

00:00:05:06 - 00:00:29:41

Unknown

Good morning, everyone. It's now 10:00. Welcome. Now time for me to open this compulsory acquisition hearing, which is being held in connection with an application made by North Lincolnshire Green Energy Part Ltd for an order for development consent for the construction and operation of a combined heat and power enabled energy generating station with an electrical output of

00:00:29:41 - 00:00:50:00

Unknown

up to 95 megawatts, incorporating carbon capture, associated district heat and private wire networks, hydrogen production, ash treatment and other associated developments. Before I go any further, can I just confirm with the case team that I can be heard and my camera's working?

00:00:50:43 - 00:01:06:44

Unknown

Yes. Yeah. Super. And that the live stream is running. Thank you very much. For those people watching the live stream and if the proceedings are adjourned at any point, we will have to stop the live stream in order to give us a clear recording file.

00:01:07:37 - 00:01:23:35

Unknown

When the meeting has resumed, you will need to refresh your browser page to view the restarted live stream or remind you again of this should we need to adjourn. Now let me just introduce myself and my colleagues. My name is Edwin Mearns.

00:01:23:43 - 00:01:39:03

Unknown

I'm a chartered town planner and have been appointed by the Secretary of State as a lead member of the panel of examining inspectors that together comprise the examining authority for this application. The other member of the panel, Dr. Philip Brimble, now introduced himself to you.

00:01:41:48 - 00:01:59:16

Unknown

Thank you, Edwin. Good morning, everybody. My name is Dr. Phil, but I'm a member of the Institute of Acoustics and a planning inspector and have been important, been appointed by the Secretary of State for leveling up housing and communities as a member of the panel of examining inspectors to examine this application.

00:01:59:26 - 00:02:19:32

Unknown

And I'll now hand back to Mr. Maund. We're also assisted at this hearing by the Planning Inspectorate case team. Today we have the Planning Inspectorate case manager Sarah Norris here in person and Caroline Hopewell, Jenny Savage and Steve Parker assisting us remotely via teams.

00:02:20:23 - 00:02:37:08

Unknown

If you have any questions or queries about the examination or the technology we're using for these blended events, they should be your first point of contact. Their contact details can be

found at the top of any letter you've received from us or on the project page of the National Infrastructure Planning website.

00:02:38:05 - 00:03:04:05

Unknown

So I'll now pass over to Dr. Brewer to highlight a few housekeeping and background matters for today. Thank you. The compulsory acquisition hearing will be livestreamed and recorded. The recordings will be published on the project page of National Infrastructure Planning website as soon as possible after each part of the hearing closes to assist viewers and listeners.

00:03:04:05 - 00:03:29:29

Unknown

Anyone speaking should introduce themselves each time they speak. As the recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation applies. The Vault eight letter includes a link to the Planning Inspectorate's Privacy Notice, which provides further information on this topic.

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Unknown

If there is a need to refer to information that participants would otherwise wish to be kept private and confidential, it should be in written form which can be redacted before being published. And if you prefer not to have your image recorded, you can switch your camera off.

00:03:49:38 - 00:04:11:04

Unknown

Regarding background noise, I will repeat the request made in the arrangements conference that in order to minimize this, please ensure your microphone or telephone is muted and that you stay muted unless you are speaking. During a physical hearing, we would normally have breaks to avoid fatigue and would do the same in this virtual hearing.

00:04:12:00 - 00:04:30:20

Unknown

Our intention is to take a 15 minute break at about 90 minutes, 90 minute intervals and a longer break over the lunchtime period. I'll now hand back to my colleague, Mr. Maund, who will explain the purpose and conduct of the compulsory acquisition hearing today.

00:04:33:19 - 00:04:55:13

Unknown

Thank you. This hearing is being held to ensure adequate examination of the provisions set out within the development consent order seating, seeking to authorize the compulsory acquisition of land and to assess whether the conditions relating to the land being required for the development or required to facilitate or being intend to do that development are met.

00:04:56:04 - 00:05:14:48

Unknown

And whether there is a compelling case in the public interest for the land to be acquired compulsorily, as explained in the detailed agenda, the first part of the hearing will deal with matters relating to the applicant's strategic case for the grant of compulsory acquisition and temporary possession powers.

00:05:16:00 - 00:05:38:33

Unknown

Consideration will also be given to matters relating to statutory undertakers land under sections one, two seven and 138 of the Planning Act 2008 and any crown land. It is not the place for individual objections to be heard. The second part of the hearing will consider all specific representations made by affected persons.

00:05:40:00 - 00:05:57:30

Unknown

As indicated in the agenda, questioning at the hearing will be led by a member of the panel, supported by the other panel member. It is for the examining authority to determine how hearings are to be conducted, including the amount of time to be allowed out of the hearing for the making of a person's representations.

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Unknown

Our aim is to use these powers of control over the conduct of the hearings to ensure they are carried out as efficiently as possible, while remaining fair to all parties and thorough in our examination of the evidence. Participants should note that written summaries of oral submissions to this hearing should be provided to the inspectorate by deadline six

00:06:20:33 - 00:06:39:02

Unknown

, which is the 20th of March 2023. I'll now ask the applicant, followed by effective person persons who were named on the detailed agenda to introduce themselves. So I can come to the applicant first, please. Good morning, sir. My name is Jonathan Bauer.

00:06:39:04 - 00:06:55:35

Unknown

b0wer. I'm a solicitor and partner with Womble Bond Dickinson. And here, appearing on behalf of the applicant, I've got a number of people who are also here that will be able to assist the Ex-Aide during both parts of the hearing.

00:06:55:35 - 00:07:10:10

Unknown

Would you like me to introduce them now that they're both in person and there's a couple of people who are appearing virtually. Yes, please. That be helpful. Thank you. So immediately to my right is Francis Everett, my colleague, also a solicitor and associate with Womble Bond Dickinson.

00:07:10:10 - 00:07:28:22

Unknown

She will lead on the statutory undertakers aspects of the agenda dealing with sections 127138. As you've just indicated, sir, and following is Mr. Andrew Bradley, who is from the applicant company. He will lead on aspects relating to funding.

00:07:29:44 - 00:07:59:45

Unknown

And immediately to his right is Nick Rushton. From Ardent and he will be dealing with aspects of the strategic case of compulsory acquisition from a negotiation perspective and compliance with the provisions of the ACA guidance. And then remotely, we've got Sarah Price and Robert Pyle, both of whom I believe are known to you already and appeared at

00:08:00:06 - 00:08:23:11

Unknown

certainly yesterday's hearing and and previous ones. And they'll be able to assist with any questions that there may be in relation to alternatives and and scheme design. And then in relation to the CAA part two and specific negotiations and any and queries and questions that there may be in relation to the position of affected persons.

00:08:23:11 - 00:08:53:02

Unknown

We've got Colin Hammond. And he is from the applicant. And we also have Giles Johnson and Tory Heaton, both from DTM Agriculture and all three have been having negotiations with not just affected persons but all of the parties whose interests are included within the book of reference, and they will be able to answer any specific questions that

00:08:53:02 - 00:09:12:26

Unknown

arise in relation to those negotiations. Thank you very much. I can then come to North Lincolnshire Council, please. And good morning. My name's Councilor both and I'm the leader of North Lincolnshire Council and I'm also the Cabinet member responsible for decisions on assets in accordance with the Council's Constitution.

00:09:13:38 - 00:09:27:05

Unknown

And if I was going to introduce officer colleagues with me, I've got David Bow who sits in the regeneration team and I've also got John Kidney. He's also supporting as an officer our colleague who is heading up estates.

00:09:30:17 - 00:09:54:37

Unknown

Thank you. Now we did have a number of people listed who we'd invited, but I think from what I've seen on those who've confirmed attendance, we have representatives from British Steel remotely who understand have requested not to have the cameras on, which is absolutely fine.

00:09:55:05 - 00:10:34:08

Unknown

But I wonder if you can introduce yourselves to us. And my name's Ross Pierpont. I'm in-house legal counsel for British Steel, and I'm assisted today by my colleague Peter Wood. Thank you very much. Now, as far as I can see, I don't have anyone else who's confirmed attendance as an affected party.

00:10:34:08 - 00:10:58:11

Unknown

But can I just check in the room in the first instance? Whether that's correct. No other affected parties and then remotely on teams. Are there any other affected parties who are present and may wish to speak? Okay. Right, that's fine.

00:10:58:17 - 00:11:24:35

Unknown

And if we go on, then when we set out the agenda, initially it was prior to the latest submission of documentation. So just in terms of reference to documents that we may well refer to today,

the latest versions that we will be calling upon, the draft development Council consent order, which is revision four and that's exam library

00:11:24:35 - 00:12:03:08

Unknown

reference five, dash 004 and the explanatory memorandum to the draft DCO, which is now revision to and that's Rap 5-007, the statement of reasons which is now revision to wrap 5-0 11 the funding statement which is rep to dash zero 12 the book of reference, which I think is now revision to Rep 5-009.

00:12:03:38 - 00:12:26:26

Unknown

And then we have stages for negotiations with statutory undertakers schedule and that revision three REP five zero 28. And so I think they are probably the main documents that we will refer to, should we need to. And I hope everyone's had the chance to read the detailed agenda for the hearing.

00:12:27:19 - 00:12:43:21

Unknown

And as I say, during this first part, we have a number of questions for the applicant. And when we get to part to any affected person who's indicated to wish to speak will be invited to give their evidence in turn.

00:12:43:21 - 00:13:02:05

Unknown

And obviously the applicant will have an opportunity to respond. And so if we go on then to the first main part of the agenda is item number two, the statutory conditions and general principles applicable to the exercise of powers of compulsory acquisition.

00:13:03:26 - 00:13:30:18

Unknown

And I to may whether the purposes for which compulsory acquisition powers are sought would comply with Section 1 to 2 brackets, two of the Planning Act 2008. So this section of the act sets out the purposes for which compulsory acquisition may be authorized, namely whether land is required for the development to which the development consent relates or

00:13:30:18 - 00:13:56:11

Unknown

is required to facilitate or is incidental to that development. There is also a Subparagraph C, but I don't consider that to be relevant to this application. So can I come to the applicant in the first instance in your statement of reasons in support of the application, setting out the purposes for which compulsory acquisition powers are sought, including

00:13:56:11 - 00:14:27:34

Unknown

the associated development and. You seek to explain why the applicant considers the proposed associate development to be consistent with the principles set out in the associated development guidance produced for applications for development, consent for major infrastructure projects. And those principles require there to be a direct relationship between associated development and the principal development.

00:14:28:24 - 00:14:48:17

Unknown

It to be subordinate to the principal development and proportionate to the nature and scale of the principal development. So kind of hear from the applicant on its position with regard to the justification for that associated development in conjunction with the need for compulsory acquisition.

00:14:49:10 - 00:15:15:40

Unknown

And then separately the other associated development which you've got listed and how these elements of the project comply with these legal tests. Thank you, Sir Jonathan Bower, for the applicant. As you've helpfully set out, Section 1 to 2 sets out the legal tests in relation to inclusion of compulsory acquisition powers.

00:15:15:40 - 00:15:43:14

Unknown

And it's the applicant's position that the that the inclusion of the powers are required for the development meeting. The test in section one, two, two, two subparagraph a the you will have already heard from the applicant in relation to the previous hearings in terms of the the need for the overall development.

00:15:43:34 - 00:16:13:04

Unknown

It's the applicant's position that all of the land is required and that the associated development is necessary as part of the overall scheme, the project itself being the er RAF facility, but all of the other aspects of the scheme are required for the whole project and as such the having regard to the associated development guidance can

00:16:13:04 - 00:16:35:28

Unknown

be included and the necessary powers for compulsory acquisition. I can go through specific provisions of the statement of reasons if you would like me to. It's obviously in front of the examining authority as to the particular provision. So if you'd like me, sir, to run through aspects of the statement reasons, then I can do so.

00:16:37:19 - 00:16:56:09

Unknown

I think it would be helpful because not all parties in the room necessarily will be as familiar with it. But I would just like to hear the case that you're making, particularly in respect of the associated development and other associated development, but fundamentally.

00:16:58:10 - 00:17:19:28

Unknown

The argument you're making as to why you consider the compulsory acquisition powers are appropriate. Thank you, sir. Jonathan Bale for the applicant. So in summary, paragraph 3.3 of the statement of reason sets out the associated development to support the operation of the and that I've referred to.

00:17:19:28 - 00:17:50:27

Unknown

I'll just pause there if you wish to bring up a copy. Thank you. Thank you, sir. Jonathan, back to the applicant. So paragraph 3.3 sets out what these the associated development comprises with the bottom ration flue gas residue handling and treatment facility, concrete block manufacturing facility.

00:17:50:27 - 00:18:18:05

Unknown

Plastic recycling facility. Hydrogen production and storage facility. The electric vehicle and hydrogen refueling station at the towards the south of the site. Battery storage, hydrogen and natural gas. And above ground installations. And also the new access road and parking going through the site Gateway Visitor Center, Railway, Reinstatement Works and then the Northern and Southern District Heating Network

00:18:18:16 - 00:18:38:00

Unknown

. And then there's various other aspects including habitat creation, probably rights way such and utility construction and diversions. So is the applicant a set out? The overarching aim of the project as a whole is to support the UK's transition to a low carbon economy.

00:18:38:18 - 00:19:06:43

Unknown

Set out in paragraph 3.6 of the statement of reasons and the project itself is divided into the four distinct geographical areas, again set out in paragraph 3.7 of the statement of reasons so taken as a whole. Seven Including the project's desire to directly respond to the urgent need to decarbonize the UK supply energy supply and reduce the

00:19:06:43 - 00:19:39:47

Unknown

amount of waste going to landfill. That provides the overall justification for the inclusion of each of those elements of associated development as part of the project. Thank you. Just turn now to North Lincolnshire Council to see if they have any observations or submissions they would wish to make.

00:19:41:34 - 00:19:56:07

Unknown

Thank you, sir, and thank you for the opportunity to speak this morning. This is my first time speaking at such a hearing. So we feel bear with me. And I think a full. So sorry to interrupt you if you can introduce yourselves again.

00:19:56:09 - 00:20:12:07

Unknown

Yeah, councilor. Yeah, I'm a complete rookie. I evidence that first point, COUNCILOR. Well, both of them. I'm the leader of the council and also the decision maker in accordance with the Constitution or not, and matters in relation to assets on the Council.

00:20:12:07 - 00:20:32:10

Unknown

So that's why I'm here today. And I think the observation, first of all, to me is that we as a council clearly have an obligation with taxpayer assets to to secure best value, but also to ensure that those assets fulfill our obligations under the strategies that the Council adopts.

00:20:32:33 - 00:20:54:04

Unknown

Sorry, again, I'm interrupting you. I'm asking at the moment not for your commentary on your position as a landowner, but for your view on the whether the case for compulsory acquisition under the Section 1 to 2, whether you have any concerns about that.

00:20:55:17 - 00:21:10:30

Unknown

I was coming to I was applying certain tax. Yeah, I was appointed so, so in context that clearly our use of assets and the deployment of our assets have to be able to fill our economic strategy's purpose. So that's the that's the context that I assert.

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Unknown

So we've published an economic strategy which sets the need to have council assets deployed to to effect and create jobs, specifically jobs of as much as many as we possibly can for each of the sites. Clearly, the descriptive and narrative that's been applied by the applicant suggests not all of the sites that are in those areas, certainly

00:21:35:21 - 00:21:53:48

Unknown

the ones under the authority's ownership have a direct employment attached to each of those. And that's the context for which I would submit, which is clearly an important part of how we deliver on our economic plan for the area.

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Unknown

And clearly, some of those sites, we have contractual, contractual obligations on fire lease to some of the parties that have been cited by the applicant. So they are sites that are currently engaged and employed as part of the as part of supporting existing local businesses as to whether those businesses could continue to operate if those sites were

00:22:20:12 - 00:22:37:37

Unknown

were forced to be surrendered. And actually at first assessment, probably some would potentially require some relocation, which would be a matter of concern. So and clearly the Council has contractual obligations already long standing ones in relation to our waste.

00:22:38:03 - 00:22:57:11

Unknown

So that's just a useful context for how the Council would seek to deploy the use of our assets in relation to the application. So that's that's the concern. So we've got commitments on them to sum up. So we've got commitments on them that the least held that are supporting existing businesses.

00:22:57:23 - 00:23:16:39

Unknown

We have an obligation on those sites that are currently not occupied to secure a direct employment site that would employ local people, hopefully on those sites too. And obviously there would be some significant impact to other local businesses operating in that area also.



00:23:18:30 - 00:24:17:15

Unknown

Thank you. I'll come back to the applicant and see how you would wish to respond to those observations. Jonathan Bauer for the applicant. Thank you, sir. It might be helpful at this stage if perhaps if I was to invite Mr. Hammond up to the table, because he will be able to identify the the proposed uses for

00:24:17:19 - 00:24:48:22

Unknown

for the council owned land. And we can also provide an update at this stage as to the steps that have been taken by the applicant in order to seek the relocation of businesses which are affected. I was also interested to note the Council's reference to the obligations to secure a best consideration, and we can update the EXR

00:24:48:22 - 00:25:03:27

Unknown

if that would assist in terms of the excuse me, the attempts are being made to assist the Council with its obligations in relation to best consideration or whether that would be something that is best left to C-H Part two.

00:25:03:28 - 00:25:20:01

Unknown

I appreciate that a number of these aspects have given a quite fluid in relation to whether or not it's a strategic point or whether it goes to the heart of an infected persons concerns. And so would be very much in your hands as to whether or not you would like to have here now.

00:25:21:16 - 00:25:44:21

Unknown

I'd like to try and stick as closely to the agenda as I can, and that's what I was trying to encourage Councilor Waltham to respond to the specific tests in the Section 1 to 2. I do understand you have a desire to explain the approach that you're taking as a council, but and Section 1 to 2 has

00:25:44:21 - 00:26:05:25

Unknown

specific tests within it. And it wasn't clear to me at least whether you are of the view that they are met and what the tests say that the land is required for the development or is required to facilitate or is incidental to that development.

00:26:07:02 - 00:26:33:25

Unknown

And so do you have any? Concerns or arguments that you would wish to put that particular parcels of land or as a whole. There is a. Those tests are not met. No, I said no. I don't have a you know in specific in relation to whether that clearly that that the purpose of the applicant statement.

00:26:33:25 - 00:26:48:17

Unknown

So I couldn't comment on that I can only comment on the economic impact of not retaining those lands. There are some parcels of the land which clearly are linked to other elements of development, which is the point that I would make.

00:26:48:17 - 00:27:03:34

Unknown

So, I mean, as to whether the applicant would need them, I don't know. I'm just. Ultimately, my consequence would be there would be an economic impact on other businesses or the sites that that which of course, would have to be met in other places, I guess.

00:27:03:34 - 00:27:20:06

Unknown

But, you know, that would be the council's position. So no, I don't have any specific points on those. Okay. Well, I think we can come back to those particular concerns later on in the agenda. And but that's a helpful summary for us.

00:27:20:24 - 00:27:41:43

Unknown

I think it helps clear the position a little bit. And so is there anything further you would wish to say on on that point? Jonathan Bauer for the applicant, nothing further at this stage. But we, as you say, we can come back to address any specific concerns in relation to the Council's land holdings as an infected person

00:27:41:44 - 00:28:14:32

Unknown

as part of age. Part two Thank you. If I can just check with any other interested party then whether they have any observations or submissions at this stage on that particular topic item. No. Okay. So if we go on to then to part B in terms of whether all reasonable alternatives to compulsory acquisition have been explored, obviously

00:28:14:32 - 00:28:37:46

Unknown

the guidance relating to procedures for compulsory acquisition of land. Paragraph eight of that guidance advises that applicants should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition, including modifications to the scheme, have been explored.

00:28:39:08 - 00:29:08:08

Unknown

So the examining authority did ask a series of first written questions on this question seven zero 25 through 27027 and the applicants responses were sets out in rep to dash zero three. So can I just clarify with the applicant if there is any further update on this position and identify if there have been any material changes to

00:29:08:08 - 00:29:34:45

Unknown

that position since those answers were given? Jonathan Bauer for the applicants. So in relation to alternatives to compulsory acquisition, in relation to seeking to acquire by agreement, there is an update in terms of the various land interests which where negotiations have advanced somewhat since the first round of questions.

00:29:34:46 - 00:29:56:19

Unknown

You've obviously got the benefits of the the latest compulsory acquisition schedule and we can provide an update to the hearing now or in relation to specific affected persons as to where matters of reach. I suspect that on the basis that there is just North Lincolnshire Council and British Steel here who are here as affected persons, it might

00:29:56:19 - 00:30:14:03

Unknown

be better if we are able to provide you with an update generally in relation to agreements which have been reached with affected persons. Do you want it in relation to specific landowners or would you like a general update?

00:30:17:07 - 00:30:42:26

Unknown

I think if you can give us a general update at this stage. And then what I think I will be looking for ultimately is, if you recall when the first written questions were sent out, the bottom of that was a table which set out to a request for a schedule to be provided listing the names in organizations

00:30:42:26 - 00:31:14:19

Unknown

of landowners. And you didn't complete that table, but you responded through your own document, which I think was document. Reference. Rep to Sierra 30, I think. I hope that's correct. And I'd be helpful. I think ultimately for the next deadline that that table is completed with the latest position because it then gives us a very clear summary

00:31:14:19 - 00:31:34:32

Unknown

of. Those objections that were received to acquisition and then the stages that you're now at of resolving those. So but yes, if you can give us a general situation now, that would be helpful. Jonathan Bauer for the applicant.

00:31:34:44 - 00:31:58:37

Unknown

And we've got Mr. Hammond and Mr. Johnston here who can appreciate Mr. Hammond doing come up come up to the table. Perhaps Mr. Hammond will lead on just with a general update as to where matters have been reached with landowners in particular, the sort of overall percentage of land where either agreement has been reached or heads of

00:31:58:37 - 00:32:22:19

Unknown

terms have been agreed with landowners. And then, if necessary, we can drill down into any specific landowners with any queries that you may have, sir. Thank you, Sir Colin Hammond, on behalf of the applicant. I'll make it a quick summary, because I think it's right for you that we complete that table to give everybody a clear sight

00:32:22:20 - 00:32:46:14

Unknown

of what this is. But of the people that have registered, written representations that have landholdings within the red line boundary rainham still we have agreement with. So that's one that has been removed from the issue. I believe that withdrawing the written rep concerns.

00:32:48:07 - 00:33:08:44

Unknown

Mr. Rajan Mahuta remains an awkward issue in that in 2016, when he purchased Elwyn house, he didn't complete the TR one, still hasn't completed the TR one, and so therefore he doesn't appear as the legal title owner for that property.

00:33:09:15 - 00:33:30:15

Unknown

So until that's resolved, we've offered legal assistance to try and reach that point. So we're in constant conversations with him and trying to assist him to reach that. But there's no issue. You walk past about one house when you did the site visit and you can see the status of that.

00:33:30:38 - 00:33:51:25

Unknown

So that one we do hope to resolve. But in some way Mr. Mahua has got to correct the title with the low H.M. Land Registry before we can complete any offer or settlement for the property outside of the compulsory acquisition process.

00:33:52:00 - 00:34:17:11

Unknown

So that's Bellwood House. Mr. Green. Mr. Green is now a landowner. We met at Mr. Green's church farm when we did the accompanied site visit and we have he's now appointed an agent which I think has move things forward and we're in constant contact with that agent.

00:34:18:05 - 00:34:37:40

Unknown

Mr. Green has a heads of terms. He has some slight concerns of family issues on inheritance tax, which he's dealing with his accountant. So we're well in discussions on that topic. Abby Agri We've met with the board of directors for Abby.

00:34:37:41 - 00:35:00:11

Unknown

I agree. In fact, Abby agrees. Only a temporary use for construction for a floodwall, which is to their benefit. And again, we saw that site with you on the accomplished site visit. A lot of misunderstandings. I think with that they thought there would be vehicles queuing outside their site and the flood wall was part of the main

00:35:00:11 - 00:35:23:05

Unknown

CRF. But of course, it's just a flood mitigation installation and we're having discussions as to whether the temporary occupation of that three meter strip could be removed. So they were another objector or written representation to the fact of the others.

00:35:23:22 - 00:35:42:14

Unknown

I think we're now, as of this morning, 92.6% of landowner by area in agreement. That doesn't include the North Lincs Council. And I think Councilor Wharton will be dealing with some of those points later on and he's raised his concerns.

00:35:42:14 - 00:36:02:05

Unknown

So we'll pick those up at a further point. We've been in discussions, I think, Councilor Waltham, since 2019. I think it was when we first met. So, you know, this is a you know, there's been good communication between us and so we hope to reach a settlement with with them, if that's at all possible.

00:36:03:00 - 00:36:21:08

Unknown

So that's one they didn't actually raise a written representation on the land ownership, but that will certainly become a topic for today and tomorrow's discussions. And I think that probably covers all of the elements, unless you can correct me.

00:36:22:19 - 00:36:48:23

Unknown

So. The list, the list of names I had compiled. And I think a lot of this was we had confirmation yesterday. Network Rail. National Highways. We understand the position for both of those. And John paints. I think we understand the position.

00:36:48:24 - 00:37:12:30

Unknown

Perhaps you can clarify that for us. Anglian Water. Again, the details I think were clarified yesterday. Northern Powergrid the same. And certainly the only other one which. I'm not sure of his the fact more wind limited. So if you can clarify the for the for those outstanding ones.

00:37:12:34 - 00:37:31:46

Unknown

Thank you. Yes, sir. Colin Hammond, on behalf of the applicant Joe Tim Paints is quite, quite a simple one. We have engaged now with Joe Paint on several occasions, got statement of common ground with them and there will be a heads of terms.

00:37:31:46 - 00:37:53:40

Unknown

It's a very small area of land for potential construction easement and they now understand what that is. They had concerns, I think, more around their status as a upper tier Colmer site, and we've now had a lot of discussions about that with the health and safety people and our own.

00:37:54:14 - 00:38:14:32

Unknown

And we've actually engaged with the Humberside Emergency Working Group who deal with all of both from the old days of North Humberside area as a whole, dealing with health and safety and and emergency rescue. So that's brought all of that into that discussion with Joe to paint.

00:38:15:04 - 00:38:36:48

Unknown

The other issues I had was concerned on restriction of access and we've made them comfortable with that now. Back more wind was actually just they have an easement across the railway line that's agreed and that stays we've agreed the status of any reinstatement and what specification that crossing needs to be.

00:38:37:17 - 00:38:53:11

Unknown

They were concerned about their high voltage cable, which crosses the railway line and we've had site meetings and discussions on that. And so there will be both mainly dealt with under the Statement of Common Ground, a working relationship to do that.

00:38:53:26 - 00:39:16:48

Unknown

One you didn't mention, of course, with the Rosses on the call from British Steel. We've had site meetings with the British steel engineers and asset managers. And in fact yesterday we just received from Ross and from Pete Wood the all the plans for the sites where we actually went and visited.

00:39:17:39 - 00:39:39:31

Unknown

So that's been very helpful. And again, mainly understatement of common ground. They're concerned with the business critical nature of some of their assets. And we've now agreed and located those, some of which weren't on title. So that's why they perhaps weren't picked up as importantly initially.

00:39:40:01 - 00:39:57:30

Unknown

But they're very much on our radar now and we've agreed how we will approach both that with minimal disruption, particularly for their water abstraction. So I think that's covered all of them. So I'll stop there to keep you on agenda points and that's helpful.

00:39:57:31 - 00:40:21:13

Unknown

Thank you. So effectively your response to our question here on the agenda, is that your alternative to compulsory? Compulsory actually can't say the compulsory acquisition is effectively to have negotiated with all parties an agreement for the vast majority.

00:40:21:35 - 00:40:45:49

Unknown

And there's just a small number left where that remains outstanding. Is that a fair summary? I think that's a fair summary, sir. Thank you. Colin Hammond, on behalf of the. Thank you. So can I just then clarify with the representatives for British Steel if there is any point they would wish to make on what you've heard on

00:40:45:49 - 00:41:07:24

Unknown

this topic item? Ross Peckham, British Stale and affected person. No, I agree with everything that said. I think the engagement has been really useful and really productive. And as long as that continues, I don't see that being any issue in the future.

00:41:08:39 - 00:41:32:38

Unknown

And coming to an agreement. Thank you. So kind of then just come to North Lincolnshire Council. And obviously one of the points that was made by the applicant was that you hadn't formally objected as a landowner within your relevant representation or any other documentation.

00:41:32:39 - 00:41:51:40

Unknown

I don't think so. Can I just clarify with you what your position is on that? And I know I'm going slightly off a tangent here, but I'd just be helpful to to understand that as we haven't had that particular position specified.

00:41:54:15 - 00:42:13:33

Unknown

Thank you, sir. Well, both him and the leader of North Lincolnshire Council. So, I mean, our position is that we won't be able to make agreement on any of the areas of land for several reasons. The first one I've already referenced in relation to our economic strategy, we've got direct jobs that need to be delivered on our

00:42:14:03 - 00:42:39:14

Unknown

existing sites we're working on or have negotiations or contracts agreed on some of the sites that are affected, either by virtue of the fact that the sites that have been allocated the bonds on Phenix Parkway, namely two or three sites, all of which have associated developments that are that are linked to economic investment in the area.

00:42:39:14 - 00:42:55:10

Unknown

So clearly, we've got to continue to do our business and continue to deliver jobs in the locality so we won't be looking to make a deal on any of the sites, clearly, because we need to keep advance in the economy and making sure that those jobs are delivered.

00:43:00:08 - 00:43:19:01

Unknown

Right. Okay. I think it's probably best if we come to that under part to on reflection, but that's helpful for us at least. Do you have any further comment you would wish to make in respect of the applicants?

00:43:21:10 - 00:43:48:43

Unknown

Efforts to avoid compulsory acquisition and look to alternatives to that. And therefore, in respect of any argument on whether they have met the guidance and the tests under Part B of Section 1 to 2 and no. So clearly there have been attempts made, but our argument still stands that we wouldn't be in a position to all seek

00:43:48:43 - 00:44:09:23

Unknown

to to make arrangement with the applicant. Okay. Thank you. And again, I'll just give you the applicant final opportunity to respond if there's anything further you might wish to add at this stage. Jonathan Bauer, for the applicant, I'm conscious of your preceding comment there about wanting to leave it into later.

00:44:09:35 - 00:44:26:11

Unknown

There are a number of points that we would like to make, but we can do it now or we can do it later. I think the one point I would just put out there for discussion that we can come back to is the significant number of jobs which would be created as part of this scheme, both on

00:44:26:15 - 00:44:58:48

Unknown

on land owned by the council, but also on land owned by third parties. And I can refer you to the application document app hyphen 062, which has paragraph eight point to point 18. The fact that 3500 jobs are estimated to be created during construction and a 290 during the operation of the the overall project.

00:44:59:16 - 00:45:16:06

Unknown

And that would be, as I say, both on land owned by the council, which would help them to fulfill their obligations in terms of their economic strategy as well as on land owned by third parties. So overall delivering a significant net increase in employment to this area of North Lincolnshire.

00:45:18:17 - 00:45:42:28

Unknown

Thank you. Okay. If I go on to then to subsection C, whether the Secretary of State could be satisfied that the land proposed to be acquired is no more than is reasonably necessary for the purposes of the proposed development.

00:45:43:12 - 00:46:12:34

Unknown

Again, you provided a written response to our first written questions, and that was questions 7.0. 20 and gave us an explanation in respect of the parameters and limits of deviation. Now sort of putting aside the ongoing discussions about the parameters which affect the footbridges, which I don't think are particularly going to influence this.

00:46:12:35 - 00:46:30:29

Unknown

Can I just seek North in your council's view, as to whether they have any comments or concerns in relation to the level of flexibility afforded by the limits of deviation in relation to the compulsory acquisition tests being considered in this agenda item?

00:46:32:07 - 00:46:54:18

Unknown

No, no comment, sir. Sorry about both them again. Thank you. Okay. Thank you. And any other affected persons have any concerns in this respect? Okay. So I think I probably don't need to come to you to ask for your additional comments.

00:46:55:16 - 00:47:16:01

Unknown

So then item D, having regard to section one, two, two, three of the Planning Act, the question of whether there is a compelling case in the public interest for the land to be acquired compulsorily and the public benefit that whether that would outweigh the private loss.

00:47:17:29 - 00:47:40:13

Unknown

Now the guidance, again, compulsory acquisition guidance at paragraph 13 explains that the tests for Section one, two, two, three is whether there is a compelling evidence that the public benefits that would be derived from the compulsory acquisition would outweigh the private loss that would be suffered by those whose land is to be acquired.



00:47:41:06 - 00:48:02:05

Unknown

Again, we did some first written questions on this 7.0 22 through to 7.0 24. Can I ask the applicant to confirm that our understanding is correct that the main public benefit as well? Can I? Sorry, I can rephrase it.

00:48:02:38 - 00:48:29:44

Unknown

Can you confirm the main public benefit as you see it and that the project will deliver? Jonathan Bauer for the applicant. Thank you, sir. So I set out at the outset earlier in terms of the overarching objective of the project in order to support the UK's transition to a low carbon economy.

00:48:31:04 - 00:48:59:49

Unknown

And also. The fact that energy is vital to economic prosperity and social well-being. This is all set out in our national policy statement and one the test in relation to the compelling case. It is set out in paragraph 7.40 to 7.44 of the statement of reasons.

00:48:59:49 - 00:49:14:39

Unknown

And you've already referred to that reference, RCP five hyphen zero 12. But the the applicant's position is that there is a compelling case in the public interest for the scheme to be delivered, it being vital to economic prosperity.

00:49:14:39 - 00:49:40:21

Unknown

As I've already identified the and the applicant does acknowledge that there may be impacts on individuals as well as part of the compelling case. And the balance that needs to be weighed by the decision maker. But its assessment in the statement of reasons is that the significant public benefits that would arise would outweigh any harm to those

00:49:40:37 - 00:49:57:05

Unknown

individuals. And Mr. Hammond is already identified in relation to these some of the landowners that were on your list, the the agreements that have been reached in order to deal with any concerns that those affected persons may have.

00:50:11:38 - 00:50:43:28

Unknown

Obviously this scheme will generate up to 95 megawatts and. But it's not just a scheme for an energy food waste plant. So are there other benefits that you consider we should be taking into account in assessing and. The compulsory acquisition test of public benefit beyond the creation of energy and you know that you've linked and reference to

00:50:43:30 - 00:51:05:41

Unknown

as referred to in the national policy statement. Jonathan Bower for the applicant, we've obviously identified the different parts of the scheme that would be created. And the other benefits include the decarbonization through the creation of the district heating network.

00:51:05:48 - 00:51:28:26

Unknown

We also obviously have the significant employment benefits that I've already referred to that would be created by the scheme. If you would like us to go through and identify the specific benefits for each element of the scheme above and beyond what appears in the application documents, then we can do so.

00:51:30:17 - 00:52:02:44

Unknown

I think it's important for you to set out your overall case on this because your scheme is obviously several component parts and each of those component parts influences the area of land that you're seeking to compulsorily acquire. And so the need argument for energy and potentially doesn't cover several of those component parts.

00:52:03:33 - 00:52:34:06

Unknown

And so I think for you to make clear to us what your case is in full is important to us in our consideration of these tests for compulsory acquisition. Jonathan bad for the applicant. I'm going to bring in Mr. Hammond at this point to just explain the rationale for having a comprehensive development in addition to the ERF

00:52:34:23 - 00:53:05:46

Unknown

, if that's okay. Thank you, Jonathan. Colin Hammond On behalf of the applicant, I think we will find a way to respond formally to this because I think it is an important point that Mr. Maund has raised in that, you know, perhaps we haven't solved this particularly comprehensively in the the seek to deliver an infrastructure that would support

00:53:06:15 - 00:53:38:11

Unknown

the local economy, in particular the reinstatement of the railway. We've already got interest from British Steel who would like to have use of the reinstated private railway. We have interest from Visa LOKOJA for the large employer and business in the Scunthorpe area who are a major supplier to network rail and interested in the concrete manufacturing part, particularly

00:53:38:11 - 00:54:01:04

Unknown

the carbon dioxide impregnated concrete. So they call it green concrete for use for network rail's set. You see the rails with the concrete sleepers going out in stacks. Their nearest rail loading point is Northampton from the Dragon B Sidings, which we did on the company site visit.

00:54:01:25 - 00:54:27:39

Unknown

And so they're interested to be able to load trains from that point, but also take supply of the concrete products, you know, 280,000 tonnes of concrete products coming out of using the bottom ash and the fly ash. And so looking at all of those things, you know, the interest of the port, the thriving of the port, you

00:54:27:40 - 00:54:45:37

Unknown

know, a lot of the ports have been sold recently to maintain the port as a transport link, both for the rail and for the other businesses that currently use it. You can see the wall from talked about some of the businesses that would be displaced.

00:54:45:40 - 00:55:02:20

Unknown

We are desperately looking to relocate as the council knows Rainham Steel who want to have greater use of the port. There's already 18 staff employed at the port and the those would grow, particularly with the reinstatement of the railway.

00:55:04:09 - 00:55:30:26

Unknown

Both bringing goods in by rail and by boat suddenly becomes a hub of a good infrastructure. As the locals will know, power supply is a major issue, which is part of the reason why we've installed the private one network to be able to give those people who need a larger, more intensive power.

00:55:30:44 - 00:55:53:31

Unknown

We've offered power to British Steel, and that's obviously quite in the public interest at the minute in their keenness to move to greener steel, the use of green hydrogen, which we can supply, the use of electricity which they need for the electric arc furnaces they would like to migrate to.

00:55:54:38 - 00:56:11:46

Unknown

So I'm starting to ramble, sir. So I want I could talk to you all day long about this. So I will just say that, you know, not only that, we've looked at the biodiversity net gain, you know, we haven't had to deliver 10% biodiversity gain.

00:56:12:08 - 00:56:31:03

Unknown

We could see that coming down the road. We therefore voluntarily opted to include that. And that's part of the DCO. And making public access increase, increasing public access, joining up footpaths, joining up cycleways. So there's a lot of softer things as well.

00:56:31:43 - 00:56:54:00

Unknown

But the infrastructure to recharge industrial vehicles and hydrogen fuel for a lot of councils would use hydrogen busses if they didn't have to pay for the infrastructure of the hydrogen to be used. So we've tried to integrate all of those things, but I think what we need to do is perhaps just give a more detailed definition and

00:56:54:01 - 00:57:21:13

Unknown

I'll pass over to Mr. Bradley. Thank you. Comment, says Andrew Bradley on behalf of the applicant. If I could draw your attention to the funding statement, which is document reference rep to Daesh zero one to clause 2.2. This further information on policy alignment of the project, which I can just read out briefly, covers some of the points

00:57:21:13 - 00:57:36:00

Unknown

that Collins made. The project's being designed to support the UK government objectives detailed in both the waste and low carbon policies. UK Government Resource and Waste Strategy is based around the principles of a circular economy with a focus upon resource recovery and waste management.

00:57:36:20 - 00:57:53:34

Unknown

This project has been directly aligned with that policy, with the inclusion of the RAF to create the energy recovery facility, to create energy from residual waste streams and diversion from landfill to minimize greenhouse gases. Plastics recycling facility to include to improve plastic recycling rates.

00:57:54:05 - 00:58:11:35

Unknown

Concrete manufacturing plants to address waste, hierarchy concerns over erf byproducts and to create the valuable byproducts. The UK Government's ten point plan for a Green Industrial Revolution, published in 2020, sets out the ambition for the country to further develop the green economy.

00:58:12:02 - 00:58:35:04

Unknown

This project has been structured to align with those objectives of the planning and the plan includes production of non intermittent low carbon energy for electricity and heating, greener buildings for lower carbon heating through district heat network, contributing to the target of five gigawatts of hydrogen production by 2030 and investing in carbon capture usage and storage.

00:58:35:22 - 00:59:00:31

Unknown

And as you probably remember, the project is a member of the East Coast cluster, which is seeking to bring forward the carbon capture pipeline in the area. Thank you. Thank you. I think it will be helpful if you can provide us with a written explanation but focused on the compulsory acquisition tests.

00:59:01:26 - 00:59:22:32

Unknown

I do understand the planning arguments that are being made about the broader planning benefits, but the compulsory acquisition tests are slightly different and there's obviously quite a high bar that needs to be met to demonstrate. Safely for the Secretary of State to agree compulsory acquisition.

00:59:23:34 - 00:59:48:05

Unknown

Obviously, because your scheme is including several elements that are not specifically referenced as national infrastructure projects in themselves. That's why I'm pushing you to explain fully the extent of land that you're seeking to acquire in support of the whole project and the individual component parts that.

00:59:49:18 - 01:00:06:20

Unknown

Aren't necessarily national infrastructure projects in themselves. So that's what I'm trying to understand from you. And so I don't know there's anything further you'd wish to say at this point. Thank you, sir. Andrew Bradley, on behalf of the applicants.

01:00:07:28 - 01:00:29:01

Unknown

My colleague Jonathan can probably pick this up in a bit more detail on perhaps in a written representation, but we did. Before embarking upon the project and seek direction through a Section 35 statement from the Secretary of State with regards to the associated developments and the Secretary's opinion as to whether they should be included within the application

01:00:29:02 - 01:00:45:38

Unknown

. And I believe we have that document filed that we can furnish. Yeah. Because at the moment I don't think we've seen that a new one had been sought. But we never got to see the response. So if you want to submit that to us.

01:00:47:18 - 01:01:04:29

Unknown

So it's part of the examination library, then that may be helpful. Thank you, sir. We will. Jonathan Bauer for the applicant as well. We'll make sure that that that's an action list for us to submit as part of any documentation, as part of the written summary of today's hearing, if that would assist.

01:01:04:46 - 01:01:26:37

Unknown

And we can also, if I could also just bring in my colleagues, our prices and joining us remotely. And I, I fully accept. Sir, your your comment just now about the understanding, the, um, the planning justification or certainly the applicant's planning justification for the development.

01:01:27:03 - 01:01:55:04

Unknown

But the two aspects of the planning justification and compulsory acquisition justification are inextricably, inextricably linked, albeit subject to the different tests which, which apply. But I think it would be helpful for our prices to outline a bit further some of the planning justification for other aspects of the scheme which are associated development, because that does help to

01:01:56:17 - 01:02:15:37

Unknown

justify the applicant's case when it comes to compulsory acquisition as to why it is bringing forward those aspects of the scheme as part of a comprehensive project. Just joined us now once again. Thank you. Thank you, Mr. Bauer and Sarah Price on behalf of the applicant.

01:02:16:31 - 01:02:34:35

Unknown

Some of the points that I was I was going to draw on was were made by Mr. Bradley there. And so I think what might be useful is just explaining why those elements of the scheme that are being proposed in addition to the RAF, do meet important aspects of government policy as well.

01:02:35:01 - 01:03:01:39

Unknown

And that is part of our planning case, but it is also part of our compelling case for compulsory acquisition in these additional elements, effectively on Nice to have, they are addressing important aspects of government policy. So turning to the plastics recycling facility first, and that is of course addressing an important and part of government policy in meeting

01:03:02:00 - 01:03:31:38

Unknown

the waste hierarchy that's referenced in a number of government documents, but particularly at paragraph 5.14 point to as and one which sets out clearly the priorities for managing waste and recycling clearly being an important step in the hierarchy and a below prevention and re-use, but clearly something that the government is trying to maximize.

01:03:31:38 - 01:03:50:43

Unknown

And we've covered that in other hearings as well. And by including the plastics recycling facility and with within our overall development, the project is ensuring that more plastic will be recycled than would otherwise be enabling it to be so segregated.

01:03:51:04 - 01:04:12:04

Unknown

And and what happens often is that that plastic makes its way into the odds, but in this case, it can be separated and thus recycled and moved up the hierarchy in relation to other elements of the scheme that Mr. Bradley referenced.

01:04:12:04 - 01:04:41:04

Unknown

Hydrogen is clearly an important part and a growing importance in terms of government policy and first set out as an ambition in the net zero strategy and delivering five gigawatts by 2030. Then the ten point plan referred to by Mr. Bradley earlier, and then increasing the ambition in the British energy security strategy of 2022 to 10 gigawatts

01:04:41:21 - 01:05:04:02

Unknown

. So this is clearly something that the government wants to focus on increase where possible. And so including and that's within the scheme addresses an important policy requirement as well as being an overall benefit of the scheme and turning then to the district heating private wire network.

01:05:04:14 - 01:05:35:27

Unknown

And again, this is something that's strongly supported and indeed required by government policy in relation to ensuring that projects a CHP as combined heat and power enable it from the outset. And in this case turning to the two particular parts of the district Heat and Private Wire Network, and we've got the northern part of the network, which

01:05:36:10 - 01:06:04:05

Unknown

I think has been explained in other hearing sessions, is effectively maximizing the efficiency. Of the trenches that need to be dug any way to enable the grid connection. And also serving. And in doing so and Scunthorpe and an existing and future development in the northern part of Scunthorpe and then the southern branch is particularly proposed to serve

01:06:04:05 - 01:06:29:37

Unknown

new development to the south of Scunthorpe say again referenced in the planning statement and sorry I don't have the reference to hand, but perhaps one of my colleagues will provide that for me when I finished. Is planning permission granted for 2500 homes to the south in August 2021.

01:06:30:13 - 01:06:56:26

Unknown

New Junction Works and New Habitats. And again, the reference to that planning application is in the planning statement. We've talked about the rail works otherwise other than my colleagues have as well. And in addition to the benefits that Mr. Hammond referred to, again, connection to rail is a strong, important part of national policy.

01:06:57:08 - 01:07:18:18

Unknown

Government policy requires us to make the best of existing infrastructure. In this case, there's an existing rail spur, which, with relatively limited additional works, can be brought back into use. And. And. Again referred to in other hearings. But amps in three encourages multi-modal transport.

01:07:18:36 - 01:07:45:45

Unknown

And that's a paragraph 2.5.25 and says that decision takers should expect materials to be transported by water or rail wherever possible. So again, this is policy reasons that we're introducing these parts of the development and then finally looking at proposals for battery storage, which is another part of the scheme.

01:07:46:44 - 01:08:13:11

Unknown

The British Energy Security Strategy strongly recognizes the need for battery storage and that it's a fundamental part of meeting net zero, an important base for the resilience and the security of the energy network and base. Three managing peaks and troughs and but also holding power and delivering it to the network when it's needed.

01:08:13:12 - 01:08:46:12

Unknown

So again, the battery storage element is addressing an important aspect of government policy and those aspects which perhaps haven't been touched on yet, the additional areas that are proposed for landscaping, wetland and biodiversity net gain. And again, biodiversity net gain we know is an important part of government policy and due to be a legal obligation at 10%

01:08:47:00 - 01:09:06:36

Unknown

, the scheme, as we've heard in other hearings and in our written evidence, is achieving 13.7474% biodiversity net gain. That figure would be larger if it wasn't for the larger areas of agricultural land which are artificially bringing it down a bit.

01:09:07:01 - 01:09:32:00

Unknown

And that, as has been discussed in previous hearings, is an important part of the project to deliver overall environmental improvements to the area. And again, that's not what we consider a nice to have. It's an important part of government policy and basin in delivering biodiversity net gain, but also delivering good design and not simply being a piece

01:09:32:01 - 01:10:18:12

Unknown

of necessary infrastructure but a well-designed one. So thank you. I think that's what I wanted to say for the moment. I'm happy to take any questions. Yeah. That's very helpful. Thank you. Jonathan Bauer for the applicant set a sale price reference the planning statements which provide the document reference for the benefit of those attending RTP hyphen 017

01:10:20:11 - 01:10:56:26

Unknown

. So I hope to. Sorry. R.I.P. Repeat the hyphen 017. Thank you. So in summary then, am I correct to interpret that you consider that the overall public benefits, the examining authority, should rely upon those as a whole? And is that a correct?

01:10:58:39 - 01:11:15:08

Unknown

Jonathan Bower for the applicant? Yes, that is correct. And relying upon the justification for the project as a whole and and what the compulsory acquisition guidance doesn't do is draw a distinction between any justification for associated development as against the ownership as a whole.

01:11:15:44 - 01:11:43:33

Unknown

And I can provide a list either now or or in writing of all of the projects where the associated development is authorized for compulsory acquisition as part of the overall project. And even if the associated development forms a large or small element of the the overall project, if the ownership is just a part of it.

01:11:45:17 - 01:12:01:27

Unknown

I don't need to hear a list now, but if as part of your written submission, you want to make reference to a number of examples and that's obviously fine. I just wanted to test your case, really. And so, again, I think it's helpful to have done that.

01:12:02:24 - 01:12:36:29

Unknown

And can I then. Just check with other parties, whether in light of everything that you've heard, whether there's any additional submissions you would wish to make in response. No. Okay. That's helpful. Thank you. If we then come on to sort of the other half of the equation, private loss, and now you've obviously made reference to this again

01:12:36:30 - 01:13:05:44

Unknown

in response to the first written question. 7.0 20:03 a.m.. And you also referred the examining authority to both the socio economic chapter of the environmental statement, which is AP zero six to and the planning statement I'd put down April zero three at 335, but it's obviously been superseded by REP to zero 17.



01:13:06:36 - 01:13:32:15

Unknown

And do I take it that it is the environmental statement assessment in effect? Is that the only assessment of private loss that's been carried out, or are there any other specific or later assessments that have been made? Jonathan Bower For the applicant, you've helpfully referred to the response to the questions that were were may it were raised

01:13:32:15 - 01:13:46:40

Unknown

and responded to. As I've already indicated, sir, the applicant does acknowledge that there may be impacts on individuals and businesses as a result of the project, but does consider that the significant public benefits will outweigh the private loss.

01:13:47:05 - 01:14:08:26

Unknown

But in order to assist with that understanding, what the applicant has always sought to do is to try and minimize the extent of land that might be required. And wherever possible, as a sought to reach agreement with those owners and sought to mitigate those impacts on those persons.

01:14:08:27 - 01:14:33:18

Unknown

So you had earlier from Mr. Hammond in relation to in specifically AP Agri and also jokes and paints as to how the applicants sought to address the concerns that they may have in relation to impacts during construction. We can go through each of the affected persons who appear and have sought to address that loss.

01:14:33:19 - 01:14:59:20

Unknown

But again, it could be that it is one which is to be dealt with as part of ch2. But what I, what I can cover is in relation to, for example, excuse me, wharf side court where the applicant has reached agreement in relation to a proposed relocation of businesses that are affected there and is engaged with those

01:14:59:20 - 01:15:23:32

Unknown

landowners in order to accommodate the continued employment of uses that are currently taking place at Wolf Site Court. And I think that might be helpful to have more on that later. But what I'm trying to get to the nub of now is how you've assessed the private loss.

01:15:23:34 - 01:15:47:20

Unknown

How have you judged the impacts on individuals? And I appreciate now that there's not many left outstanding, which is obviously a good sign, but is really trying to appreciate how you've made those judgments in effect, you know, understanding the effect on those individual affected persons.

01:15:48:31 - 01:16:08:26

Unknown

Jonathan Bauer For the applicant. So what the applicant has done is, through its engagement with those affected persons, sought to understand firstly the extent of the land that is required, but also where there are occupational businesses and interest affected.

01:16:08:26 - 01:16:29:05

Unknown

Engage with those parties to understand what that impact is and how they can then address that that private loss predominantly, as you've heard from Mr. Hammond and as you've just alluded to, the extent of which terms have been agreed, either with agreements, exchange or heads of terms agreed is quite extensive.

01:16:29:21 - 01:16:59:21

Unknown

And so assessing the private loss has being based upon the applicant's knowledge of the impact that would arise on those businesses and landowners affected by the scheme. And as I say, the applicant has been able to address any private loss that arises through negotiation and reaching either, as I say, agreement with and exchanged agreements or heads of

01:16:59:22 - 01:17:44:39

Unknown

terms which have been agreed with those with those parties, such that they themselves don't consider that the private loss can't be addressed by the applicant. Thank you. I can then come on to other affected persons then. Are there any comments from affected persons on the applicant's engagement with landowners?

01:17:45:16 - 01:17:59:46

Unknown

So if I come to North Lincolnshire Council in the first instance. Thank you. Sarah Waltham, on behalf of the Council. No, no comments to make on this. Obviously there have been a series of exchanges of dialog, our positions and affected.

01:17:59:47 - 01:18:18:24

Unknown

Clearly we've got to continue with business as normal and obviously we're not in a position to to make arrangement agreement on them. So on those sites. Okay. And come to just British Steel, then see if anything additional you would wish to add at this point.

01:18:20:14 - 01:18:33:07

Unknown

Ros Power from British Steel and that is nothing further. Again, we've had dialog with the developers and we've been pleased with how that dialog has gone. So as long as that continues, I don't see that being any issue.

01:18:34:36 - 01:18:51:49

Unknown

Thank you very much. Jonathan Bauer for the applicant. Can I can I also just bring in Mr. Rushton to to provide that strategic overview as to how the applicant has engaged with those landowners to address any private loss that arises.

01:18:52:12 - 01:19:20:00

Unknown

Yeah. Thank you. And the question for the applicant, so we've undertaken a review of a number of the cases that are mentioned here today. And in relation to that private loss, the applicant has evidently looked at the situation, situations of the individuals and considered from a financial perspective what they would be entitled to under the compensation code

01:19:20:41 - 01:19:44:21

Unknown

. And in the examples that I've seen, in many ways they've gone above and beyond and been flexible with their approach and in an effort to reach an agreement with them, which, if, for example, statutory notices will serve, they they wouldn't have had to do just an example of where they have gone beyond what the guidance would suggest

01:19:46:01 - 01:20:34:04

Unknown

. Thank you. Thank you. And so then just turning to the final element of this, the balance between the public benefit and private loss. Have you set out somewhere how you have weighed those two against each other and how you then concluded that the latter would demonstrably and overwhelmingly outweigh the former?

01:20:38:07 - 01:20:54:14

Unknown

Jonathan Bower for the applicant? Yes, the applicant who set this out in the statement of reasons I'm just lost, my screen has frozen. Just trying to bring you the specific paragraphs, which I will do if you'll bear with me.

01:21:04:04 - 01:21:38:38

Unknown

Just. So this is set out in from section 7.40 in the statement of reasons, in terms of the compelling case which does address that balance between the public benefit and the private loss. I'm not sure it does, actually.

01:21:40:01 - 01:22:00:28

Unknown

It tells me what you consider the public benefit to be, which obviously you've set out as well again this morning. The. The need in accordance with the national policy for electricity generation. The compliance with policy. And you consider that is necessary and proportionate.

01:22:01:10 - 01:22:25:40

Unknown

But there's nothing telling me how you've balanced that benefit, as you see it, to the private loss. So I come back to the question is there somewhere setting out how you've assessed one against the other? I appreciate you're saying there's a very strong case in the public benefit, but I'm not seeing how you've balanced one against the

01:22:25:40 - 01:22:56:09

Unknown

other. Jonathan Bower for the applicant in terms of the way that that process was undertaken. I accept it's not set out in the statement reasons and we can follow up in in writing with the the analysis that was undertaken including how the applicant obtained the information about the private loss, as I've summarized.

01:22:56:27 - 01:23:37:06

Unknown

To be able to then undertake that assessment as to how that balance was undertaken. I think that would be helpful. Thank you. I think it's probably a good time to take a break. We've been running for nearly 90 minutes and I think we're concluded they're up to the end of item two.

01:23:37:49 - 01:24:00:22

Unknown

So it's coming up to 11:25. So if we adjourn at the moment and reconvene it, what should we say? 22:12 a.m. So again, if those people are watching on live stream, remind you you need to refresh your browser page and we will reconvene at 1140.

01:24:00:33 - 01:24:01:07

Unknown

Thank you.