point. It's the difficulty in all of this has been the lack of clarity. It's very difficult for a landowner to make a decision and have a productive negotiation when we don't have answers to some of these points. And I appreciate your saying that there detail, but I don't see how we can be expected to come to a decision without that detail. So that's not going to be going to be productive going forwards necessarily.

01:01:13:17 - 01:01:43:14

And I think one other point I'd I'd raise is on sort of heads of terms and things that have come out. Um, I think these were circulated in April of 2024 and as part of the submissions to the questions and things I've seen from the applicant, they've said that they were initially circulated in 2023 to sort of a landowners group, but they weren't actually given to the parties until April of 2024, which is not a particularly long time given that we're now only in September.

01:01:52:24 - 01:01:53:14

Mr. Phil?

01:01:56:15 - 01:02:28:10

Thank you. I think, uh, I would say my experience of other schemes is that we're probably where you would be at this sort of stage of the process, probably, um, the heads, the terms, I would say, as a general rule, are very, very detailed. There's a lot of detail in them. Um, and having worked with Dale McCarron on many of these schemes, I suspect when we look back from the first time we did many years ago to now, there's probably a lot more pages on this heads of terms than there are now.

01:02:28:12 - 01:03:01:15

So I think that's a picking up of the of a lot of the factors. I think there are some really good points in there that are covering the concerns over drainage, um, and land use and restoration and, and let's be honest, the, um, the, the schemes or the, the knowledge centre around all that and getting soil depth, etc., is, is getting better. I think, you know, if this is going to happen, that's our biggest concern. Um, I'm involved with an up in, in Dundee at the moment and it's atrocious.

01:03:01:23 - 01:03:40:18

Um, the, the uh the, the um, not RWA, but the North Falls operators and made a right mess there and, and, um, just demonstrates the, the real concern over management of soils in particular and making sure, you know, especially with diseases, PC and black grass, all that sort of stuff. We've got to make sure we protect it. So I think the heads of terms are good. There are some, some issues, particularly from my client's point of view, about issues over land use, which are obviously just, um, relating to our scheme in particular.

01:03:41:09 - 01:04:11:23

Um, but I would say that the McLaren have been engaging whether or not there's an appetite to get them done. I often sometimes think now maybe I'm getting older and cynical on these that perhaps trying to negotiate option and leases, uh, easements is, you know, we go into too much detail. And really, if you just focus on the broader things and let the CPO come through because it's going to be if

it goes through anyway, why spend a lot of time in Africa and all that? But that's maybe me being cynical.

01:04:11:25 - 01:04:37:09

But anyway, there's more that can be done, as always the case. But whether we can get to, in our point of view, whether we can get to a satisfactory conclusion that covers all our points, we might not be because of some of the requirements not to, uh, proceed with certain development proposals that we want to proceed with. And that's obviously specific to us, but it is limiting. And we couldn't at the moment sign those heads of terms for that reason.

01:04:45:10 - 01:04:46:05

Mr.. Gold.

01:04:59:24 - 01:05:05:05

Mr.. Go, did you want to speak to this item? Your your hand is showing. Sorry.

01:05:05:07 - 01:05:08:20

My microphone was, um, is silent. My apologies. Um.

01:05:08:22 - 01:05:12:29

That's fine. I mean, it does sometimes take a few seconds for the mic to know.

01:05:13:03 - 01:05:48:14

My my error entirely. Um. Thank you. Thank you. Chairman. I'm pleased to hear that some people got their heads of terms in April 2020 three inches April this year. Um, we're we're a bit in the dark because we haven't got any heads of terms at all. Um, so we can't do any negotiation, um, without those. Um, and so we, we want to proceed as quickly as possible. Um, I'm in a sort of rather odd position that I have done an exactly parallel project in relation to the Norfolk projects, and that took three months from soup to nuts.

01:05:48:16 - 01:05:59:17

This has taken about nine months, and we haven't got any heads of terms yet, so I'm looking forward to receiving the heads of terms. But they were promised within a few weeks. But we'll we'll see them when we see them.

01:06:09:06 - 01:06:12:18

From the applicant wants to make up the various points.

01:06:12:21 - 01:06:38:04

Thank you. Yes. Adam Kendall for the applicants. Um, in relation to, uh, various points on the heads of terms going to the, uh, agents. Um, we believe that's the agent's responsibility to communicate the offers that have been made or the, uh, principles that have been put forward in the heads of terms back to their clients. Um, so it's unfortunate that that communication wasn't, um,

01:06:39:20 - 01:07:10:15

wasn't made back to the landowners. Um, in terms of, uh, Mr. Golden Cobra missed, um, two points there that we are still working up on our requirements for the lesser Batgirl, uh, mitigation areas. Um, but our land agents have, um, drafted some heads of terms which have come to me for review, and we hope to get those, uh, out to Mr. Gold, uh, in the next, um, 1 to 2 weeks, I would say.

01:07:24:09 - 01:07:29:11

Any particular reason why it's taken quite so long to get something to cope promised.

01:07:42:20 - 01:07:57:23

Adam Kendal for the applicant, it really comes down to, um, the options that the, uh, his team were considering in terms of Batgirl compensation, um, and then being in a position to, um,

01:07:59:11 - 01:08:11:10

really communicate our requirements to Mr. Golden Cobra. Missed. So it comes down to a question of, um, option hearing as opposed to any, um, other reason.

01:08:12:06 - 01:08:28:24

I don't quite understand the option thing, because actually it's exactly the same as the Norfolk projects. You need the same same area for the same purpose, with the same protective and preventative measures to stop the lesser black back gals getting gobbled up. But anyway, you know, I'm always intrigued.

01:08:39:10 - 01:09:12:24

And in terms of the point that Mr. Powell raised about actually the amount of detail that's going into these heads of terms, uh, uh, is it are they unusual in that regard in terms of just how much that is being put into? I mean, in a different context? I remember having to produce heads of terms for section 106 agreements when I used to work in local government for, um, housing schemes or something, and the heads of terms that usually were quite short, brief, everybody then went away and did some drafting.

01:09:13:15 - 01:09:24:06

Um, it did seem, from what Mr. Phil was saying, that this set of heads of terms might be extraordinarily long. Anything Mr. Kendall to say on that?

01:09:25:09 - 01:10:10:09

That's Adam Kendall for the applicant. Um, it's always a balance, I think, in terms of what we include in heads of terms, um, some landowners and their agents prefer, um, to see a lot of detail at that stage and, and others don't, and they prefer a more simplified set of heads of terms. But we actually worked, um, with our land agent staff, McLaren, to get a set of heads of terms that we felt were, um, encompassing all the points that we needed to include without being overly complicated. Uh, and then worked with the, um, land agent group who represent the majority landowners, uh, to get those sets of terms, um, refined, um, and in a format that would be acceptable to, to be issued out to landowners.

01:10:11:24 - 01:10:16:25

So to answer your question, no, I don't believe that they are overly complicated to.

01:10:51:19 - 01:11:16:15

Relate allied to to what you just said and also turn to the affected person in terms of what is being done in terms of the negotiations. Is this the approach for this case? Is it fairly standard? Is it what you might expect for any kind of linear project or railway, or a road scheme, or a pipeline, or is something more bespoke going on.

01:11:26:13 - 01:11:59:05

That's Harry Stubbs on behalf of the applicant. Um, I think it's probably quite typical of the industry nowadays with linear groups where, uh, with linear projects whereby generic set of heads of terms will be negotiated with a wider group of agents that are acting on behalf of most of the interested parties. Those negotiations can take substantial amount of time to agree that generic base, and then the next stage being taking those onto a one on one basis with affected landowners and parties, whereby they can be bespoke for those individual requirements at that time.

01:12:05:14 - 01:12:45:08

I mean, the model that's being used for these negotiations. Is it a good fit for most of the land owners are affected? I mean, if you've got, say, a landowner who has a relatively small amount of farmland that's been affected but may have some very specific operational requirements on their farm. Is this model well suited to that sort of arrangement, compared to perhaps a much larger owner who perhaps doesn't have some complications in the way they farm their land just because of the way that the landholding works.

01:12:45:19 - 01:12:59:00

I'm wondering whether that might be part of the reason why it seems to be taking a very long time to sort out heads of terms and get things moving across a larger number of the affected landowners.

01:13:00:09 - 01:13:36:14

Yeah. Harry Stubbs, on behalf of the applicant. And I think it's probably a fair point. I think from our point of view, we want to put a composite and complete set of header terms forward to all those affected parties, and we would look to those professionals acting on behalf of those affected parties to determine at what point they think direct conversations should happen, rather than through a group or whichever. So we will always look to, to to put forward terms that are fair and reasonable. And I say, yeah, those professionals acting for the affected parties, we look for their steer as to at what point those individual conversations would happen.

01:13:41:25 - 01:14:04:22

And for want of a better way describing is or has there been much 1 to 1 where a specific landowner has come forward and said, we want to sit around the table with you because we've got a specific set of concerns that we think need to be dealt with and the hazard turns route just won't work. Or like a wider set of generic heads of terms won't work.

01:14:06:22 - 01:14:35:14

Adam Canning, on behalf of the applicant. Um, we offered, uh, meetings to all affected parties and have had face to face meetings with all affected parties. Um, the intention was to get the, uh, sort of base of heads of terms to the to the most developed, uh, state possible before we populate them with



individual parts of the landowners. Um, I think it is worth sort of adding that we have issued 36 heads of terms today, and we have had nine signed up.

01:14:45:26 - 01:14:49:00

What am I? Rudimentary. Rudimentary maths. That's 25%.

01:15:04:12 - 01:15:07:04

As inspectors, we're discouraged from doing maths. But anyway.

01:15:09:16 - 01:15:10:01

Yeah.

01:15:13:10 - 01:15:21:04

Uh, Mr. Fowler, have you got any observations you want to make on, um, the general process, and then I'll turn to Fairlie.

01:15:21:25 - 01:15:52:22

Yeah. I was just going to say that, um, we weren't party to that landowners group. Um, I'm not really for them, so I don't really like that approach too much because we've got to act for the client. But, you know, what is interesting is that if the landowners group had all been working together, they would have presumably all signed up, and presumably they haven't as a result. But we've certainly been one of those who'd answer your questions. We've been one of the parties that have gone individually, and because we have got individual issues to pick up.

01:15:52:24 - 01:16:27:27

And I think Adam will probably tell you, I think probably, uh, my clients are one of the largest landowners, if not the largest landowner affected by this scheme. So, um, uh, you know, it is welcome that they have have been more than willing to enter into dialogue with us. I think my concern is the, uh, what I'm getting pushed back from, from the developers themselves is a inflexibility to agree bespoke agreements, and they're trying to make them all exactly the same.

01:16:27:29 - 01:17:00:05

So where we've got specific issues, we're getting pushback on them, and there's doesn't seem to be much room for movement on that. And if that's the case, my point is then what's the point in trying to agree something that we can't agree to? We might as well allow the CPO to come through. And we then got a set of legislations all to work to. And, you know, the only matter is one of compensation, which doesn't seem to be a million. You know, for some might not be many miles out. So I think we've just got to be careful if we're negotiating this.

01:17:00:07 - 01:17:15:08

We need to be open and to be able to negotiate. And I think if the developers are wanting a standard set of agreements agreed across all the landowners, then that might not be applicable. Certainly in my client's instance, we couldn't agree to that on these basic terms.

01:17:18:12 - 01:17:20:16

Not through want of trying, of course.

01:17:26:28 - 01:17:27:24

And for fairly.

01:17:28:06 - 01:17:46:11

I'd just like to point out it might be 25% based on nine out of 36. But if you have a quick look at that list, there's a recurring name. So it's not actually effectively 25% if it's, you know, if it's one person that's signing multiple sets of heads of terms, that's slightly misleading.

01:18:07:23 - 01:18:10:29

Lets the applicant want to respond to anything that you've just heard.

01:18:11:19 - 01:18:27:25

Yes. Adam Kendall for the applicant. Um, just on the point of, um, specific issues that, um, Mr. Bell raised, we're quite happy to, um, agree. Um, heads of terms that allow for specific points and, um,

01:18:29:19 - 01:18:43:25

land specific, uh, considerations to be included in those agreements we would like. Um, obviously, it makes, um, things more straightforward if we're following a set template, but we're very happy to deviate from that template when it's needed.

01:18:51:20 - 01:19:01:13

It sounds like there might therefore need to be a need a meeting between, um, the applicant and Mr. Fell and his client. So perhaps progressed things in that regard.

01:19:04:25 - 01:19:11:21

Sorry. Just to add that we do actually have a follow up meeting with Mr. Fell on the 30th, and we have been engaging with him. If you'd agreed to that.

01:19:13:13 - 01:19:15:24

Yes. Yeah.

01:19:16:24 - 01:19:17:12

Welcome.

01:19:27:18 - 01:19:51:06

As an example means we've now either today or in writing, heard quite a lot about these heads of terms, but we actually know very little about them. Um, I'm just wondering whether there is scope. I mean, we don't want to see the money shy of it, but at least to get a handle on the sorts of things these heads of terms might be covering. Is that something that, uh.

01:20:02:17 - 01:20:24:21

That is not something we would normally submit to this process, because the voluntary agreements are outside of this process. The heads of terms, um, are also some they have some commercial confidentiality in them and they are being, um, negotiated jointly with North Poles. And we would

need their agreement to submit them. So we don't frankly want to because the commercial competition is one we can agree to.

01:20:25:00 - 01:20:39:20

No. And we therefore have some sort of indication as to perhaps within the heads of where the particular stumbling blocks might be. Is that something that you could make that be made known?

01:20:50:15 - 01:21:02:13

As such, in reading the relevant reps that there seemed to be a recurrent theme, that there might be some particular matters that were causing concern to a number of the affected persons.

01:21:08:02 - 01:21:16:15

Our suggestion is that the IPS reads the issues in their written representations. We can respond to them through that, rather than introducing yet another layer of documentation.

01:21:19:09 - 01:21:39:18

Certainly, hopefully those IPS that are sorry affected persons are attending this hearing. Um, if you can highlight particular areas of concern with the heads of terms, um, that will help. Perhaps when we come to a potentially another compulsory acquisition hearing later on in the examination.

01:21:45:01 - 01:21:46:23

Panel did you wish to raise?

01:21:46:27 - 01:22:18:21

Can I just add that the substance, as one of two of the landowners affected by the substation. The heads of terms for the substation were not issued until much later than the cable route. Heads of terms. So it's not if you're that affected. Landowner who's affected by both things is very difficult to look at. The cable route heads of terms when you still haven't got the heads of terms for a substation in front of you, you can't assess your overall impact without both of those documents, and that wasn't given until much later.

01:22:27:11 - 01:22:36:24

I presume you now have more information and can enter into dialogue with the applicant to potentially resolve some issues.

01:22:37:14 - 01:22:38:27

Yes we do, yeah we do.

01:22:39:08 - 01:22:44:07

And is that actively happening, or is it likely to actively happen in the not too distant future?

01:22:48:01 - 01:22:52:02

Absolutely. Of course, we're willing to meet any landowners that wish to meet with us.

01:22:54:06 - 01:22:57:15

Sounds like there's a queue then building for meetings.

01:22:59:02 - 01:23:06:12

I would suggest any affected person goes knocking at the door of the applicant to try and sort out a suitable time.

01:23:18:19 - 01:23:38:14

I think that then does bring us, um, to the final item, three six, which is really a quick update from the applicant in terms of the change request and what implications that might have, particularly for your multi acquisition case and temporary possession case.

01:23:43:18 - 01:24:22:29

Uh, for the applicant, I don't think it has any implications for the court case because it doesn't affect the, um, the justification for the problem or the, um, the compelling case in the public interest. The five of the changes that we are proposing are very minor in extent to correct drawing or mapping errors. Those are changes one, two, three, five and six and the notifications. There are two areas where the project is seeking to extend areas for temporary possession, for off route haul roads during construction, um and the export cable corridor to provide flexibility and reduce the impact on farming operations.

01:24:23:01 - 01:24:47:06

And that's change for those changes would extend the area subject to temporary possession but not compulsory acquisition. Um, we have already briefly touched on changes to the LPG compensation area, which would reduce the overall area, but change the shape and Leo of it and introduce a small area of new land to provide the six hectares that we are required by Natural England to seek.

01:24:48:22 - 01:25:39:05

Um, that would be new land within the meaning of the Craigs. And we have therefore assumed at this time that consultation would be required on that. And that is change. Nine and there are some changes to operational access rights. Um, these are rights of access to within the order limits from the existing road network. Um, change ten relates to the access to work number ten. It requires an amendment to the order limits to remove and access and replace it with a different access following a request from the affected landowner that would result in new land being affected by the powers of permanent acquisition of access, rights to other accesses would be removed from the application, which would not trigger this consultation.

01:25:39:07 - 01:26:17:13

But because we think it's already been triggered, we think it's triggered for the whole suite of changes now, G7 and it wouldn't affect land rates. Um, we are continuing to engage with the affected land interest holders, and we are trying to seek their agreement to these changes where we can. There are no completely newly affected land interests. These are these changes affect land which is already affected by the project, is just not necessarily within the order limits. We are therefore assuming, for the purposes of the notification, that consultation on this year will be required because we have not, as yet agreed, have reached agreement with all affected interest to these changes.

01:26:40:24 - 01:26:44:20

And in terms of, um, Consultation.

01:26:46:11 - 01:26:48:29

Um, when do you think that might take place?

01:26:52:22 - 01:26:54:13

When the records have been engaged.

01:27:01:15 - 01:27:05:04

Sir, if I recall correctly, you're talking about a date sometime in October.

01:27:28:29 - 01:28:07:06

Oh, what can I do for the applicant? So our notification, um, a notification said if we submit it as a deadline, one, obviously the examining authority would have 28 days to decide whether or not to accept it. We could not start a consultation unless and until you accepted it. So the timing provided in that letter, as soon as you take your full 28 days, if we got to earlier, we could start earlier. The six week consultation, the six week period necessary to carry out the consultation, um, would run it in November and December because the consultation does not start till the publication of the second newspaper notice.

01:28:07:08 - 01:28:21:17

So there's an in-built delay to the minimum statutory period there because we have to publish two consecutive newspaper notices. But so we have planned for that running um, week commencing the 4th of November until the 13th of December.

01:28:36:00 - 01:28:49:20

Thank you. Um, I think that's that's really all we need to understand at this stage about, um, the the change request. That may well be coming. Um, a little later in the examination.

01:28:57:12 - 01:29:03:15

Are there any other matches that anybody wishes to raise before we turn to the action points?

01:29:07:03 - 01:29:07:18

Mr. Witcher?

01:29:07:28 - 01:29:37:11

Thank you. Thank you, sir Mark. We just came to council. Um, I don't wish to take you back to the the beginning of the agenda here, but you did have a conversation about Norwich to Tilbury or the East Anglia now, as you call it. And, um, if you want to see some information on that scheme, they did go out to a statutory consultation in Q2 2024, and there is a map available online, uh, where you can zoom in and look at where the substation and longitude sits in relation to the application side. Uh.

01:29:37:28 - 01:29:47:12

Thank you. Yeah. We as an examining authority, can't, in effect, trawl for information. If somebody wants to put the information before us, open them to do it.

01:29:47:14 - 01:29:48:17

Noted. Thank you.

01:29:50:15 - 01:29:57:21

Uh. Anything else? Um, on any other business before we head into the, um, action points?

01:29:59:28 - 01:30:00:13

I'm

01:30:01:27 - 01:30:11:23

not seeing any indication. So if we can then move to action points now. Hopefully at least two of my colleagues were keeping a list. I wonder whether.

01:30:13:29 - 01:30:24:19

Or can the applicant quickly spin through their list? And we'll just check that we've all got the same on the list.

01:30:31:09 - 01:30:56:10

Uh, so the first one we've noted is to review and update the land plans and the wording in the board Interviewer to properly reflect that it would be temporary position and permanent acquisition of rights of land. Um, do a consistent route. See a review of the statement of Business Land Funds, DCO and Bir to make sure that all consistent with 1 to 1 another for each plot. Um.

01:31:00:01 - 01:31:05:21

Provide an update and clarification of the language in the statement of reasons. Paragraph 5.3.3.

01:31:09:13 - 01:31:19:14

Uh, produce a technical note explaining the difficulties of setting out what a five estuaries only not including the second set of ducks project would look like.

01:31:23:23 - 01:31:24:08

Uh.

01:31:26:11 - 01:31:41:05

But just a technical note related to temporary position powers and considering contractual responsibility. Sequencing of works. Um. And highlighting high level indicative timelines for carrying out people's detection works.

01:31:45:10 - 01:32:03:25

A second technical note, which is related to farm the balance of farming versus engineering considerations, setting out a number of engineering points, including matters such as um, cables, trenching, separation or not, and substation separation, and why they are separate substations.

01:32:08:01 - 01:32:16:03

Um submit our taking notes as part of our summary of submissions on items 3.3 and 3.4.

01:32:20:12 - 01:32:33:18

Some ideas then the another note relating to the National Grid site, the potential sequencing of works, and why we consider that we need rights over that whole area and how that would actually work.

01:32:38:18 - 01:32:41:24

And I did not want for a sec to submit the database later as well.

01:33:27:16 - 01:33:46:00

Well, we're pleased to hear that, um, what's just been read out one way or another Meet various different lists that have been kept at this end. So, um, we will produce, um, a formal list that will be published with those actions. But, um, it won't change.

01:33:47:21 - 01:33:51:12

It might get a little bit more detail in it, but that's that's all that will happen.

01:33:54:01 - 01:33:58:15

So it can't do we need to discuss the timing for the some of these.

01:34:01:02 - 01:34:01:17

Um.

01:34:07:26 - 01:34:11:05

Land plans. How long do you think it might take?

01:34:18:26 - 01:34:22:14

I mean, are we looking at deadline one or are we looking at deadline to.

01:34:37:25 - 01:34:40:12

Uh, we think we could do that for deadline one.

01:34:48:15 - 01:34:51:18

The review of, uh, document consistency.

01:34:53:29 - 01:34:55:28

But that can be done for deadline one as well.

01:35:00:21 - 01:35:05:23

The clarification read the statement of reasons and paragraph 5.3.3.

01:35:08:04 - 01:35:09:07

Deadline one again, sorry.

01:35:17:25 - 01:35:18:16

The.

01:35:18:29 - 01:35:24:04

Um, estimate for the fact. I'll call it, um.

01:35:26:08 - 01:35:31:16

Five stories only. There was an indication that that might take a bit longer.

01:35:39:16 - 01:35:45:21

We can we say deadline two as a best guess and see how that pans out.

01:35:46:05 - 01:35:56:14

Well, good for that. So we were just discussing this. Some of these technical notes could be probably sensibly combined, and we would quite like, if possible, to submit them all at deadline to if that would be acceptable.

01:36:09:13 - 01:36:17:09

If that means that we're going to see comprehensive submissions that are accurate and.

01:36:19:14 - 01:36:19:29

Then.

01:36:23:27 - 01:36:34:09

Yes. Or and and we would need a little bit of time for the aspects that need to be agreed with Nordhaus and or National Grid, for example. So we do think deadline one would be rather ambitious.

01:36:41:29 - 01:36:46:11

Okay, so if we say all the actions arising from this afternoon for deadline two.

01:36:48:16 - 01:36:50:02

But very happy with that. Thank you sir.

01:37:00:21 - 01:37:01:07

Anything.

01:37:06:03 - 01:37:20:20

Okay. Well that we've got just a smidgen past 6:00. Um, but I'd like to thank everybody for their assistance this afternoon. Um, and I can therefore close this hearing. Thank you very much.