

# AUDIO\_RAMPION2\_CAH1\_CONTIUNED\_SESSION4\_21052024mp4

Tue, May 21, 2024 4:00PM • 1:42:17

00:06

Okay, it's two o'clock now. So this hearing is going to resume as the live recording is started.

00:15

Thank you. And so just before lunch, we heard from Mr. Stone,

00:21

I wonder if the applicant would like to respond to the points that she raised.

00:29

There, Michelle moss for the applicant, yes, there are a number of points, which the applicant would like to address from those submissions.

00:38

If I could group these into the

00:43

suggestion that my client that the applicant has not given proper consideration to alternatives, in particular an alternative that more closely aligns with spit handle lane.

00:54

The suggestion that it is not necessary

01:00

to seek compulsory acquisition powers over the or over the order limits in their entirety in this location and explanation as to what as to the width of those powers and the flexibility that's currently being being allowed for. And the third point to address this the

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the the suggestions that the applicant has not conducted itself appropriately, with regards to its negotiation, and conduct, which

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I note, just two brief points, if I may, I may make on those before I turned to the experts of my my client, that to the extent that it suggested that negotiations are not meaningful because the limiters are not yet engaged in the detail of those.

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So I would just remind

01:59

everybody that the land interest does have a land agent instructed in this respect, as does the applicant, and that the entirely ordinary course of events is that the land agents are in detailed engagement on the terms of an offer on the plans on the key terms. And that solicitors are normally engaged when there's been sufficient progress to turn to the detailed drafting of how you give effect to those key terms. So that's the first point in relation to the suggestion that because solicitors were not eating, getting engaged, so that was a failure on the part of the applicant. And the second general message that came through was a suggestion that because engagement had stepped up, so to speak, since the submission of the application, and indeed, since the commencement commencement of the examination, that again, does not indicate any failure or lack of engagement on the part of the applicant prior to submitting the application. It is the often the ordinary course of events that when you get into the get into an application having been submitted, and the parties are exchanging submissions, and sending submissions into the examination, that issue start to crystallise and that parties do step up on both sides, their negotiations as they are preparing for further engagement and narrowing down the points that are to be addressed and examination. So again, that mere fact that there has been a lot of recent engagement does not suggest in any way or evidence in any way any failure on the part of the applicant prior to that. But for so I'd like to first of all, ask Miss Herbert to pick up

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the

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the alternatives that the land interest has put forward and which have been properly considered by the applicant.

03:59

Lucy Tibbett on behalf of the applicant, if we could please get plan R E. P 1017. Up which is the applicants response to Deadline one, which appended appendix at 18 is a letter to Mr. And fish, Mr. Mrs. Fishel from October 23. And scroll to Option B.

04:32

The consultations and engagement with officials has been substantial and has shown cooperation with the land interest. The applicant has addressed their concerns about the original route, researching a total of three alternative options and taking forward the most suitable route to DCO submission.

04:53

Following for meetings in 2021, the officials expressed concerns about the environmental sensitive

05:00

duties of the original route. The applicant then took this away and researched the options. Subsequently, the route was amended and consulted upon to take it further to the east of the farm and away from such constraints. If you have a look at the plan, I note on the souq site visit is the route that you walked is on the right.

05:22

If that's right,

05:25

I'd like to highlight that the landowner has already confirmed they welcomed this both within their relevant representations and verbally at the open floor hearing. The first one

05:37

just to summarise the benefits as well. This route we've we've taken forwards to submission avoids a rewelded area to the west of the land, reducing immunity and environmental impacts. It avoids various ponds and watercourses. It includes a trenchless crossing under cool caught word. it minimises the impact on mature boundary oak tree lines and the field boundaries to the south southern border of the title abutting spit handle lane. In addition, there's a trenchless crossing proposed for the northeastern corner under the watercourse.

06:13

I would also like to clarify an another point, which Mr. Stone brought up. Option A, we did investigate an alternative option, that post is out of the land to use their wording, a route exiting the farm on the eastern boundary much further south to cross the beauty 135 Before heading north, rather than tracking north and staying within their farm before exiting at the north eastern corner.

06:46

Option A was assessed and was rejected, with Option B being taken forwards as the most suitable route.

06:56

A multi disciplined

06:58

approach was taken to this and has been summarised within appendix 18 within our EP 1017. I'm happy to go through the the reasoning now but I don't think it's necessary.

07:13

The fourth proposal they put forward, which we'll just call option D for now was actually put forward to April 24 site meeting. And it is a variation of option A that's on the screen just slightly further to the north. So this their suggestion was to follow the boundary of the woodland before turning right across the paddock area, and then carrying another tangent as crossing northwards.

07:43

At these, I can't give a full assessment of whether this route would be suitable. I imagine they're likely to be similar constraints to Option A, including two trenches crossings rather than one. And the latest proposals still go outside of the fishers land, which is the field that is currently pasture land and not actively in in agricultural use to other people's land, which for example, would be equestrian paddocks in this case. Therefore, to briefly summarise, we have looked at three options for this landholding, Option A and C were rejected in favour of option B, the reasoning has been provided for this. And option A

08:32

was rejected.

08:34

We've had significant engagement with officials, including seven site meetings, one of which was refused by their agent in June 23 When we wanted to discuss the consultation material and a suitable cable route has been put forward to alleviate their concerns. Thank you.

08:54

Can I just ask you about another point that Mr. Tillison made and that was the fact that the the order limits touch the tree line

09:04

sites requiring the gap between the order limits and tree line, I would have to pass you on to one of my colleagues that right.

09:20

Richard Turner it on behalf of the applicant.

09:24

Okay, I'm just moving to the point about the proximity to what I believe it is referred to the eastern boundary of the fields

09:36

that we have on the cable route.

09:40

So what we have is basically we come out of the HDD under spit hand lane, move to the Northeast, where we actually come all the way to the eastern boundary of the field, where there's a tree line and then as we approach to the trenches crossing in the north

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And those wetland boundary limits then take come away again, from the

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from the,

10:09

from the border with the with the road. And that's principally as a result of the the situation or the siting of the trenchless crossing and the direction that the cable needs to turn into heading towards the northeast.

10:26

And I would like to come on to my other points in response to the officials. Mr. Liston if possible. So, there was a point sorry, before moving on, specifically on that point,

10:41

in relation to the gap between the tree line and the cable route, why at this location is there no gap?

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So we are and we were staying to the right hand side with a redline boundary to give us the flexibility in this corridor

11:01

to also maintain the required standoff to the ancient woodland as per commitment C to one six as well.

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And

11:12

in order to make the the turn of the cavalry properly towards the north, and navigate any sort of environmental obstacles as well that we need to consider and have committed to minimise

11:23

as much as possible. There is a point though within the standoff distances to the ancient woodland aspect commitment si 216. It does exclude us from undertaking intrusive activities, but they are other activities that are related to the construction of the onshore cable of which we have no detail on why that might be immediately required. However, the requirements that they are associated with the onshore cable construction with a trenching is is it's clear. Okay, thank you. Could I come on into my other points? Yes, thank you.

11:59

So there was a very early point around the consequence of the removal of the fischels land from the

12:11

from the rights that the applicant is seeking for compulsory acquisition and temporary possession. Ultimately, if we were to remove the fishers landholding from those rights that we're seeking, then the proposed development as a nationally significant infrastructure project would not be deliverable.

12:27

Secondly, the flexibility question on why we have in some areas wider order limits.

12:36

There's maybe a general point of view, what would happen if we were to reduce or if that flexibility or the wider order limits will be reduced in that area, and that may result in the situation where the applicant could be at a point closer to construction where there are

12:54

potentially impacts from site surveys from construction design, that would pose a problem for the construction or additional cost cost issues, and would basically impede us from the implementation of the optimal construction design.

13:10

The site specific need for the flexibility was referenced by Mr. Liston that, that hasn't been properly communicated. I'd like to draw her attention to our deadline to response of the applicant to effective parties are EP 2028, specifically reference numbers 2.1 and 3.4.

13:33

That clarify these points in detail. And I can go into that if that's

13:39

no reference. Moving on, then

13:43

the trenchless crossing, there has been a reference that the applicant hasn't taken into consideration the topography

13:50

of the TC 21 trench was crossing and I think that point was also made at our company site visit he was on Tuesday and I have clarified that the applicant has retained appropriate flexibility to construct the trenches location, the trenchless crossing in this location at TC 21.

14:09

And also the sorry, that comes back to the earlier point moving the construction corridor and the wetland boundary in this area would move the construction closer to residence on the other side of the B to 135.

14:24

Then there has been a proposal to construct it the trenchless crossings further south. My colleague has already given the response to that question. However, just want to reiterate that the technical team of the applicant has taken that

14:41

into consideration has evaluated that in detail not only the proposal that was made but also in shape, undertook and auctioneering exercise of variations of that proposal. And the most recent one. I think that was variety D is still ongoing to involve the value

15:00

Question of the wider aspects of the team. So that is ongoing.

15:08

Then there was I'm sorry, but but ultimately there is an additional trenchless crossing involved with that option that will incur additional cost. But we hadn't completed that engineering or that evaluation exercise at this point.

15:24

And then there was a final remark that rampion one export cables easement was seven metres wide

15:31

in respect to the proposed development that we're seeking, so rampion one offshore wind farm has a 400 megawatt capacity and has to export cable circuits and operation. This, this scheme rampion two seeks to maximise the opportunity for renewable energy generation, and is proposing to construct up to four expert cable circuits to export the electricity from the offshore wind farm to the onshore substation, and therefore a wider corridor is required. Thank you. Okay, thank you.

16:08

Any other points? Say yes, I'd like to ask Miss port Wayne to deal with some of the matters regarding engagement. Okay, thank you.

16:16

Thank you for today and on behalf of the applicant, the applicant has recently offered a commitment to the officials to locate cable as far south as practicable taking into account environmental and engineering requirements. And we made this at a site visit meeting on the third of April, and subsequently confirm this in writing dated the eighth of May, as explained at the meeting further investigations, such as site investigations. And these are cable design work is required before we can determine the cable route. But the intent is there from the applicant to meet this commitment as far as possible. There are a number of emails exchanged during April in May, this year. And in those emails, and at that meeting, we've requested responses to the commercial terms put forward to the officials several times and we've not received any response on those commercial terms from the land agent. That's that's concern.

17:15

We've not refused to engage on legal points. Indeed, at that to our meeting in April, we sat down and went through the option at least precedent documents. And we've also asked them to highlight their the key legal points that giving them concern and we're willing to provide a legal undertaking costs to deal with those matters.

17:45

Yeah, the point is in relation to the temporary

17:49

effects on the fields and access to those split field parcels that has been discussed and in line with the code of construction practice, we will discuss access arrangements with that in accordance with the agriculture liaison officer provisions to put that in place.

18:13

Okay, thank you, sir. Listen, would you like to come back briefly on that? Yeah. So I will say I am very sorry. Alex dilla stoner on behalf of officials.

18:26

I bearing in mind the applicant has had the lunch break. So an hour to go away and prepare all that I do not plan on responding in the same level of detail.

18:36

I think what it is important to pick up though, is that I did mention the paragraph eight of the guidance refers to reasonable alternatives, and that those are comprised of

18:46

modifications. Yes, it is true. And the applicant has said that it's researched those three alternatives and has taken forward the most suitable option, option A was assessed, option B was taken forwards. And the question is, but yes, but why the applicant has said that it cannot say why now, and I accept that they may well be able to do so later. But that is something that we will have to pick up in writing those the reasonable alternatives, however, do not just include modifications, we are still left with the issue of whether attempts have been made to reach agreement. And all that I'm hearing from the applicant is that they have engaged because they have meetings. And I don't think I need to add to what I have said on that as to whether negotiations are not meaningful.

19:32

Sorry, because solicitors have not yet been engaged. I do not agree with what has been put forward. Yes, the officials have a land agent. But I do not agree that is entirely ordinary that solicitors will only get engaged once land agents have already done the substantial drafting. I mean, what a solicitor is for is if not to draft an agreement

19:55

as to whether there has been no response from my clients labour land agent on the court.

20:00

rational terms, the land agent has made it clear that the position is that agreeing commercial terms is not a barrier to engaging on agreement. And we are still at the position that we have not engaged on that agreement.



20:13

As to the commitment that was offered that on the third of April. That is, that is it a, again, something that we are we we recognise that a commitment was made, but it was made at a meeting, we've not had that. Anything that would tie you to that from a legal perspective.

20:34

As for the tree line and the cable route and wire, there is no gap. I've heard that we are staying there the applicant has said we are staying to the right hand of the boundary. They are not there is no legal commitment to do that.

20:48

The applicant will close to the commitment register and commitment see to one six, but my point that the DCO redline boundary is not consistent with that commitment still stands. Therefore that land is not required in the DCO.

21:01

I think that is all that I need to say for now. I will keep it short and we can respond to the rest in writing, sir. Thank you. That's great. Thanks a lot for that. Thank you. Okay, well, we'll move on to note and Mrs. GRIFFIS

21:16

and would you like your plan? I haven't got the map. Sorry. It's Marian barn.

21:23

I think it's sheet 27. That sounds about right. Yeah. I'm planning about on the screen please.

21:36

Got the right plan.

21:38

Thanks. Yeah, okay. All right.

21:42

My name is Janice Griffis my husband Alan I own live and work at Marian farm binds green Partridge green.

21:52

Our family run a dairy herd of 150 cows and all of them are home bred. An important part of our income comes from a holiday cottage, a shepherds huts and wild camping enterprise to which connects him with nature and the peace and quiet of the countryside are central to its success.

22:12

The glyphosate is celebrating 100 years at Marion this year. This means 100 years of hard work, planning for the future. Organising breeding programmes and caring for an important part of the landscape.

22:25

Don't know much about green energy, I'm trying to learn and understand the cable coming through our farm is an enormous thing to us. Our 157 acre farm on the route may not seem important in the scheme of things. But to us, it is so important. It's our home, our livelihood, and our way of life.

22:47

And on heart, we've tried really hard to engage with rampion at all stages of the process. You submitted that visit.

22:55

And to this public examination process. I have a reference number, double or double 03. We've sent numerous emails to Carter Jonas, many of which I've recorded in this notebook going back to August 2021. Some went and answered for months, despite being chased. I can give an example of in May 22 When I sent five emails all asking the same question.

23:24

We have attended several meetings on the farm and in two village halls. And I'm rather upset if people are saying that we have not engaged because that is simply not true. We've tried our hardest.

23:36

We didn't choose this. But even that's gonna happen as we get on with it.

23:43

Right so I'm losing my track.

23:51

We've set out concerns about the wit of DC Oh corridor that goes right through our farm.

23:58

How can we plan a future? We'd have calculated approximately 20% of our grazing pasture will be taken up by the easement. How can we feed our cows? Do we cut back our cow numbers? We don't want to sell them have we have a cow family line going back decades and the business is costing these than is just a complete headache.

24:23

How will it impact on our holiday business?

24:28

The peace and quiet and the unspoilt concrete countryside or what people really enjoy?

24:34

Will our holiday business recover if we close for years, there's so many questions and so much uncertainty.

24:44

Vamp Ian's response, and I've got reference rep to zero to eight pages seven to 14 fails to acknowledge these concerns.

24:55

Also, it does not explain why the surveys and evaluation work

25:00

could not have been done before the DC Oh submission to the corridor could have been narrowed down to an area, the area that's actually needed and not a really wide one that's shown on the map.

25:15

We have worried about the lack of meaningful engagement with this on Grampians part. As in the document mentioned earlier, the mood has changed during the consultation process, but we feel it was presented to us as a done deal.

25:31

Every time we have a meeting, the map is different. I have seen so many different maps.

25:37

On one occasion, we saw a map and my husband asked if he could take a photo of it because a different map and the person with the map because they weren't allowed to do that. And I do believe that we never saw that map again.

25:49

We do not feel that rampion is understood the potential but very real impact on our farming and holiday business. Despite us clearly setting out these terms at every opportunity in person by email and by letter.

26:05

We believe it will be extremely difficult to provide evidence of both short and long term financial impact on these enterprises when submitting disturbance claims during and after construction.

26:20

Man peon have only quoted statutory compensation rules and requirements to these concerns. It's so much more complicated than this.

26:30

In Friday's hearing, Charles Lister of Carter Jonah's said that draft option and casement documents have been issued for each affected property and to property owners.

26:43

What we have received is a set of generic dark draft documents. And our agent Robert cloth o'clock has confirmed these documents are identical for each property and do not take account of property and owner specific issues.

27:00

And I've put there one size does not fit all.

27:03

How can we agree to something that has no details and is not particular to our farm?

27:11

In consultation with our agent, we fully intend to respond to these documents in the coming weeks that giving given the generic nature and the lack of clear plan, how can we respond in detail.

27:24

Also, the lack of clarity our agent has received relating to his professional cost in dealing with the documentation has not helped the process. We've already spent some of our own money paying him.

27:38

It certainly does not give us confidence to ask as a solicitor to consider the legal aspects of the document at the moment.

27:48

In summary, we do but not believe there has been productive engagement by ramping on these matters. And we are extremely worried that's an understatement. And concerned at the prospect of mapping that rampion being able to proceed with compulsory powers. Should they be granted? And then just put, surely this can't be right.

28:10

Thank you, Mrs. GRIFFIS. So just to be clear, when you say that the lining of the cable has changed across your land design response to your request to consider alternatives.

28:24

Not really, but it's

28:27

none of it's going to be good, isn't it? It's all so it's not worse or better. It's just different but it just doesn't instil any, it seems like people don't know what they're doing and how can we just didn't know what was going to happen would help us because we can't we just want to get on with their lives. We haven't chosen this it's gonna happen properly. But it's just a massive headache. Okay, I'll just ask the applicant if they'd like to respond. Those points.

29:00

Lucy Tebbutt on behalf of the applicant, if we could please go to our EP 1017

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which is appendix 16 A letter to Mr. And Mrs. Griffiths

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and it's specifically page six.

29:57

Just to check our EP one, Dash 017

30:00

The

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reason I want to show this plan is to explain that there has been an alternative route looked at in this location. From the the initial meetings we had early on in the project, it became clear that there were some challenges with the original route. The first of these being that the Griffis were actually planning to build a slurry pit, which was in the way of the cable route, which is a vital piece of their farming infrastructure. And there was also, as it turns out, an issue with the proximity to the gas main. So we did have to consider an alternative route. And we'll be able to see that on the screen in just a minute.

30:50

Can I speak?

30:51

Both?

30:54

Sorry, yes, yeah, just so you're gonna make a quick point. Those Those things were manpage should have known about before they even came to us. The gas man didn't think they may have been there since the 60s, our planning application for the salami still had been put in before we've even heard of lampion. Okay, we'll just let the applicant respond to the points. Sorry, I'll give you another opportunity for them to come in at the end.

31:19

Yeah, so to continue, the route was amended in this location. And and those are the reasons why.

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I don't have any further comments at this stage.

31:32

Okay, does the applicant have any other

31:34

comments me, and I think the applicant recognises and appreciates the uncertainty that large scale projects like this

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can cause and we will seek to engage with landowners going, going forward to communicate as far as possible, the project timelines,

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we have worked into the cicp some further commitments in it with regard to that, and there's also a communications plan as well.

32:09

where by we can hopefully communicate effectively as the project progresses and becomes more certain as we go along. So issues about alternatives, routes, and now are now resolved, and we can talk about the impacts with a bit more certainty and progressing forward.

32:30

Okay, thank you for that. Anything else?

32:33

Okay, this is Griffis Do you want to add anything? Yeah, only that I've seen two other maps that are different than that one. Okay, thank you. Okay. And the access was changed as well, isn't it? Because originally, it went down behind their in house and Lucy Tebow on behalf of the applicant just to pick up on the point of the accesses. The during the course of the design iterations, it was established by the engineers that are construction access was required to come in, from bind screen for minor minor construction, as I understand it, and add a meeting in March 22. These three options were presented, and it is my recollection, and the engineers on site that there was a press preference for the option that was taken for us to consultation. And,

33:26

and I'm happy to summarise that in a later note. Okay, thank you.

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Okay, I think I think we will move on now to Griffith.

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Mr. Orzly.

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Would you like a plan?

33:42

Yes, sir. That will be very helpful. The

33:46

the land plan references 34 Stroke 19 and 34 Stroke 20. Sheet 34. The land plans please put that up on the screen

34:06

thank you.

34:09

Thank you.

34:11

My name is Charles Wesley. I am the freehold landowner and Farmer of parcels 3419 and 3420. On the land plan, you can see before you

34:23

the XA has already seen my representations previously made concerning impact of land take will have on my farming business. I would however, like to briefly outline the situation since making these initial representations.

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But before I do that, I quickly want to just to echo the issues with engagement. I was intimately involved with the rampion one project, the cable came across my land and there was a freehold land take

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the approach there was very much the initial

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initiation of the proposals

35:00

was to put detailed plans forward. detailed legal documents forward fee undertakings, land reinstatement.

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Plans involved many pages of detail that the land and look at them actually get into and say this is what I will be dealing with. That was done under Fisher Germain Krishna, who were firm who I think have delivered more than 20 onshore and offshore wind farms.

35:29

Sadly, they weren't instructed in this case.

35:33

I'm afraid the engagement has been lamentable. I'm also a parish councillor. So I've had to deal with the many planning applications over many, many years. And one of the things I particularly found difficult was the fact that all the documentation that we have received has been completely generic, has lacked detail has already been said, and shows a lack of real thoughtful engagement with each landowner. For example, we had documents that were referenced to cables that go from this landfall up until Oakland Dean what in fact, our cable is going from a condemned to the substation, and these are different technical type of cable, a 400 KV a cable, and is a twin combination of cables, not a four. But all the documentation was incorrect in that regard.

36:23

The engagement with land agents has been extremely difficult, as there's been a reluctance to cover professional fees, which I understand is against a compulsory code. But I went dwell on that other than to strongly echo what my learned friends previously have said from the legal standpoint, I hope that is taken into consideration when compulsory powers are considered.

36:48

My original representation highlighted the environmental impact on a mature line a Grade A trees reference, g 248. In the environmental statement, impact plan

37:03

of taking the cable route through them subsequently the applicant has agreed and their written response response 8.51 The gap in the tree line where the previous rampion one construction access went, and where there are ash trees that are sadly have ash die back and will therefore need to be removed widening the gap further.

37:23

They said that this alternative route had merit as a proposed refinement of the cable route. The applicant went on to say it is this was in March of this year that it was not in a position to refine the cable route at this stage.

37:41

The national policy statement for energy states that aged and veteran trees should not be removed unless it can be justified as unavoidable. Clearly, in this case, the loss is avoidable as an alternative is available. The gap I just mentioned national grid has recently confirmed the point of connection is the area already defined by the applicant of the land parcel 34 Stroke 28,

38:06

which until now was a reason to resist refining the cable route.

38:12

But it is now demonstrable that all the required evidence is now available to the applicant to enable them to refine the cable route before the DCO application is finalised, therefore mitigating the environmental damage.



38:24

Finally, the DCO boundary has been drawn arbitrarily wide, the applicant has failed to demonstrate the necessity of this duty undertaking insufficient work on the grounds to refine the construction works to deliver the project. The reason for this has been the lack of willingness to properly engage with landowners that I referred to earlier. And they're appointed agents and to access the land and put survey agreements in place to do this legally. Therefore, if the applicant is not willing or able to justify the need for the excessively wide DCO boundary, and the reduced and proportionate, DCO boundary that allows the project to proceed and has been justified by the landowner, ie myself with professional assistance should be adopted in preference to their suggested DCO boundary. Thank you.

39:15

Thank you for that. Would you like to respond to Mr. Weasley, please?

39:20

Thank you. So Michelle Mosler the applicant, if the if we could request Mr. Kirby, who I believe is online just to pick up the points regarding the ash trees and the ash die back.

39:36

I asked Mr. Turner rooster to then deal with the flexibility in the order limits here. And then Miss port Wayne to to address the point around professional fees and also

39:52

the ability at this stage to refine or not with the order limits. Okay, thank you.

39:58

Thanks. So it's Alan.

40:00

Kirby on behalf of the applicant think it's just to confirm here that

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what we're discussing in terms of this tree group are some category A trees, which are nice trees, but they don't fall under the definition of either ancient or veteran trees as referred to in terms of the National Policy Statement.

40:25

Say yes, that's

40:28

all from me. Thank you. Thank you.

40:33

Richard Hammond root on behalf of the applicant, I think I can sort of reiterate the point that that was made at the site visit, we are in close contact with National Grid, who are developing the design of the

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Bonnie substation extension Bay. And we are needing the dcl order limits, as per this application due to the number of

41:03

proposed developments in that area, so

41:07

and the land interests development for the battery storage scheme is one of them. In addition, we have to really take into consideration the number of services that are in proximity to the substation, we have to comply with the requirements of of the grid operator, and also of the operator of the distribution network, you KPN. And that puts a technical challenge. That is not insurmountable, but it needs to be coordinated. And it needs to take all of the facts into consideration to arrive at a likely cable corridor into the extension offices. They just asked you, though, all the infrastructure you just mentioned,

41:49

is there already? And do you have locations of that infrastructure?

41:55

So that is the Under number of proposed

41:59

schemes. We have some indicative locations for those and my colleague can speak to those with regards to the buried services, ultimately, yes, they are indicative locations for the services, ultimately, they always need to be confirmed separately, as per the health and safety guidance. And irrespectively due to the extension Bay being constructed, that would be have to be a

42:24

diversion of some of the services already in operation there. And that is something that National Grid is designing and working with a distribution network operator separately, to to undertake and come up with a design that that matches all parties requirements. So the issue is that their service is there. They may have to be diverted to another location. That's correct location, which you don't know. Because of the design of the we've been an addition to the substation.

42:54

Richard tomorrow is on behalf of the applicant, we've been more recently sort of provided with some indicative corridors that may be considered further by national grid for for the diversion of existing services.

43:08

However, that's an option nearing stage at the moment, we're not at the point where we can really say we can definitely commit to something however, I can say that the applicant has now started an independent exercise involving

43:21

or is about to start an independent exercise with a third party to undertake an indicative concept design with regards to this cable

43:29

connection. Okay, thank you.

43:33

Thank you port turn on behalf of the applicant. And there are also some additional factors that go into the rationale for the red line and that might be better taking and was in relation to the Culligan.

43:45

Discussion. So if that's okay, I'll pick those up. That's next.

43:52

And then, in terms of the discussions with Mr. Woolsley. We first the applicant first contacted him in November 2020. And he was consulted on the project in 2021.

44:08

We've been engaging with him on two fronts, one is the freehold owner of the land and then secondly as the director of and cleggan.

44:19

With, which is the legal entity that there was an option in place with over the land. So as as we understand it at this point in time, Mr. Woolsley

44:31

is not in a position to progress. voluntary agreement with the order limits set out as they are.

44:47

In terms of Yeah, the refinement rule. We'll come on to more about that in the next section. But yeah, in terms of professional fees, we have confirmed that we will

44:59

pay

45:00

professional fees when we're working towards those voluntary agreements. And when they're in stage ready to take those forward.

45:09

Could you briefly summarise your approach to professional fees in general?

45:20

Mr. Lister from Carter Jonas who's leading

45:24

the team in that respect will will provide a summary for how are you Thank you?

45:55

Hello, I'm Charles Lister on behalf as the applicant.

46:00

As negotiations have progressed, agents landowners have fully engaged with Norodom with us on behalf of the applicant. Cinco che terms. And we've asked that the agent is fully engaged with what we're doing.

46:20

And there's a way for the applicant has agreed in a number of cases to reimburse professional fees reasonably improperly incurred upon the return of Stein has returned.

46:31

However, in order that in order that we may be able to move it forward with agents, what we've done is we've set

46:40

figures in terms of fees so that we've got

46:44

running totals, and when applicant agents get within those figures, we then ask for details of how they've incurred those costs, we then review them. And as appropriate, we view that that target if you want to call it that with you that target and then increase it as appropriate going forward so that we have visibility rather than a surprise in six months time. And we've done that with all agents who have raised that as an issue. So did I hear you correctly event, basically payment on a yearly repayment? When there's a header term signed? No, we've

47:25

the payment is paid on

47:29

on an ongoing basis. But basically, from our perspective, once those kinds of terms have assigned, we will then have a conclusion. I assume you're coming from the position in terms of advice during those discussions associated with the key terms? Absolutely. Yeah. And the fees that have been incurred, and they're reasonable. We provided that undertaking on the basis that we have visibility of progress against actual quantum of fees payable. So that sort of test of reasonableness guess, is it the applicant? Who decides? How do you use your what we've done is we've set it as set a figure, and then we've asked, you know, engage with them, discuss it when we get to within 10% of that figure, we then

say could you please provide our you know, your your timesheets, etc? Will they look at it? And yes, we would make a decision in terms of where we are associated with that against the quantum of

48:35

fees incurred against actually progress on it in compliance with the RSS code, you know, from the point of view judgement of those fees, and we're making sure that those fees when they're offered, you know, that we're

48:53

managing the quantum as I says, Yeah, but like, I can see an issue in sort of relating payment to progress. I mean, there can be genuine issues that you don't agree with the party on.

49:09

You know,

49:11

the what we're what we're not saying is, and what's been inferred from Asians previously,

49:19

what we're not saying is, if you incur a fee, we will not increase that fee on the basis that the, you know, we disagree that you're not agreeing with us in terms of progressing those key terms. What we want is constructive discussions associated with the issues that

49:38

the interested parties may have or their agents may have associated with those key terms. We want to make progress.

49:48

But what we're not gonna say is we're not gonna pay the fee because actually, you don't agree with us on that element. It's having constructive discussions associated with those key terms and commercial terms

50:00

terms right across the board, but by putting the figures in there 10% within 10% of those figures down, that ensures we just get a magnitude in terms of progress against Inc

50:15

progress against fees incurred as some of the target fee is that based on

50:21

a lamp the size of the land interest in acreage or is it no neck load, you know, you know AEG Live about it was purely a figure that was assessed as being reasonable associated with the detail of the key terms, or,

50:41

and then from our point of view, we can look at it and assess in terms of the hourly rates, because we, you know, we've got some

50:49

differentiation at the hourly rates that that are being requested by agents. So that point of view, we've set a set a figure so that we can

50:59

review as we go down the that process of negotiation discussion. Okay, thank you, thank you 14 On behalf of the applicant, and we have in a number of circumstances adjusted that figure, depending on the complications of the land involved, it's not necessarily the size, but it might be to do with the tenancies, the number of tenants, etc, or the particular circumstances. In this case. And as Charles is alluded to, we are mainly seeking to secure some kind of transparency for project management purposes.

51:32

You know, as he says, it's difficult to

51:36

manage payments if you get an unexpected.

51:41

Those come in all at the same time. So we have the usual things that we're requesting sight of such as timesheets, and normal is in this type of process. And so that we have visibility of what's been incurred.

51:59

Some stepping and Lucy tablet on behalf of the applicant just to provide a tangible example of where constructive discussions have been ongoing.

52:09

With, for example, the Western estate, the agent acting on their behalf has submitted a fee invoice and we have reviewed it and it was the fees, reasonable fees have been paid to date in those discussions.

52:24

Okay, thank you. Just there is been a bit of a recurring theme that some landowners have highlighted the fact that the target fee has been exceeded and you know, there's no further payment then professional advice.

52:40

Given the western states, we mentioned, may I have the opportunity to respond? Yes, please do. Thank you, Victoria Hudson on behalf of the Western estate. So we will respond in writing, I think but what I would say you're being told about sort of kept fees and budgets and reasonable expenses, etc. The offer to start with was nothing.

53:03

When they had some terms where she's it was 750 pounds. And that was for anyone, nothing to do no accommodation for complexity, or size of site. And that was 750 pounds, no legal fees. It remains the case that legal fees won't be paid unless heads of terms are signed up to.

53:23

And so so we we dispute the fact that there has been a payment of reasonable fees, that's also there's no payment for any client time taken on this as well over a four year period. So yes, we'll come back to you in writing on that. But we wholly dispute the picture that's being painted. Okay. Thank you.

53:43

Oh, this is Griffis. So Mr. Lister, can you explain it again? Because I don't understand

53:50

why we haven't, why we can't have

53:53

an agent go to meetings, because he's used up all his money. That's not what we said. That's not what he said. Yes. Perhaps we can.

54:02

Perhaps explain to Mrs. GRIFFIS outside of the meeting? Certainly.

54:10

Certainly. Okay. So

54:13

any more points to address Mr. Worsley's representation?

54:20

Now?

54:22

I'll just like to in respect to the comments that were made, I mean, in terms of the payments that have been proposed, they were undertakings provided in terms of fees. There were initially a cap on them, but that was subject to ongoing discussions. Hence, we reviewed that going forward. And from our perspective, there has been a there hasn't been a position where we've turned around and said, Actually, we won't pay your fees. From that point of view. They've been subjected to ongoing discussions throughout review, as we've gone along on the process as to GC. Thank you. Okay, thank you.

54:59

Can I go back to

55:00

Mr. Worsley, have you got anything briefly to respond to what you heard from the EPA? Thank you, sir. Just very briefly, on the point that was raised about diverting

55:10

utilities that are already in the ground, I've had experience with this was rampion, one that was dealt with under the Electricity Act, the fact that there are statutory undertakers, and they come to a landowner, and they can decide a diversion route. So that to my mind is completely irrelevant to the DCO audit, it did doesn't require that additional land to be included within the DCF order. On the point about not being able to progress heads of terms, that is factually incorrect. I'm very, very keen to progress, a voluntary agreement. The problem I have is, so far, we've had no movement, we've had no real negotiation. So at the moment, we're just stuck with with what obviously, it's a fait accompli.

55:54

And on that basis, it was on the basis, we had to just sign the terms were put up pro forma, rather than have any meaningful engagement. But I do welcome the hiring and Vicki Baldwin, who came in I think, spring 23 as a direct employee of the project, rather than gotta join us because we have had some more productive conversations with her.

56:15

Thank you, Miss Wesley, is to kill him. I think you have a point to make about the fees. Your land agent was appointed to me, but has been stifled by rampion over fees, so I no longer employ him. He can't work for me, hence why I'm here on my own.

56:32

Okay, we'd like to respond to that point.

56:37

And Lucy turbot on behalf Sorry, just saying this to kill him as a tenant farmer, I believe, is there a different approach to fees for tenant tenants. So Lucy tebbit on behalf of the applicant, the fees that Mr. Gillam was talking about was with respect to assigning a survey licence. And that's a different approach to the heads of terms.

57:00

So those fees were paid in respect to the survey licence and advice on that, with regards to the heads of terms the legal rights, our approach to discussions are using tenant consent documents with the landowner. And once that's agreed, then we will be moving forward and there will be an allowance for fees in respect to the tenant with regards to the tenant consent documents. Okay, thank you.

57:29

My agent, I've done all of the representation myself, because they will not pay him to do it for me. I know nothing about this. I'm speaking from the heart. And what I've seen, and it's just it just seems a



mess, how this gets carried on without proper representation. I don't feel on being protected. Okay, thank you, Mr. Gillan, and Mr. Mole, you the other person tighten up and

57:59

we'll obviously respond on these on the next deadline. But I just want to say that we've had a similar experience as the other affected parties here. And we haven't been offered such packages as the applicants have suggested. Yeah. Okay. Thank you for that then. I think we will move on now.

58:18

So it's the unclogging land. Mr. Campbell. Thank you. My name is Michael Campbell, and I'm the director sorry, before you begin Would you like a planner sheet 34 Please,

58:29

before please.

58:42

Thank you.

58:44

My name is still Michael gamble. And I'm the director of unclick unlimited unclogging limited as the XA nos is a developing a battery energy storage system on Mr. Wesley's land adjacent to the national grid substation that bolney marked as 3419 and 34th Street 20 on the map in front of you.

59:05

I'm not going to repeat matters raised in our previous submissions, however, I would like to make a couple of brief points and also to emphasise it and Culligan is keen to reach an agreement with the application as with the applicant, on location, and with the cable corridor over those parcels of land.

59:25

The lead examiner this morning asked for effective parties to give practical examples of how the applicants project will affect them. If the DCO boundary includes those two land parcels is currently drawn, the principal effect on our project is that we'll have to redesign it and that's expensive, time consuming and may require a further planning application.

59:51

But while I'm welcome that's bad is not insurmountable. Our major issue is that we're unable to commence our redesign work

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until we know where the applicants cable route and working with is going to be.

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Therefore granting the current proposed DCO boundary leaves our projects in limbo.

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I'm grateful to the applicant for clarification this morning that the site investigation works will be complete during 2026. However, from a funding point of view for our project plans are not sufficient, as as built knowledge is required in order to demonstrate to our funders that the Anfragen project can be delivered. accordingly until the cable is constructed and commissioned, we can't commence our redesign work. And various time, limits have been given this morning, including up to 10 years

1:00:51

after the DCO is granted,

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that's still delay prejudices and Kagan's relationship with National Grid and with UK pn, who we're connecting to, as we won't be able to tell them where or when we will be able to connect our project until that certainty is arrived at and that could delay our project indefinitely.

1:01:19

Part of our frustration this project is that we believe that the harm to our project is unnecessary with absolutely get the points that national good news is talking to the applicant about where its cables are going. We understand that that doesn't happen quickly.

1:01:38

However, we don't believe that the current boundary, proposed DCA boundary, particularly the northern and eastern boundaries, as currently drawn necessary for the cable with that will be required between a condition and only substations, which leads me on to my second point.

1:02:00

There's been various figures given as to how wide the easement strip for that part of the cable read is a given. And we'd be grateful for categoric confirmation from the applicant as to as to how wide that will be. We do note that the pair of 400 KV cables connecting ramp in one substation to the national grid substation were laid approximately five to seven metres apart.

1:02:30

This is important to us because the narrower the required cable route, the less overall the land, the applicant should need in order to meet its understandable requirement for flexibility.

1:02:43

So our proposed solution is, as I've said, to bring in the northern and eastern boundaries. And although that would still mean that unclogging incur significant, unnecessary expense and redesigning its project, we believe it would enable both our projects to be delivered independently. And in our case many years earlier.

1:03:08

In response to the requests that the accompany site visit on 14th of May, we have submitted a constraints plan as requested, which shows the

1:03:18

the services currently go through Mr. Wesley's land.

1:03:24

And we've marked on that constrains plan, a proposed compromise boundary within

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the proposed DCO land parcels which we think gives the applicant sufficient

1:03:39

flexibility.

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And I think that is all I'd like to say, apart from one final point on engagement.

1:03:51

And claiming LTD is is just an option holder option for lease holder at the moment. But in case it's relevant, and I'm afraid forgive me, I don't know the answer to this question. We've had no no commercial heads of terms in terms of compensation, because we will leave some of our options around. Okay, that's great. Thanks for saying Campbell. Would the applicant like to respond to these?

1:04:14

Yes, and can we share the the Culligan plan showing the overlap of the area and

1:04:29

this plan is attached. document our EP 1017 appendix 12

1:04:38

and shows the overlap of the area

1:04:42

in yellow, that's the works area

1:04:46

to be east as we looked at on site.

1:04:53

So it's worth noting that

1:04:57

several years ago, there was a

1:05:00

In a development proposal for a grid stabilisation scheme on the land adjacent to the Culligan land. So that's to the, to the west of the field the unclog and land that we're talking about. And that grid stabilisation scheme reached the point where it applied for us a screening opinion. But as we don't believe there's been progress, recent progress in relation to that land. And those initial discussions on that led to some early stage designs of the cable route being routed to the north of that area and coming into the unclog into the north. And bearing in mind, this was prior to the Culligan planning application having been submitted. So that is the rationale behind the some of the route route routing communication that took place with Mr. Woolsley and unclogging. In the earlier years,

1:05:59

we're now in a position where the bank and Culligan development is submitted its planning application, it's been in for 14 months, there's no committee date yet, as far as we're aware, and there's no certainty that application will be consented. And further, we were not aware of when the grid connection date might be available. So there's still a lot of uncertainty with regard to the development potential opportunities around the area. And that is part of the contributing reason as to why

1:06:32

the DCO Red Line has not been drawn in from the north. Because in principle and Culligan planning application could be refused tomorrow and the grid stabilisation scheme come back where we need to redesign again, if we get it wrong, we do end up with an undeliverable project or unnecessarily high compensation costs as a result of that.

1:06:59

So as we've

1:07:02

been communicated,

1:07:04

to and click on before, we expect expecting the design of the of the bony extension area from and get the base design very soon, and we will be commissioning some inter in cable design work to look at the the routing coming out of Bologna because n get are the ones that decide where in that area, the cables are going to come out basically. So then we can take that next step further. And and then after that point, we can feed feedback to an Culligan and potentially look at refining the route as both of the proposals go through, go through the planning process.

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I'd like to also say that, you know, we've had some

1:07:55

productive conversations about

1:07:58

both projects might be able to crystallise things further and make amendments we we did ask and Culligan to move the substation, which is actually right in line of their preferred route coming in.

1:08:12

However, and we made that request in response to the the originally submitted planning application, that's not been done that we hoped that should they get consent that we can find a way of

1:08:25

Yeah, aligning both projects so that they can coexist, going forward. Okay, and what sort of timescale Do you think to reach that? Next stage? We have more knowledge of both projects.

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Richard Tanner, it on behalf of the applicant, we're looking to provide additional clarity in terms of an indicative

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design, concept design, are this cable routes to be undertaken in the next period, I would expect the duck comes up with deliverables in the next three to six months. It's my estimation.

1:09:09

Okay, thank you,

1:09:11

Mr. Campbell, you'd like to combat briefly, very briefly be extremely helpful if that design work was done before in the next week, three to six months before the DCO is granted.

1:09:26

Okay. And also, just two points of clarification. Our current connection date, which we're trying to bring forward with UK being is to 2031. And although we it's absolutely right, we've been in planning for 14 months. The planning officer has said this week that he's hoping we're going to go to the next committee meeting in June. Okay, thank you for that. Okay. I think we'll move on again. So it's Mr. Graves from the National Grid. You've been waiting patiently all day.

1:09:58

Would you would you like a plan for

1:10:00

onto the screen.

1:10:03

So probably she received 34, please she 34 Yeah, the one that we've been discussing.

1:10:11

I go by, please.

1:10:15

There you are.

1:10:18

That's excellent. Thank you.

1:10:21

Yes, I'm engravings of DLA Piper and I'm appearing on behalf of national grid electricity transmission PLC, who are referred to as National Grid. Throughout the submissions. There are two relatively short points I want to make.

1:10:38

And I should say at the outset that both are resolvable issues with sufficient engagement from the applicant.

1:10:48

The first point is in relation to the substation extension land, which is at plot 3428. So it's the pink land on the plan there towards the bottom. And that is shown for permanent acquisition. And then the second point relates to the inclusion of

1:11:08

the acquisition of rights and restrictions over a wide area adjacent to the substation. So this is plots 3425 3426 and 3427.

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You've heard

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from others about the relevant statutory tests, and about the policy requirements in relation to compulsory acquisition.

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National Grid is a statutory Undertaker. So there is an additional revision that relates to them. And that's section 127. of the Planning Act 2008. And in summary, this only allows powers of compulsory acquisition to be granted where the Secretary of State can be satisfied that there's no serious detriment to the statutory undertakers undertaking. And National Grid says that in this case, there would be serious detriment in both in relation to both of the points that I'm about to make, as I'll explain in a second. So taking plot 3428, first,

1:12:15

national grid has already undertaken to build the substation extension there, and it already owns that land. So that there is but very simply, there's no justification for the permanent acquisition of it. The

applicant doesn't need the land, national grid needs the land, and national grid will construct the substation extension.

1:12:39

And it additionally, this will cause significant detriment to national grids undertaking because there are two other customers of National Grid who will be connecting to the extension at that point. So it goes without saying that national grid needs to retain control and ownership of the land in order to facilitate those connections. And, but the maximum that we would say that the applicant would require is a right to site its equipment on that parcel of land. But in fact, even that isn't needed, because the applicant is going to obtain that right through the connections process. So, but simply National Grid's submission in relation to plot 3428 is that it should be removed entirely from the DCO.

1:13:33

Moving on, then to plots 3425 26 and 27.

1:13:40

National grids submission in relation to those plots is that obtaining rights and absolute and restrictions over the, the whole of that area would potentially sterilise it or at least make it more difficult to cite or the customers cables in the area. It's fortuitous, actually, that we had the previous submissions right before this, because that's a good illustration of the type of thing that National Grid is referring to here. So not that specific project, but it shows illustrates the kind of issues that arise. So National Grid says that either the plots should be reduced in size to reflect the land that's actually needed, or rather, as has been proposed by National Grid. The applicant's ability to use powers of compulsory acquisition should be restricted so that it can only be exercised with national grids consent. And the simple point here is that flexibility for the applicant is bought at the expense of like flexibility for other customers who might wish to connect to the grid. And connections to the grid are a highly valuable resource and national grid as the statute undertaken plays a vital role in coordinating those connections. And National Grid says that that shouldn't be distant

1:15:00

hoped by the DCO application process, National Grid is able to and is in fact obliged to take a whole system view rather than looking at this issue only in terms of the needs of individual applicants,

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and so to acquire the rights and restrictions that the applicant seeks, would interfere with National Grid's ability to carry on its undertaking, and cause serious detriment for that reason.

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So that's the two points. So I wanted to make in relation to that compulsory acquisition, there was just one final issue, just because of the discussion that's been had this afternoon in relation to connection to the substation extension. And really, it's it's a question, I had the impression from the applicants missions that they are waiting for National Grid's work to complete before they can

1:16:00

sort of bring forward their cable design works. I just wanted to check if that's the question, because that that if that's the

1:16:07

case, rather, because that's not my understanding. So I think perhaps there might be some disconnect between the parties in terms of where things are. And it may be that we need to just resolve that by having a meeting before before the next deadline, perhaps so that we can update the examining authority as to where things are in terms of cable tonight. Okay, thank you, Mr. Graves. Miss Allen, I think there's a question. Just a clarification point. You made it very clear that you want or Phil plot 3428 should be removed from the order. I wasn't quite clear what you were saying about plots 3426 2526 and 27. Were you saying that they also need to be removed from the order? Or were you insane? Are you saying that the article 25 needs some provision over there over the powers over the sword over them? Can you just clarify, just as I'm out? I'll absolutely clear what you're seeking for the those three plots. Absolutely. So I mean, there are two alternative positions. I mean, the general position from from National Grid's perspective would be that the protective provisions in the order would restrict the applicant from exercising powers of compulsory acquisition, other than with national grids consent. And the purpose of that is simply to allow national grid to input into the area over which the rights are eventually obtained. So it's a means by which national grid can influence and have some degree of control over the amount of land that is used for cables. And so the reason for that is, so that national grid can make sure that other customers can connect at the same location. So in this case, for example, that there are two other customers that are going to connect at the substation extension in in plot 3428 there, so that that would be the solution that national grid would usually propose. Equally. However, if the design were at a sufficient degree of maturity, we would say that plainly those plots are bigger than needed for the cable connection works. So they could be reduced. I think to a certain extent, National Grid is doesn't have a strong view either way, as to which of those is the solution.

1:18:37

Understood. Thank you.

1:18:41

Thank you.

1:18:42

Miss Moss, would you like to respond to the three points reissues that Mr. Graves has raised? Saint Michel master the applicant with regards to the land rights and the bolney extension?

1:19:02

Mr. Graves indicated that National Grid is currently obligated to build the substation and to allow the applicant to cite its equipment its permanent equipment there At present, there are not any land rights within the

1:19:25



existing arrangements with national grid which confirms that position nor is there any land rights for the deed of easement that would come through into over national grid land into that extension area. Nor for the use of the access road which comes off.

1:19:49

It was off the road to left which whose which name I can't quite recall, through, through parcel 2428 around

1:20:00

To the substation, therefore, the applicant is progressing these discussions with national grid, but it remains the case that it does not have the land rights, which has Mr. Graves has asserted

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our would give the applicant comfort that it didn't need any powers in the order over those respects. So Africans very much in active discussions both on the terms of the protector provisions, its interface with the ball, the extension substation, and the the certainty that it needs that it will get the necessary land rights from national grid to do what's necessary for both the extension and the cable connection.

1:20:47

So to be clear, that's for plot 3428 and 3425 26 and 27, who all the plots that Mr. Graves mentioned. So yes, the applicant has a requirement for land rights over over all of those parcels. And none of those are yet in place.

1:21:06

Which is why powers are currently sought to ensure that the applicant can deliver what's needed.

1:21:12

The African environment expects to resolve this. But at present, it remains the case that it has not been and powers are necessary in order to ensure that this connection can be facilitated. So I mentioned on Friday, that national grid and the applicant are looking at the appropriate form of agreement, including whether this can be dealt with via something that's called an interface agreement. Appreciate Mr. Graves wasn't there at the time, it was his colleague, but he's this this is very much ongoing and also related to the design works which which the parties are engaging on. So they're engaging with national grid on a number of fronts.

1:22:01

On a boat, Mr. Graves is point that the blue plots are law large larger than you require.

1:22:13

So I believe Mr. Towner return Miss Portman explained to the need for the widths of the blue plots the connection in order to come into the extension location. And that that includes the existing services that are there and the need to to come through from the from Mr. Wilson his land.

1:22:42

Yes, and, yeah. As explained, the location for the exit of the cables from bone extension hasn't yet been confirmed. I noted the comments from National Grid. And we'd very much welcome their confirmation and input that their design is actually ready to be issued for our insufficiently progressed for our use. And we would very much welcome that, because it will enable us to to progress matters and the area so we've got the area of blue is required for the cable. And there's also some environmental mitigation as well, which is being discussed the detail of which has been discussed within get because plot 3425 is a very large plot in front of the existing substation, and seam seems well, the path of the potential cable route.

1:23:40

So that in particular, why why is that required?

1:23:47

Richard Turner route on behalf of the applicant, the applicant is looking to utilise an area on the plot 3425 for the use as a construction compound to service the construction activities that would be undertaken on the eastern side whether they are undertaken by a national grid or not. They would need to be recognised in the application. Therefore, that's included in the in the rights. And here thank you.

1:24:21

Yes, yeah, that's not what you're showing on the word plans.

1:24:27

And can I just clarify so the reason why set for 25 was primarily included for permanent rights was that the time was submitted the DCO application, we did not have confirmation that the bony extension area to the east of bony was actually confirmed by National Grid. We'd proposed we we'd had conversations with national grid. And that was the most informed location given the technical discussions that had been carried out but there but it still hadn't been confirmed. So

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there

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was potential for the connection. And to be to be looked at going into the north, it's been subsequently deemed to be inappropriate to go into the North. But that is the reason why it was kind of blue. Does that mean that 3425 could be made smaller?

1:25:19

Yes. And actually, in the voluntary discussions, one of the actions from the recent and get meeting was to look at the refinement of that 3425 area to look to see if anything could be excluded from the voluntary agreements. So

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yeah, so obviously, you know, it sounds like you've got some discussion with national grid around these plots, and then potentially, a change of DCO. Red Line following that.

1:25:51

That yeah, we don't we will discuss that today. I was just gonna raise the issue is 3426 and 3427.

1:26:00

They're behind a new connection.

1:26:04

What are those recordable?

1:26:09

So 3426, there may be cable requirements, depending on where the cable exits if it exits the South, that some of that land may be required for, for cable, and 3427. There is some environmental mitigation, some tree planting, that's that's been requested by one of the statutory consultees along Bob lane, and that enables us to deliver that.

1:26:38

Okay.

1:26:41

Mr. Grey, do you want to come back on on the land issues?

1:26:45

Just one point, if I may, I mean, I can confirm that there had been discussions between the parties and they will be ongoing, I'm sure. Just in relation to 3428. What I didn't quite follow from the submissions was why that plot needs to be permanently acquired. So even on the the applicants case, I'm not clear why that needs to be permanently acquired. National Grid is going to construct the substation extension. And National Grid already owns the land. So I just can't see what the justification is for that to be pink land rather than, say blue.

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The mission was for the applicant, it remains the case that whilst it's anticipated that national grid will construct that extension, that's not yet confirmed and documented. And therefore, there's going to be a physical structure,

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which requires control of land, which the applicant needs to ensure is available and can be delivered the applicant very much expect, given this is a clearly a very active moving picture with the detailed design that's ongoing, and that with National Grid and working with them, that there will be a number of commitments between the parties that can be worked through. But at present, the applicants only very recently had that further work from National Grid, and it needs to take that on board and to work through the detail it is doing so as a matter of urgency. Okay, thank you for that. So moving on to Mr. Graves last point. And that's who's doing what with regard to the design of the connection and potential misunderstanding between the parties? Can you comment on that, please?

1:28:42

That that's not something that I can pick up here. I'll just need to take that away to confirm because it has been dealt with matron by people who aren't in the room. Yeah, they can take those in action to establish the position and make sure there's no misunderstanding and that the two parties are doing what's expected. That'd be great.

1:29:03

Okay, Mr. Graves, any final points before we move on? No, I need to just say that my suggestion would be for the parties to perhaps discuss that issue and to update the examining authority perhaps at the next deadline because I wouldn't quite put it as high as to say that there's a misunderstanding, but I'm just what what was said just didn't accord with what I was told before, before this meeting. So that would be my suggestion. Okay, that's great. Thanks, Mr. Graves. Okay, we'll move on now to national highways. Miss Marshall.

1:29:39

Good afternoon, sir. Thank you. Would you like a plan put up on the screen please. Could I have sheet seven? Sheet seven please?

1:29:59

Thank you, sir.

1:30:00

And so,

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briefly,

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again if I reassure the examining authority again,

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that time is used that the all this, the issues we're raising are all potential resolvable

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we just we do need a higher level of engagement from the from the applicant. So the national highways assets, so the the SRN is da 27. So to help the examining authority, so assets the pavements, footway, drainage there's a vehicle restraint system and softer state so that's a softer state to shield businesses and residences from the traffic on the traffic using the A 27. There is also a weather station

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located in work area nine at at hammer pot.

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The drainage you've my instructions are that this is a combined surface and subsurface filter in the central reservation. So there is drainage pipe work running on both verges

1:31:09

it is still not clear to national highways why plot seven three is needed for construction. So this is a bellmouth Lane south side from hammer pot. It's marked as unregistered highway with, we're just not clear and hopefully the applicant will be able to help us with that.

1:31:27

On the eastern end of the site at plots 717 and 718. There are dig ditches on these band carriageway which connects into a culvert at the bottom of plot 718 Which goes under the a 27.

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There is a history of flood events. So both it's considered high risk and moderate risk on these banned carriageway and westbound carriageway. So the drainage is is an area of concern and the impact on the drainage for national highways and obviously safety the highway using public.

1:32:05

The other concern for national highways is that Pevensey there was heaving of land following directional drilling. Now, I don't have details of the particular case.

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But it is something that gives cause national highways cause for concern that the horizontal directional drilling going under the road it is you know it's going to have a

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it's a risk to the road and a significant impact.

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What national highways really need is more information from the applicant. So there's not been discussions on scope of works mythology, programming works traffic management arrangements, because this information will enable national highways to plan ahead, you know and to to mitigate the impacts for users of the SRN.

1:33:06

What is surprising is the applicant has not sought to enter into any form of legal agreement section 278 agreements, which would deal with scope works mythology,

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the outline construction traffic management plan, and again, it's outlined but it's very, very light on information.

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There is provision provision in the DCO. Search constructions of accesses, for example, must not be commenced until approval obtained by the relevant Highway Authority. So we're aware of that and we're in negotiations at the moment with protective provisions. This national highway standard protective provisions which are referred to on Friday should provide sufficient protection for national highways and their assets.

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So in In summary,

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the applicant will need to enter into a section 50 licence, new roads and streetworks Yes, where to place the pipes or cabling under the SRN. There's been no discussions on that. To date, I'm assuming that the applicant will will seek to engage with national highways

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on that point, and again, seek to engage with us to enter into a section 278 agreement which will

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This then leads to with we're not clear as to why the applicant is seeking compulsory rights for the various plots. Because if they enter into a 278 and get a section 50 licence, then that negates the need for rights so that patent rights over these plots where we're just not quite clear on that.

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For consenting concerning had to terms we have only received heads of terms for plot 718 But as I said, not clear why, why they're seeking

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Well, it wouldn't be needed headstones are not needed.

1:35:06

I just so what I would, what I would set national highways will provide now. I'm engaging with various teams, they will provide comments on each of the plots and we can submit that for deadline for for the examining authority. And I can to assist the examining authority on the nurse were appoint. I can also submit a KC opinion which was submitted for a recent DCO

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to Cambridgeshire, wastewater DCO.

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On the application of nurse wear, so if there's anything further, sir, that's, that's all I have to say. Yes, that's very helpful. Do Miss Marshall, Miss Moss, would you like to respond to those issues?

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So Michelle moss for the applicant.

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I will pick up in relation to miss Marshalls comments regarding nurse where I will then ask colleagues to pick up the current state of discussions on the technical matters which are influencing the detailed design in this area and which may well go towards Mrs. Marshalls comments about trying to get to the nub of exactly what is needed and where. And finally I'll also ask Mr. Hebert to just confirm what information she has indeed sent across the national highways in order to to progress negotiations, okay. So, picking up first of all on the road and street Works Act,

1:36:43

the applicant is not carrying out streetworks in relation to the strategic road network here. What it is doing is tunnelling underneath by HDD in order to avoid the highway and to lay its cable I recognise that statutory undertakers who regularly lay cables pipes, for example, in streets will often rely on the new roads and street where it's at. But this is whilst the applicant is a statutory Undertaker by virtue of his electricity at licence. It is not in the ordinary course of business of doing that. Plus, this is not something being laid in the street. This is a REIT, which is going under

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new roads and street roads that does not give the applicant or registerable land rights does not give the applicant any land rights or protections for its apparatus. It in a sense of the mechanism and a regulatory regime which allows

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the this highway authority to efficiently coordinate works in streets, which is not what we're dealing with. Here we have a nationally significant infrastructure project. That's critical national priority, it needs to the applicant needs a proprietary interest which it is registerable and which can be

1:38:17

the offshore transmission operator who will operate this project. Therefore, the applicant is not in a position to accept that it does not require land right for it, cable where it goes under that strategic road network.

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If I can ask Mr. Rota to deal with the current state of position regarding the technical matter. Okay, thank you. Richard Hanna wrote on behalf of the applicant, yes, we welcome the interface that we have with national highways and their technical teams. Just to clarify, we've got two interfaces that were progressing in parallel on the one side we have got the proposition of the dmrB compliant access design relating to construction accesses a 21, a 21, a and a 22 of the A 27. Highway, we have put forward a proposal access design that is dmrB compliant

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for review by national highways and we've received comments on this on the 16th of May. And separately. We have been in discussion with national highways and their geotechnical advisor. We've appointed an internal designers geotechnical advisor

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for acceptance to national highways earlier this year. We have and submitted subsequently to that in relation to the undertaking of a trenchless crossing underneath the strategic road network. The A 27.

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A statement of intent was put forward on the 22nd of April and we've received feedback on that on the 15th of May last week.

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But we welcome the positive interaction that we've had with national highways and we will progress any further works as a matter of urgency with national highways. Thank you

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just clarification on plots seven, three,

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the need for that triangular plot

1:40:16

I would have to take that question away and review it with regards to our technical plans. You could take that as a thank you please Yep.

1:40:31

Kevin and Lucy tebbit on behalf of the applicant. I just wanted to clarify with Sarah Marshall, that we had been seeking to have discussions with the property team at national highways. And initially, that set of heads of terms was sent out in respect to one plot within the DCO boundary that's owned freehold, but it's outside of the adopted highway. And there has been some subsequent emails with a summary of all the plots that are within the boundary sent to to their team. And I imagine future discussions will need a joined up approach with the engineering team. Thank you. Okay, thank you.

1:41:14

Miss Marshall, do you want to come back briefly on anything?

1:41:19

Thank you, sir. Marshal for national highways. And I'm afraid the we will have to disagree with the applicants on the the point that was made about the new roads and street works at national highways position is that that applies to the centre of the Earth. But I will submit that Casey opinion to assist the examining authority on that point.

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Nothing further to add and noted regarding the discussions and SES is is tricky because we are a huge organisation. So we're putting together all the pieces of the jigsaw. But yes, we we welcome further engagements. Thank you.



1:41:58

Okay, thank you. So that concludes item 10. Apart from the actions, which I propose we do after a break till five past four. Thank you