

TRANSCRIPT_DRAXBECES_CAH1_SESSION1_23032023

00:29

Good morning, everyone. Can I just confirm that everyone can hear me clearly

00:35

may also confirm with Mr. Harold that the live streaming of this event has commenced.

00:41

Thank you.

00:43

Mr. Holton today ask you to turn your camera off, please. Thank you.

00:51

For those people watching the live stream, can I can I also advise you that should we at any point, adjourn proceedings this morning, we will have to stop the live stream in order to give us clear recording files. As a result at the point at which we recommence the meeting and restart the live stream. You'll need to refresh your browser page to view the restarted stream or remind you of this again, should we need to adjourn.

01:15

It's now 10am And time for this hearing. To begin. I'd like to welcome you all to this compulsory acquisition hearing. Dealing with the compulsory acquisition and temporary possession matters in relation to the application made by Drax power limited, who we will refer to as the applicant for an order granting development consent for the Drax bioenergy with carbon capture and storage project. Thank you all for attending. My name is Ben Northover. I am a chartered architect and have been appointed by the Secretary of State for levelling up housing and communities to be a member of the panel to examine this application. I'm now going to ask my fellow panel member who has also been appointed by the same Secretary of State to examine this application to introduce herself.

02:00

Good morning everyone. My name is Caroline Jones. I'm a chartered town planner and a planning inspector and I am the lead member of this panel.

02:10

Together we constitute the examining authority for this application. And we will be reporting to the Secretary of State with a recommendation as to whether the development consent order should be made.

02:21

The case manager for this project is George Harold and he is being supported here today. By a tiller boss, Spencer Berman is providing support remotely.

02:32

As I mentioned, listen, Harold is the case manager and potentially the person you're most likely to come into contact with during the course of the examination. If you have any questions or queries about the examination process or the technology we are using for blended or virtual event, he should be your first point of contact. The case team contact details can be found at the top any less you have received from us or in the project page of the national infrastructure website.

02:58

This is a blended event comprising in person meeting as well as being held on the Microsoft team's platform. It's being both live streamed and recorded for those people observing or participating through teams. In order to minimise background noise, could you please make sure that you stay muted unless you're speaking.

03:19

If you're participating virtually and you wish to speak at the relevant point in the proceedings, please use the Microsoft team's hand up function. So be advised there may be a delay before we see it. And please wait to be invited to speak or asked to speak at the appropriate time.

03:36

Alternatively, please turn on your camera so that we can see you wish to speak Can I also

03:42

remind people that the chat function in Microsoft Teams will not work so please don't try to use this to ask questions or post comments. If you don't manage to ask your question or raise your points of the relevant point in time, there'll be an opportunity at the end of the meeting for you to raise this under item eight on the agenda any other matters.

04:04

Because the digital recordings that we make are retained in Polish they form a public record that can contain your personal information, and to which the General Data Protection Regulation GDPR applies. The planning inspectorates practice is to retain and publish recordings for a period of five years from the Secretary of State's decision. Consequently, if you participate in today's meeting, it's important that you understand that you will be live streamed and recorded and the digital recording will be published. If you don't wish your image to be recorded, you can switch off your camera if participating virtually. And for those in the room room who don't wish to be recorded. There's an error out of camera shot which is the back row.

04:48

We will only ever ask for information to be placed in the public record that is important and relevant to the planning decision. Therefore, to avoid the need to edit the digital recordings. What we would ask is that you try your best not

05:00

To add information to the public record that you would wish to be kept private or that is confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication. Are there any questions on this matter?

05:18

I'll now I'll deal with a few preliminary matters for those attending in person can everyone please set all devices and phones to silence?

05:27

I'm not aware of any fire alarm tests or drills today. So in the event of a fire, please exit via the doors in the back of the room.

05:34

We'll take a short break at around 1130 and lunch around 1pm F it appears where we will be going much beyond that.

05:47

This meeting will follow the agenda as published on the tracks project page, the national infrastructure planning website on Sixth March 2023.

05:59

I hope you have a copy of this agenda tonnes you'll see that we're currently on item on the agenda is for guidance only and we may add other considerations or issues as we progress. We'll conclude the hearing as soon as all relevant contributions have been made, and all questions are asked and responded to.

06:16

But if the discussions can't be concluded, then it may be

06:20

necessary for us to prioritise matters and defer other matters to further written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, then can you please indicate that you'll respond in writing?

06:36

Throughout this hearing, we may be referring to several key documents which you may wish to have easy access to. These are the book of reference, of which the latest

06:48

version is examination Library Reference, rep two hyphens 016. The statement of reasons, which is rep two hyphen 012. The funding statement, which is as hyphen 08 to

07:08

the draft development consent order, which is rep to open series series seven.

07:15

The land plans as hyphen 072,

07:21

the special the special category land plan, which is rep 2006 and the shedule of negotiations and powersports, which is rep three hyphen 005. Thank you.

07:38

I have been provided by the case team with a list of those who have expressed a wish to be heard today. I'm now going to ask those of you who are participating in today's meeting to introduce yourself.

07:49

When I state your organization's name, please could you introduce yourself stating your name and who you represent? Can we start with the applicants and any of their advices

08:01

Good morning. My name is Rich Griffiths partner at Pinsent, Masons LLP solicitors for the applicants. And I'm joined here by my colleague Matthew Fox associates at Pinsent Masons.

08:12

And we anticipate speaking today potentially, is Cassie fountain, who's associate director at WSOP on planning matters.

08:22

And Jim Doyle planning consents manager at Drax, and Chris summers engineering technical manager at Drax. We also have virtually in case we need additional support. Andrew Holden, who's the applicants land agent from DDM agriculture and Sean Carroll associates at ws P. Who's our land reference.

08:52

Thank you. We then move on to those who have expressed a wish to speak to we have North Yorkshire county council. Actually.

09:03

Morning It's Michael Reynolds North Yorkshire county council here on behalf of North Yorkshire and sell the District Council. But there are no items against which we need to speak instead of watching beef today. Thank you.

09:18

Thank you. And do we have Yorkshire water with us virtually.

09:24

Morning. Yes, Sir Ben Surtees and the Clean Water Network Engineer for the Selby Hills area.

09:31

It's just some queries really around when I was sent the sort of footprint or the outline of

09:38

where the development may be taking place. We actually have a couple of critical clean water Trump mains within the sort of red line and a couple in some of the road areas. I think there are four sections and I'm just kind of wanting to know what exactly will be sort of happening there. A construction reads

10:00

statements or things like that. So this is basically a watching brief, but it's just to garner a bit more information so we can look at what to do with the Clean Water man's thinking. Okay, thank you. there anyone else who wishes to speak, either in the room or virtually?

10:19

Net? This doesn't preclude you from speaking later if you wish to respond to comments made by any other parties.

10:27

Are there any comments anyone wishes to make under item one of the agenda?

10:34

If not, that concludes this item of the agenda. Thank you. I'll hand over to Mrs. Jones for item two.

10:40

Thank you. Good morning, and welcome, everyone. I'm just going to briefly explain the purpose of today's hearing. The application for the proposed development includes a request or an order granting development consent to authorise compulsory acquisition of an interest in or right overland, to extinguish rights and also temporary possession. So the purpose of this hearing today is for the examining authority to examine the applicants case for compulsory acquisition and temporary possession, and to invite effective persons and the applicant to make oral representations about those matters.

11:14

The hearing will help us to consider whether the relevant legal and policy tests applicable to compulsory acquisition and temporary possession proposals have been met. So does anybody have any questions about the purpose of today's hearing?

11:29

Okay, in that case, we'll move straight on to Item three, which is the applicant's case for compulsory acquisition, and temporary possession.

11:38

I just really like the applicant to set the scene really in this in this section, just to briefly present and justify its case for both compulsory acquisition and temporary possession. In doing so, can we please ask that you include the following relevant draft development consent order provisions,

11:56

how the relevant statutory and policy tests under the Planning Act 2008,

12:03

including section 122 on 23127132138 and the department for local community sorry, the department for communities and local government guidance related to compulsory acquisition would be met. If you could also include the applicants strategy criteria for determining whether to seek powers for CA land do rights are temporary possession of land, any consideration of alternatives to ca

12:31

or temporary possession and any human rights considerations. And I have already used an acronym without telling people so I will refer to compulsory acquisition as sta for the rest of the hearing and everyone else can do so as well.

12:48

Thank you,

12:50

I will start off with a summary of the compulsory acquisition

12:55

that the applicant is seeking. I think it's first of all important to emphasise that the applicant is not seeking compulsory acquisition of the freehold of any land that is not within the scope of the application, which of course goes into the tests and the guidance to that applicant should minimise the case for compulsory acquisition. So that's the first key point to mention that there was no acquisition of freehold. So, the applicant is seeking three main capacity or two main compulsory acquisition powers and then one temporary possession which of course is not compulsory acquisition. The first is the compulsory acquisition of rights and the relevant DCO article. The compulsory acquisition of REITs is article 20 of the current draft of the developed consent order and this acquisition of REITs as shown on the land plans, which is the relevant land is coloured blue and this ties into shedule eight part one of the development consent order

14:02

now this are these areas of land are required for various work numbers. Notably work well. All of these work numbers are work number one f which is existing, generating station and carbon political connections to the existing generating station and carbon capture plant works. Number three, which is

supporting works in connection with work numbers one two and five, the habitat provision area which is work number six, and then work number eight A and work number eight B, which relates to the

14:38

work to facilitate the delivery of AI ELLs to the site, notably the diversion of the overhead 11 KV overhead line, which would be under grounded and then the diversion of existing telecommunications overhead line which will stay in overhead line but to be raised higher to allow the aim is through

15:00

So that all those

15:02

rights are needed to facilitate the construction of the plant of the carbon capture plant or to create right to maintain mitigation planting for the project.

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As I mentioned, those plots are set out in schedule eight part one of the order.

15:26

The second element of compulsory acquisition is relates to powers to extinguish rights. And the relevant article is article 21 of the development consent order headed private rights. And the land in question is shown on the land plans coloured green.

15:47

There are two main areas relating to the extinguishment of rights.

15:53

Public green, first is the land, the main power station site, which of course is owned by Drax. But the reason why we've coloured it green and not turned white is because there are various historic rights that either we are aware of or could be unknown, and therefore could prejudice the construction of the project. And there are more recent potential rights created by contractors on the site which

16:22

the applicant would be voluntary voluntary means removed but as it is good practice as backup how's the extinguishment power is there

16:32

the second element relates to the diversion of existing 11 KV overhead lines and telecommunications line work numbers eight A and HB. In respect of those, we need to extinguish the current rights for the overhead lines or overhead cable for the telecommunications, as we add either diverting it underground or realigning it in the case of the telecommunications. In that instance, we are extinguishing those rights, but then new rights being created in the blue land that I covered earlier. I would add that in addition to the green lands, the power to extinguish article 21 does actually apply across the whole of

the order land, as is the as is the usual case, but in respect to the Greenland it that is the only compulsory acquisition power that is being applied there.

17:22

The relevant the Greenland is identified plots by plots in part two of sheduled eight to the development consent order. I will just add that in our review of the dependent consent order, we notice that not all of the green plots are actually listed in part two of the vernix centre order. That might be a question coming later, we have spotted that error and we will be at our next iteration developer consent order. We will be updating Part Two or sheduled to include all green plots, or all plots coloured green in that table.

17:58

Those are the only compulsory acquisition powers being sought. But in addition, the third area relates to temporary possession of land and the applicable articles or articles 26

18:11

And which is the

18:13

temporary possession of land

18:15

for constructing the development and article 27, which is temporary possession of land for maintaining the authorised development. This power can be used across all order land, so both the blue land and the green land, but only where we haven't already served notice under the compulsory acquisition powers. So for example, on the blue land, we might exercise temporary possession. First to do surveys to identify where precisely planting for example might be located. And then once we've identified the precise location, the actual right itself will then be exercised on the compulsory acquisition powers. So again, a demonstration of minimising the taking of compulsory acquisition pass through the use of temporary possession. However, there are a few plots whereby all we are seeking is temporary possession. And those plots are coloured yellow

19:11

on the land plans, and those plots are identified in sheduled 10 to the development consent order.

19:20

The reasons for taking temporary possession relates to construction access, in respect of work number four,

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the temporary construction, lay down area work number five, and also to help us implement the works for the diversion of the existing overhead and telecommunication lines work numbers eight and eight B that needs to be a working area in order to either HDD or to relocate to the polls.

19:47

So those are that's the summary.

19:49

Hopefully answering your first question regarding the identification the power source and linking it to the relevant DCO schedules and articles.

20:00

then go into the third element of the question.

20:05

How do we demonstrate meeting the relevant tests? I think I've covered some of that already. Section 122.

20:13

of the Planning Act 2008 sets out two conditions for the authorization of compulsory acquisition. One is it needs to be acquired for the development.

20:26

And second, there's a compelling case in the public interest for the inclusion of compulsory acquisition powers.

20:33

In respect of the second element section wants you to see paragraph three, the compelling case is set out in our documents to you the need statement planning statement, for example. But in short, the principal justification relates to the fact that this project will meet an urgent need for new energy infrastructure that works towards achieving the ambitious netzero targets set by government and set out in policy. This projects without this project, all calculations and models of on climate change demonstrates that we can't reach Net Zero without projects such as carbon capture and storage. So the urgency of a compelling case rests on that urgent need is also a form of economic development, it will prolong the working operations. The plant, therefore, and itself will create socio economic benefits, not just indirectly but also indirectly. It's suitable in the location, it's an existing power station.

21:44

We would argue that we've minimised

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or mitigated adverse effects to an acceptable degree which we discussed yesterday. And we would also argue that this project is compatible with national policy, including the national policy statements, the draft national policy statements, and other national and local planning policy.

22:09

In respect of the need for the compulsory acquisition, I've already stated that we have minimised the case for compulsory acquisition by not seeking any freehold land. And I've identified and linked the

relevant blue land, Greenland and yellow land to work numbers. But in short, new rights are sought to enable us to implement work number one, F, the work 383 infrastructure work number six the habitat provision planting and to enable us to carry out the work number eight, overhead line, diversions and undergrounding. And then temporary possession is required for work numbers four, five, and eight, to enable us to implement those work numbers.

22:59

In respect of section 132.

23:08

That

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test relates to

23:14

pause your acquisition of any rights over land forming part of a common open space, if you will feel garden allotment. Section 132 only applies to the compulsory acquisition of rights over that land, it does not relate to the temporary possession of an use of land, which relates to articles 26 and 27. As you've

23:39

as you've identified in the special category, land plan, we do identify

23:46

on that plan,

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special category land which relates to open space.

23:56

However,

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that and those plots are plots, a 140 and a 141.

24:07

Habit. If you then look at those plots against the land plans, those plots are coloured yellow, Mr. Gryphon is going to stop you. Would it be helpful to have them on the screen because we do have them available? That we're filming? Yeah, sorry, politics. I'm pretty sure they're on sheet. Three, sheet four.

24:29

Thank you

24:43

think those plots? I think if we could go to sheet four, I think perhaps

24:49

three. Great, sorry I was right the first time

25:02

Is it possible to zoom to zoom in at all

25:07

is to that top that top section that that inset?

25:21

Sorry to interrupt you, I just thought it might be helpful to have those. Thank you very much that is helpful. And if I just go back with these plots, I cover section 122. You also mentioned in your gender section 123. Didn't mean to gloss over it. But section 123 simply states that the in order section states can authorise compulsory acquisition were one of the conditions in once you three are met. And one of the conditions is that

25:46

the application for the order includes a request for compulsory acquisition.

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And

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we've done that in the application. So

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we would say that we specified 12123.

26:01

Moving on to I'll come back to 127138, or deal with those together. So going to 132. So I've outlined what's the

26:12

Section states. So the the area of land that

26:17

this concerns is lots of oh, 114 and a 142.

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Which

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is Maya

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is catching up. So I zoomed in, and it's sort of policy that's catching up. So the plots are oh, 114 Oh, 141. Yeah.

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And then when you can see those on your screen

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whether plan can be zoomed in a bit more.

26:54

Mr. Barrowman is there any chance we can zoom in slightly, it's

26:59

very difficult to see the numbers isn't it on the screen. So if you see the A 139 is the far so I looked at the left yellow plot. And then a 140 is the larger plot. And then a one for one is the sliver on the edge. It's that triangle is, is open space, and we cast as open space.

27:22

And

27:23

there are allotments there, but we don't impinge the allotment. So hence this bit is class open space. However, as I've outlined this is and showing the plan, this is yellow land, therefore temporary possession. So section 132 is not triggered, because it's not compulsory acquisition of rights. I would also say I mentioned yesterday at the at the issues Pacific hearing, that the applicant is most likely going to be making an application for a change request, following further detailed discussions with the asset owners of the overhead lines and the telecommunication line. And those discussions have been fruitful. And that we now have a more detailed design as to how they would, how they would like to underground, the overhead line in respect of the 11 KV electrical line and how the telecommunications line will be diverted, raised and slightly diverted. And as a consequence of that detailed design, we are confident that we'll be able to remove from the application plots, a 1390 114 a one for one. So a one for 101, for one beat a 140 Our foreign being the land on the open space. We're just getting clarification from the asset owners that our revised land plans gives them enough working space for the in this case, the undergrounding of the overhead line. And we're hoping we've been told we're going to get that response tomorrow. And once you've had that response, then we'll be speaking directly to the landowners in question about the changes, which will hopefully start on Monday. And then we'll be writing to you fairly soon notifying you of our proposed change and our strategy for dealing with that in terms of the conversations you've already had with the landowners, and when we're submitting that application for you to hopefully, to consider.

29:29

So we would say in any event 13132 does not apply.

29:35

Because it's temporary possession. But in any event, we considered those plots to be removed. Should you accept the change request.

29:45

I don't know whether to I go on to the other parts of sections whether you would like me to explain a bit more details we've got about the first change, or whether you want to come on to that later in a OB or another element of the agenda. And yeah, I was actually

30:00

And come on to that in the sort of site specifics. But it might be a good place to do it. Now actually, if you're happy to do so,

30:08

yes, I'm happy to do so.

30:11

So,

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in effect, the view plot sheets,

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three and four. So sheets three and four relate to the works, eight A and A to B. And these the two sheets were which relate to the post change application,

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we do actually have a, a, a potential revised sheets for these two, which we could put on the screen. But it's not before the examination, so appreciate you can't examine it. But in short, following the detailed design that we've now just discussed with the asset owners, we have been able to reduce the land area that we need to seek either temporary possession or compulsory acquisition of rights, or the extinguishment of rights over. So a key element and actually majority of the application would be a reduction in the order land.

31:11

Therefore the order limits.

31:14

And I've given one example being a plot. So 114 Oh, 1416, there'll be a reduction. However, there will be a slight, there will be in places an increase in the rights being sought as a result of those discussions. And, for example, on overhead line one, change plots.

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Effective plots are a 147, a 1570161, and a 166.

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And those plots,

31:54

a 147, for example, is the green strip effectively, that green strip is currently shaded extinguishment of rights. However, following the detailed conversations you've had, the plan is that though that green strip will be turned from green to blue.

32:17

As he undergoes the overhead line beyond to grounded along that alignment,

32:22

could I just quickly ask a question, when you're talking about new roads, you're changing it from green to blue, but does the the plot itself stay the same. So there's no extension to plot though there's no change in shapes of plots or anything like that, that is correct. And we may as was altered the change, merge some plots because of ownership. So maybe some merging of plots. But in terms of the order land, it was we're not going into new plots where we haven't discussed with landowners. So the change, and this, I think it's important in terms of our approach to consultation, the change relates purely to

32:55

within the order land, as you see, and it will either be reduced, so plots completely removed. Or, as I just give an example, plot.

33:08

Oh 147015701610166, we'll go from that exact plot will go from green to blue. And so already talking, so we've already been in conversation with those landowners. And I would add that a 1610166 relates to the road. So we're seeking wild and extinguishing the overhead line, we're extinguishing the overhead line above the road. And we're then putting it under the road. So we need to extinguish the road, the line going over it. And that will mean but then we need to seek new heights for the line to be undergrounded under the road on a 1610166. So that's East Yorkshire riding Council. But that's a road and then it goes into private land, plot a 1470157.

33:52

But these these are people we're already talking to, on the current proposal. And once you've got the detailed confirmation that our revised land plans are suitable in terms of the working areas, that northern power grid in this instance requires, we'd say we anticipate that tomorrow, we will then be speaking to these landowners next week to start that consultation with them to say, look, the plot is not getting bigger, and actually some of your lands coming out. But we need to increase the rights in this in these two four plots from pure extinguishment to rights but of course, the quid pro quo is that some of

that blue land you see there is coming out all together. Okay. And the land that you are treating as open space, does that still remain temporary possession? No. That we anticipate that's coming out? That's coming out altogether? Yes. Okay. Yes.

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It's quite a significant reduction. Okay, thank you.

34:44

Then the same if we move to plots, oh 114

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which is on which is on sheet

34:56

four.

34:57

Thank you.

35:00

is the overhead line to change. And the effective plots where we're going from effectively green to blue. Again, same principle, we're not increasing the plots, it's within the plot. There might be some merging a plot numbers.

35:17

Oh 14401114 And oh 1115. So that green strip on there are past that green strip will be going from green to blue. Oh, 1114 is again, East Riding of Yorkshire Council. And then a 1115 is owned by J Rs. Same principle applies,

35:38

that there'll be a reduction in land area here. Temporary possession, land area will hopefully be reduced quite significantly. Same with the rights reduced significantly, because now we know where the alignments going. Whereas before, there's quite a right wide area for optionality. So it's a significant reduction of compulsory acquisition. But we do need to upgrade the green to blue, as we now understand, that's where they want the alignment to go. But again, we're not increasing the, it's within the existing order land.

36:08

And then on the last

36:11

element, those actually the were the two places where we're increasing rights. In terms of telecommunications line, it's just a question of removing temporary possession.

36:21

So those that are very high appreciate you have the band in front of us, it's quite hard. But in terms of our approach, we are going to be given that to these are landowners, we've already been speaking to given their order in the book of reference. And anyway, we are and we're going to be speaking to them once you've got confirmation from the asset owners. As I say that's anticipated tomorrow, we'll be having the conversations about the changes, which involves primarily reduction, but these two areas of increase. We'll be talking to them next week. So our notification to you. Well, it will effectively say that we've already done. These are people who we've been talking to since for the last 12 months or so, we're Secondly, we've actually spoken to them about the change already. And so we're just going to be submitting the application to EU for acceptance and for the CA regs to then kick in in the formal process. Without a formal we do not consider it proportionate for a for a formal non statutory consultation, given the approach I've just outlined.

37:22

So without prejudice to any decision that we make, because until we have that information before, so we obviously can't say that. But I would just like to point out in case you hadn't realised that the planning Inspectorate did actually publish a new advice note 16 Just yesterday. So please do take a look at that, as well. Yes, we read that last night.

37:42

Thank you. Excellent timing. Very read that last night. But our position still stays. I think this is a case where

37:49

personality needs to be recognised. These are land these are not new landowners, we've already been speaking to them. As I say a lot of the conversation will be about this land is coming out. But in these two places,

38:03

the green turns to blue, but it's no new plots coming in. And we'll be starting to speak to them, as I say, hopefully on Monday following confirmation tomorrow. So we've already done

38:14

that negotiations with them discussions with them before the application goes before you for hopefully acceptance.

38:22

That's a really helpful overview. Thank you.

38:25

Unless there's no other further questions on that. So move on to 127138.

38:32

So, as you'll be aware, section 127 applies in relation to statute. Undertaker's land does not apply to telecommunications. It's purely that's carved out. It's either statute Undertaker's land and the test is section 1276. That's applicable for this application, and you need to be satisfied and Secretary of State needs to be satisfied that by compulsory requiring

39:00

the right there'll be no serious detriment to the statue Undertaker's undertaking.

39:06

Section 138 applies to both

39:10

replies to telecommunications as well as other statutory undertakers. And the audit can only include provisions for the removal of statue Undertaker apparatus or extinguishment if the Secretary State is satisfied, that that extinguishment or removal is necessary for the purposes of carrying out the development.

39:31

Now, the state of negotiations rep three hyphen 005 does go through section 127138.

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I can quickly go through now is where we consider the power to be engaged or not engaged,

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if that's helpful, so irrespective of British Gas,

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we've carried out further diligent inquiry and they've also confirmed they don't actually have an interest in

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In the order land, and therefore British Gas will be removed from the book of reference

40:05

at our next update, and therefore coordinate follows that section 127138 Do not apply and to British Gas as they'll be coming out.

40:15

In respect of British telecoms, no representation has been received. But in any event, section 127 is not engaged, as telecommunication, Undertaker's are not caught by 127138 is engaged, because we are extinguishing the current alignment of the overhead line. But it follows we're seeking new rights for the new overhead line. So there'll be no so it is necessary for the extinguishment because we need the aim is to get to the site. So it's needed. So once we at satisfied, but it's actually state can be comforted,

satisfied also that a new right has been created for BT. And there's also the benefit of protective provisions in part two or sheduled 12 of the development consent order.

41:03

That same analysis applies to EU networks fibre UK Limited

41:12

in respect of National Grid carbon limited, section 127 is engaged and section 138 is also engaged.

41:22

There are no we're currently negotiating with National Grid carbon protective provisions, that will mean that the Secretary State can be satisfied that once you said there'd be no serious detriment to their interests, and follows therefore, that 138 would also be satisfied. And once we've negotiated with National Grid, we're anticipated we should, we anticipate we should reach agreement fairly soon, those protector provisions be inserted into the draft development consent order for National Grid carbon.

41:51

With national grid electricity transmission, we have 127 and 138 is engaged gain. But there's no serious detriment to their undertaking, as we have agreed. We have now agreed as of the 15th of March. So it's not before the examination, but obviously will be a deadline for we can confirm that we've agreed protective provisions with national grid electricity transmission. And they have the benefit of protective provisions already in the draft order at in sheduled 12.

42:26

Part Three.

42:30

I suspect they won't withdraw their representation though, until we've agree when negotiating side agreements. So will as soon as that's agreed, the representation will be withdrawn

42:40

in respect of Network Rail, they currently have the benefit of tax provisions in the draft order. However, they've also confirmed to us that they have no apparatus or rights that will be affected by the scheme. And therefore the we've agreed with them that that protects provisions are not required. And that'd be removed on the next iteration of the order. And it therefore also follows that 127 and 138 are not engaged

43:07

northern gas networks limited

43:10

section 1297 and one through eight are engaged but they have the protection or benefit of protective provisions at part one of schedule 12.

43:20

We have requested if they require any bespoke protective provisions, but they have not responded. But they have the benefit of the standard general protective provisions for gas Undertaker's that are in part one

43:32

northern power grid Yorkshire PLC, section 127 is not engaged with them as they have not made a representation one to seven is only engaged when there is a representation. So once you sevens not engaged, but 138 is engaged. But again, obviously the reason why we need to

43:53

remove the headline is for the necessary to get the AI else into the sight. So once we at satisfied, but they also have the benefits of protective provisions set out in in part one or sheduled 12. And as you've heard, we're also in detailed discussions about the realignment of the overhead line. And then finally, Yorkshire Water Services Limited again no representation has been received into the examination. So once you seven is not engaged, however section 138 is engaged. And the reason why we may affect that apparatus is due to the construction of the

44:37

project. So once we at satisfied and we've also been liaising with Yorkshire water in respect of protective provisions at the moment they have the benefit of the general protective provisions that when the order which is in part one, or schedule 12 But we're waiting for response from Yorkshire water as to whether they want any bespoke protective provisions to protect that apparatus.

45:00

And now, I appreciate we have Yorkshire water online, I can stop there or I can go through the there are five areas that Yorkshire water have identified as being areas of where they request further information. And I can run through that now unless you want to bring in Yorkshire water. And I was gonna suggest that we leave that for item sticks where we've actually got to a point in the agenda to deal with disaster we undertake is about okay, that's fine. So it's my flow was

45:32

that's fine. So that's all I have to say on 127138.

45:39

So the next part of your question relates to our strategy.

45:47

Think Mr. Griffiths we did also ask if

45:51

if the relevant tests and DD the guidance related to CIA Have you got anything to say on that just before we move on to department communities and

46:01

other than we've, obviously we've had regard to that guidance. And the

46:07

identified the we've minimised where possible, the right sort as required by the guidance. As I've mentioned, we're not seeking any freehold. We've also looked at

46:19

alternatives, which obviously is another item on the agenda. And we are continually looking at reaching agreement with landowners. So the guidance in my whole narrative is kind of built into what I've said, Thank you.

46:36

So in terms of

46:38

strategy for determining whether to seek compulsory acquisition,

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as I've

46:45

hopefully is coming across

46:48

is that we've have sought to minimise that couples acquisition where possible, and that does come into consideration alternatives, which I'll come on to.

46:59

We've obviously avoided composites acquisition of freehold we are seeking to minimise even now you've seen the work that the applicant has been doing with the asset owners and some of it's not in our control, we obviously have waiting for them to come up with their design, we now have that. And so we can minimise even further what the land required work number eight A and eight B, which again demonstrates that we are seeking as far as possible to really minimise compulsory acquisition.

47:25

And in terms of temporary possession again, by us removing temporary possession in our proposed change application demonstrates that we are working hard to consistently and constantly remove or minimise the areas of life or temporary possession. So our strategy has really been to only compulsory acquire where absolutely necessary. And those the rights that you have in part one of schedule eight,

47:51

to only extinguish where necessary, which identified in part two of sheduled eight, and to only take temporary possession of land where absolutely necessary, which seemed shedule turn of the order.

48:03

And we are where possible seeking agreement. We have reached agreement with one of the landowners over which temporary possession and rights are required, Mr. Watson.

48:16

And the powers are only included in the order in respect of that those plots as a backup in case the rights aren't granted were when they're needed. So rather than go through the court process, for inserts, it's its standard practice for the backup powers to be included in the order given it's a nationally significant project. In respect of the other areas of negotiation. They predominantly relate to work number 80 and eight B and the applicant is trying to seek agreement, voluntary agreement with those owners. I think we can all appreciate though when it's either temporary possession of land or an undergrounding of a cable. It's not always easy to reach agreement. It's pretty standard on projects where it's an undergrounding, or temporary session that you don't reach agreement as the interest is rather low. But we are seeking to reach agreement where we can. And obviously discussions will take a different turn, hopefully next week when we get the deed approval from the asset owners hopefully tomorrow about the price change.

49:24

Turning to alternatives.

49:29

So

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in terms of alternative locations,

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that was pulled out from very early on in the project, for the simple reason that this is a retrofit of carbon capture to an existing large scale generating station that generates considerable renewable electricity to the country.

49:51

So looking at

49:53

rebuilding a power station on what will probably be Greenfield land was ruled out early on

50:00

And of course, that would probably involve more compulsory acquisition in terms of there. So, we are there in terms of alternative locations, not applicable given the nature and objectives of the project. We then look at the past station site itself. And as you may be aware, the applicant has in the past looked at sites

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around adjacent to the site, for example, the right White Rose carbon capture project that was

50:27

proposed the north of the existing power station. But again, for the design of this project, building on Greenfield land wasn't considered appropriate. And the benefits of the proposed location is that we are on brownfield land within the existing workings of the power station, this power station and the site at Drax has a long history of generation.

50:50

A majority of the order land is within the ownership of the applicant.

50:55

And, of course, there are sustainability and efficiency benefits that we touched on yesterday in terms of engineering design for why we have chosen the northern part of the site or the main infrastructure.

51:08

So, in terms of alternatives,

51:12

we have satisfied that test in the guidance.

51:17

And as I've outlined, we have also continually actively looked at alternatives for the aihl. Rooting for work number 18. HB, we have reached agreement, both the East Yorkshire riding and national highways that the route that we're proposing is a sensible route. And that's recorded in various statements of common ground. So the route in question is not the route that we've chosen is not in question.

51:44

That does mean though, having agreed that route that we have to do the diversions and now we have that detailed design, we have an alternative, which minimises land take, which I say will hopefully come before you no later than mid mid April.

52:03

That's

52:05

all I have to say on alternatives. And then the final part of your question

52:11

related to human rights

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case on human rights is outlined in the statement of reasons.

52:19

And we consider that we have satisfied the various articles of the European Convention on Human Rights.

52:28

Notably that there is a need to interfere with private rights for the reasons I've summarised this morning.

52:38

And that's the statutory process in the development consent order. And the Planning Act process already has been followed by the applicant from pre application stage through to where we are today. So in terms of Article One, we satisfy that

52:53

Article Six in relation to

52:59

there has been opportunity for people to make representations, both through the pre application consultation that we did under sections 42 and 44.

53:09

And through the once the application was submitted with the relevant rep written rep process, and D three today, the proposed acquisition hearing. So the process and Article Six is also satisfied.

53:22

Hopefully that's given. I've answered your questions that you outlined at the start.

53:29

Thank you very much. Thank you very much. Mr. GRIFFIS? Yes, it does and actually don't have any further questions. I know we asked quite a few questions in our emphases that have written questions, and you have given us a sidestep don't intend to go over or repeat anything that that we asked there. So before we move on, does anybody else have any questions for this agenda item?

53:55

Okay, then we'll move on to Item four, which is site specific issues for the applicant. I know you have already touched on some of this and don't feel the need to repeat yourself. But we are aware that you're actively in discussions to try and secure all the rights, the voluntary agreements.

54:14

Do you want to provide a general update on how all of those discussions are progressing? Or current expected deadlines for those discussions? And any issues where you think there might be a problem?

54:27

Thank you.

54:28

Our position is set out in the schedule of negotiations, rep three hyphen 005. And that is actually the latest position. So you have that in writing. So I don't intend to go through any of that because that is the current position. There are a couple of changes, though to shows when negotiations that we'll be making a deadline for which is the removal of British Gas that I met I mentioned earlier, and a new land tenant has been identified.

55:01

On some plots are the freehold owner is East Riding of Yorkshire

55:06

is Yorkshire,

55:07

East Yorkshire is Riding of Yorkshire in my head, so I thought I might have got their name, as purchased is the freehold owner. And but there was we've identified through diligent inquiry as a short term tenants on that land. So we'll be including that person in the chatroom negotiations and the book of reference. They've already been served with relevant notices to inform them of a project. And I can go through those plots that if you that that landowner related to if that's helpful. Yes, please. So plots in question are 01, hyphens 70. It's always 01 hyphen, 70, and then 7172 7374, and 75.

55:57

And that's obviously related to the work number eight, eight, a,

56:02

eight B diversions.

56:05

So apart from those two amendments,

56:08

there's nothing else to update you in terms of changing negotiations is as presented to you at the last deadline. We are continuing negotiations, as you've said, and we hope that when we go back to the landowners next week with the revised work number 80, and eight B plans that will hopefully be able to reach voluntary agreement with some of those landowners

56:35

over the course of next one to two months before the end of examination, but we'll keep the examining authority updated.

56:41

And with with regards to those the additional affected persons.

56:47

Presumably you should make them aware of the section 102 A process?

56:53

That's notice was the reference was referring to Okay, thank you.

57:02

In terms of, obviously, if we would encourage you to secure those voluntary agreements wherever possible, otherwise, we then have to report on on those that where you haven't reached those agreements, are you proactively trying to reach those agreements? And in which way are you proactively trying to reach those agreements? Yes, we are being proactive rockin Passover to

57:26

miss bounce into explain how we are proactively doing that as, as the the WFP are the and also our land agent, Mr. Andrew Holden are the ones dealing directly with with the landowners, it's helpful to hear from them as to how we're actually proactively doing that.

57:47

Yes, thank you. So Cassie fountain WcP. I'm a planner by trade. But yes, in terms of trying to negotiate agreements with affected persons. Our colleague, Andrew Holden, who's on joining us virtually today is undertaking the negotiations with the affected parties. And we are coordinating the information that is helping to inform that process to identify which rights are being requested where the type of works that are likely to happen. And

58:29

just to explain in detail, the effect on their land and seek their agreement. So those discussions have been ongoing for several months. The

58:43

in terms of when we've got the agreement from the two asset owners to the amended land rights that we were talking about earlier, that's the point when we can go back and be

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clear with the affected parties exactly which areas of land are affected and which rights are being sought. So

59:06

when we submitted the original proposed changes application, the land areas were suitably wide to give us a little bit of flexibility because we did not know what the solution would be from the asset owners. And hence, we're in this sort of iterative process to reduce the affected parties, land interests, wherever possible.

59:31

I don't know if my colleague Andrew Holden would like to update us or provide us with any further details.

59:41

Thank you. Yes. Andrew Holden land agent.

59:45

Yes. Cassie has given a very good summary of where we're at. We are waiting for these refinements to the proposed

59:57

remedies that know the power grid

1:00:00

And Openreach are going to do and then once we have that discussion can be had with the various farming tenants landowners and the business owners at the roundabout Section O H L two. And hopefully, voluntary agreements will be forthcoming because everybody is reasonably

1:00:29

relaxed, shall we say stroke? There's nobody Spark, they don't worry about the out about the proposals. There's a there's a reasonably good vibe, shall we say. Okay.

1:00:42

Thank you. And can I just check that you have you got active lines of communication going with all parties? Are there any parties that you're struggling with that? And if you are struggling, are you doing something more than just sending letters?

1:00:55

I think there's a line of communication with everybody and discussion with all parties now. Yes.

1:01:02

Thank you

1:01:10

is going to move on, we just got a few questions or points of clarification that we want to address on discern certain individual and plots, just in the first instance have as the applicant undertaken any further investigations into the unknown interests in some of the plots? And are you continuing to make investigations?

1:01:43

But the answer is yes, we have. And I'm going to bring in Sean Carroll,

1:01:48

to explain what we've been doing respective, continually trying to identify landowners.

1:01:54

And thank you, yes, Sean Carroll W SP, for the applicant. And yes, with regard to the unknown plots, and we have been conducting further searches of land registry to determine whether those plots have indeed now been registered. And that has been undertaken recently. And we also have erected site notices on as close as possible to those plots on site requesting anyone who has information on potential owners are interested in that land to come forth and provide that information to us. So that is ongoing under there are several lessons are currently on site for those online plots.

1:02:30

Thank you.

1:02:33

Moving on, just briefly, in relation to plot

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01 90. And you did touch on this earlier, Mr. Griffith said that pretty much covers the whole of the

1:02:47

nearly all of the power stations site itself, could you just

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give us some of the reasons why that's necessary to cover the entire site,

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which cover some parts? Yes, as I mentioned, it's obviously got a lot of history, the site and the title is extensive. And

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whilst the applicant is the owner, freehold owner of the site, we cannot rule out that there could be the rights for the benefit of third parties that depending what they are, could hinder the construction operation etc, of the proposed scheme. And therefore, that's one reason why

1:03:32

the land is included in there. So it is kind of green. So should there be anything on the title that would be inconsistent with the rights and the required for the scheme to be constructed and operated and maintained that they can be extinguished?

1:03:54

Under the under the order we didn't include include that land as green,

1:04:00

then it'll be our option to be white land but then it wouldn't be caught by with by the order land definition and therefore wouldn't be caused by article 21.

1:04:13

That's what article 21

1:04:16

And then that risk would prevail. We didn't want to cover it or it's not appropriate to colour it pink because we're the landlord freehold owner, not applicable to colour blue either. So we've minimised by simply restricting the compulsory acquisition to the removal extinguishment of those private rights, but it's purely as a,

1:04:38

a, a protection in case there are unknown third party benefits that due to long history of this site prevail and we don't want that to come forward later.

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And just make two additional points that Mr. Fox and healthy applicant firstly, and this was the approach on drugs repower was accepted. And secondly, if

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Few compare that plot to the key part of the works plans, where you can see there's a range of works across the whole site. And that interacts with the need

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work supplied to the whole site. So therefore, it's better to do Mr. GRIFFIS speaks and supplies to the whole site.

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And I've pretty much got the same question for plot 01 23, which I think covers all of the National Grid substation.

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Yes, so that's blue land. And that's right, we obviously need to connect into the, into that plot, we don't know precisely how we'll be connecting into where the cables will go.

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That's obviously needs to be designed together with national grid.

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So that is, it gives us the flexibility to work out with them, where we would enter the compound where the cables would run. They of course, as I mentioned, how the benefits are protected proficient, so we couldn't exercise the proposed taxation powers of rights. Without unilaterally the Protect provisions are there to protect national grid? As I mentioned, they've been agreed with national grid. So you have to

comfort that national grid are content with the with with the extents of the blue, because they have the protection under Part Three of sheduled 12.

1:06:25

Thank you.

1:06:28

Yeah.

1:06:29

Just to pick up on your Mr. Fox comment

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on that plot

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01 19 matching up with the works plans, so that the key plan of the works plans, which overlays or the different works plans,

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doesn't cover quite as large an area as

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01 19.

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There's an area to the north of the cooling towers, and I think there's the area of retained vegetation that had not covered by any of the works,

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works numbers.

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Just give me a few months to marry up the press.

1:07:54

So your question is that the Owen 19?

1:07:59

Isn't?

1:08:02

Sorry, can you repeat your question? Certainly. So

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Mr. Fox mentioned that the size of plot Oh 119 corresponds to the size of the areas needed for the work numbers. And my observation is that looking at the key plan of the works plans, which overlays all of the works, numbers, areas, there are

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particular areas which are not covered by any works number, but are included within the area of plots.

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I won 19.

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So you So you talk about a 138?

1:08:53

No, no, I'm talking about a 101 19. Yeah, when it

1:08:59

so so it's the fact that on the overlay plan, there's a white shape

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where no works taking place. Yeah. Yes.

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So yep.

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But there are parties that white,

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we may the rights with reason I've coloured that green and this not on the words plan says there may well be rights, we will be

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the project is being stretched around that. So if we are if there's rights to third parties on that bit, that could still hinder the construction of the project. So once there's no actual bespoke working number over it, we may be running.

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There may be elements of that white land that are used for the project in under the applicants PD powers, for example, or

1:09:58

it's obviously their own freehold.

1:10:00

And we just want to be ensure ensure that any third party rights are are removed.

1:10:07

Okay, thank you.

1:10:12

Yeah.

1:10:13

Yeah, yeah.

1:10:18

I just just confirming my answer.

1:10:24

Okay, thank you for that. If we could just move on to plots 0183 and 0187.

1:10:46

These plots relate to land which you had previously identified as Crown land.

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I just want one to get the full picture of what's happened here. So am I right in believing that this

1:11:02

This land has now been de trunked.

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And therefore, statutory powers and maintenance has now passed and the local highway authority, but the title itself hasn't yet passed to the local highway authority.

1:11:17

It can't bring in Sean Carroll to answer that questions. Yes, thank you, Sean Carroll, WSU for the applicant. Yes, in this particular instance, here, and POC 0.3 and 01. It's seven are part of the land registry title, which was registered to the Secretary, Secretary of State for Transport. And and when we have contacted national highways to follow up, they have confirmed that this section of the SX one four was indeed D trumped. And however, is part of that process, the actual

1:11:49

disposal of that land registry title to the no local highway authority, which is East Riding of Yorkshire has not taken place. So it is really just an administrative issue in the in the registration of the title. And essentially national highways have disclaimed their interest in it's said that the lamb there's no past to

East writing. And we've had dual confirmation of that for weeks training as well. They are not the owners of that land.

1:12:14

They're not the owners, are they? Because they haven't had the title pass to the crew? Yeah, yeah, yes. Correct. Yes. Correct. They're not they're not the registered freehold owner, but they are they have, they have claimed that it is part of the local highway network that their management team? Um, so I guess they consider themselves the owners of that it's really just a, as I said, an administrative issue with the registration of the title.

1:12:39

Okay, and are you aware of whether that that has that process has begun? Have they started the transfer of title? I?

1:12:49

I can't I can't speak to that.

1:12:52

We have made them aware of the issue. So whether that is now taking place in the background, and we certainly can check with them to see if that is happening, but I can't speak for what for what national highways are at the Department of Transport are doing with that that title? Okay. I think my concern is D trunking. and title are two very different things. And the definition of Crown land in Section 227 of the Planning Act is very broad, and includes any land in which there was a crown interest. It does go on to then say that crown interest is further defined as an interest belonging to a government department. And in my opinion, holding that title is still an interest in that land, because they are still the title. They are still the title, holders of that land. The legal title hasn't yet transferred.

1:13:40

They're just

1:13:42

slightly awkward. They just want to check ask the question to Cairo, which is the conversation is that is that has the property transferred? So you said there's been Teatro to the property has been transferred, but it just hasn't been registered. And I appreciate the point that the title is the absolute record, I think, as far as I can, Zandi trunking is just the truth. So how does it play? Yes, but the actual title itself hasn't been transferred. And in which case, in my opinion, it's still Crown land in accordance with the act? Yes, I absolutely. Appreciate that point. I think I was just wanted to check the correspondence that we'd had with whether they had confirmed that the I suppose contractually in a piece of paper had been signed between them to say that the property was considered the property has transferred, even though it hasn't been registered with the land registry. And I appreciate that what we want to check because if that has happened, separate from the D trunking. What we what needs to be hurried up is the administrative record of the title at the damage to be being updated. So just we're just wondering if Mr. Carroll could clarify that that might help of course. Yeah, correct. mishaps we will follow up with

national highways and see as far as I'm aware, yes, the they have confirmed to us that the land has been transferred and forever the did specify that the land registry title had just

1:15:00

not been updated as yet. So I guess we would get that confirmation from them that the land has transferred.

1:15:07

I think I think he there's sort of two options. If the title hasn't transferred yet, then I think it probably is still considered foreign land.

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Or, and obviously, the obvious solution would be to get them to expedite the the title transfer,

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which goes on. I mean, obviously, that's out of our control in terms of the

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I think the first step is that we need to confirm a look at the written confirmation that title has transferred. And put that and it sounds like we have that. And we will put that into the examination. Now that may satisfy you that if we have written confirmation that they have signed the property transfer document that has transferred ownership to the council,

1:15:59

then it's just a question of land registry. Now that is completely out of anyone's control as to how quickly the land registry will register the land.

1:16:07

And in that situation, we're not going to get anything out of the department, because they would have said, well, we've we've transferred the title. So the first step is that we will get the written confirmation that the land has transferred. And I would say that is sufficient for you to have the comfort that it has transferred. And now it's an administrative process of the land registry registering that title, which may or may not happen in the next remaining time of the examination, if we haven't got that written confirmation, and the property document has not been completed. So I'm not sure is the case, I think it's the former. But if we are on the second element, then we will I agree, it will still be in the ownership of the crown. And we would need to liaise with them as to what the timing is for the title to only transfer and the computer those documents. And then we'll have to work out what

1:16:56

any,

1:16:58

either satisfy you in terms of timing or try and seek crown consent.

1:17:04

Yeah, I think that sounds like a sensible, sensible way forward. Title is title at the end of the day, and I think there's still constitutes an interest in the land.

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Which obviously would mean that you would need to obtain consent in in that situation.

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What would be the implications of crowd consent wasn't fourth, coming by the end of the examination,

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we would insert the usual article regarding not preventing acquisition of the crown.

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So that would be the option. But I think the I think

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I'm not close enough, it sounds to me that it has transferred, we just need to have to put that in writing to confirm to you that it has and is then just an administrative process. If that is not the case, for some reason, then we will liaise with the department over there timing and speak to them about their what the options they have.

1:17:59

As to giving us crown consent, or,

1:18:03

or satisfy us over the timing of the transfer the documents, but a lot of is going to be out of our control, or we can do is try and

1:18:12

satisfy us the best we can. Okay, thank you. Obviously, if we are in that that situation, and then the content isn't secured by the end of the examination, we would want an explanation of how the project could proceed. If Crown land is removed from the audit land

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that would have to come in by the end of the examination. Thank you very much.

1:18:42

See, this is this is a writable access. Yeah. So we don't need it.

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It depends where the pole is exactly in place. But the DM telecoms point people with statutory powers to access land anything

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which goes on holiday and just to answer that second question.

1:19:01

And just thinking here,

1:19:03

in the absolute worst case scenario, which as I say, I think we're in the very first option that I mentioned, which is that we can show that the property document is signed, but in the event that we're not and title has not transferred, and there's delay on the props, documents, etc. In terms of your question about how the project can proceed, this is the area of this is of course the telecommunications overhead line diversion. The reason why the the overhead line under the detailed plans is staying put it's not being this one's not being undergrounded. Unlike the two electrical lines. This is staying above ground. The poles are more or less staying in their same location. But put the wire it's going to be higher to enable the vehicles to go underneath it. The reason why you've got plot 20183 is access

1:19:59

that's all

1:20:00

So, in respect of access, the telecommunications provider would have their own statutory powers to access to maintain their poll. So it might be that that would be the answer to that question.

1:20:15

We're putting it in here as access because so that they don't need to exercise those powers. But I think this is a question that if we didn't get the crown consent way, there'd be the article the order, but in terms of the project proceed, yes. The poll could still be diverted is the question of then the telecommunications provider using their statutory powers which would point in the in the new to relevant

1:20:39

act that gives them that that power.

1:20:43

Thank you for that. I think that would just be something that we would need from you in writing by the end of examination if we are in that worst case scenario.

1:20:54

Okay, moving on to plots 010103040506 and 10, which is I think land that is known what was formerly known as Drax that'd be farm.

1:21:14

The land was sold in 2020. Due to Mr. Watson, I think the I think you stated that the contract of sale did include a right for drugs to undertake relevant hedgerow planting and associated rights.

1:21:27

And you're only seeking ca powers as a fallback position. Under what circumstances do you see that the legal agreement that was put in place at the point of sale

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wouldn't be upheld,

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which prefers on behalf of the applicants?

1:21:43

Well, in terms of any property agreement, the landlord

1:21:51

following a tenants request, under the option agreement, sorry, a tenant can cause requests for the drawdown with an essay rights or the lease whatever the question the the the writers,

1:22:02

the landlord, then is under a contractual obligation to provide that lease or right. But of course, contracts can be broken, or whatever reason contracts could be broken. And if that if a contract is broken, and the lease is not granted, then whilst

1:22:19

that is a breach of contract, which without the backup powers, then a tenants tenants remedy is to go to court to seek specific performance. And that is quite that's a, a particular process. With the court grant, the tenant, the writing question, would the court simply grant compensation? That is the reason why, in

1:22:47

certainly all the development orders I've acted on, you include backup powers in the order. So that just in case, and it is remote case, because you have got a voluntary agreement. But just in case, the contract for whatever reason, I can't give you a reason why it would it's depends on the actions at the time is broken, then rather than going to court to try and seek specific performance and have the rights granted,

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which can take time this is a nationally significant infrastructure project to avoid delay in the delivery Office projects, you would exercise the compulsory acquisition powers than a secondary status granted, rather than exercise the contractual provision in the broken contract. So the project can proceed at the speed in which it was intended. That's the reason why.

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And I suppose from health advocate, I have now finally found the email that I thought I had received in relation to that crown and issue. And the answer to it is, yes, section 265 of the Highways Act 1980, which is when a de trunking order has been made, it transfers ownership of the highway, it reverts it statutorily to the local highway authority.

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So the land registry point is kind of administrative, but it's a statutory provision. So we're obviously put that in the in the

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post hearing note, but that was I felt like that was why we made that change.

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Yeah, I think I think yeah, we're gonna need as much evidence as this as possible. And so in your opinion, even if the title is still held, because land registry hasn't been changed, therefore, the title is still legally held by the Department for Transport

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will take this away. That's but that was that was the reason why we made the change to crown Yeah, was because we will come from that but yep. Okay. Thank you. Appreciate that.

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We've already been

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I think we've already discussed the

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land surrounding the round rigs, eight A and B, in terms of reduction. I think I don't think we need to cover that again here. Apart from East Riding of Yorkshire council did have quite a lot of comments and questions actually about the work surrounding Amb. And does the fact that you've now reached detailed design mean that you can answer those questions?

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Reach groups and part of the applicants? In short, yes, but I would just make the point that they're the questions actually had nothing to do with compulsory acquisition, which I think is important to understand. It's about soil management, drainage,

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access.

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That's all matters to deal with the which should be dealt with in the in the construction environmental management plan. So there's the land question, and then there's the impact question. And their questions are, are to do with

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that detail, which is dealt with in the construction environmental management plan. So I just want to make that that that point. First of all, it's all about principle. Obviously, it's about the management. And there's requirements in respect to the camp. But otherwise, yes, now we have the detailed design, we can, of course, hopefully, progress and have more fruitful conversations with them over the precise nature of the works. But I think we have to understand here that

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this is about, hopefully also a benefit and that the headline will be under grounded on the road. So there's no headline in existence over their land. And it's simply being under grounded to facilitate the nationally significant project. So yes, they've got some questions, we'll be able to move forward with more detailed answers. Now we have the detailed design. But I always want to make the point that they're more to do with the construction. And then the camp, then actually compulsory acquisition, I guess it might it might help in your discussions and reaching voluntary agreement with them in the process.

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Thank you.

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Yeah, the last question I have for this item is is relating to this extent permission for employment development. Could you explain to me a little bit more about what exactly where that is? What that permission is for like, might it be useful to have the sheet for the sheet for Mr. Barrowman? Could we have the land plans on sheet four please?

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Cassie fountain from WFP on behalf of the applicant.

1:28:22

So the plots relating to St. JRS

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on the south side of rockcliffe Road,

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and they're within our order limits in relation to works to OHL to that's the second overhead electrical line.

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When we submitted the proposed change application, we incorporated land which we thought we might need, if we were going to undertake the undergrounding works via an HDD. So horizontal directional drilling.

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And hence the land was a bit more except well was quite extensive, really to enable the provision of those compounds either side of the road. So the land overlaps the permission that JRS have for their employment development on the south side of the road, because of that intrusion for that HDD compound on the south side, and that's mainly in plot, Owen, Dash 108.

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And, essentially, the discussions we've had with Northern power grid have confirmed that

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the HDD option is not viable for this

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this underground thing section and hence, we will not be needing the land that we previously identified for that HDD compound which overlaps the

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Employment Development. So essentially

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The change that will come, we'll reduce the order limits and take out

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any area that actually overlaps with the BUILT DEVELOPMENT or the Employment Development on the south side of rockcliffe. Road, there is

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a retained area of land that we need for access. But that is an existing access track that's already there and not not being changed by the Employment Development. We are also I think, retaining some temporary rights of access, just for undertaking the necessary works.

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Overseas strip of land that would be potentially landscaping at the northern side of their employer site. And the other thing to notice, what has materialised through the discussions we've had with Northern power grid is that there were other works in train that I understand have actually been undertaken in part this week to move a substation that's at the northeast corner of the employment site development and it's and the associated works with that have altered the type of works that we need to do to underground the overhead line number two in that location. So,

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essentially, the the outcome of the current works that are happening to the electrical infrastructure there and the works that we would like to do to underground that section of the overhead line will mean that

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when both works are done, there will be no overhead lines in that location. Okay, sorry, I must have misunderstood this the both both lines are being underground Did Did I hear before that only one set of lines have to be underground and the other you're raising the holes, so So for OHL one and OHL two, they are the electrical overhead lines, they are both being underground did back when they crossed the roads for TCL. One, which is the telecommunications line that crosses and then crosses back over the western end of Rawcliffe road.

1:32:11

That that is being retained as an overhead line, but the poles are going to be installed a bit higher. So that the where the line crosses the road, it's high enough to get the aim underneath it and there will only be one, one overhead line crossing rather than the crossing down and and re crossing back.

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That helps every the

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end here. It's not HDD. It's it's open trench. So it's being under grounded. But whereas the drawing on the screen

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was designed with HDD in mind, hence the compound that's been deemed unviable by Northern power grip now, and therefore it's going to be an open cut trench installation of the underground line. But the electrical lines Oh h one and two will be under grounded and the telecommunications line will mean above ground but higher.

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I believe my voices speak and would it be possible to submit the redline plan? Well, that planning permission into the examination.

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Yeah.

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Which gives them all the options, I suggest we

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got the proposed change application. So rather than do it on these plans, we will overlay as part of that post change application, the planning to get planning permission redline boundary with the revised

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land plan that we'll be submitting as part of change.

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But there is still going to be an overlap. As Miss mountain has said there will still be an overlap. But the overlap only relates to the existing an existing track. That is not being amended by the proposed there's that by the scheme has got planning permission that remains as part of the scheme. So we're it's not just question putting in red line will need to show the built how there's no incompatibility with the two permissions which there isn't the track has been retained. And that is the only bit where the revised overlap will be

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in the proposed change application.

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So just add to that quickly, Mr. Fox and pass the applicant we have as part of the first change application we originally made. We've added a commitment to the react under item pH three.

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So that's the register Environmental Action commitments projects first time said that today, the rep three W seven and that requires us to have ongoing engagement with the interests around in and around work number eight to make sure that we talk to them and during construction.

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Thank you.

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I think mainly to that

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I couldn't get my voice back. And we will take a break right now. So I'll hand over to Mr. Northover to make those arrangements.

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So the time is now 1135. So I suggest we we restart at 1155. And if I could just remind those watching the live stream that you'll need to restart your browser when we recommend to the hearing at 1155. Thank you