



Hearing Transcript

Project:	Oaklands Farm Solar Limited
Hearing:	Compulsory Acquisition Hearing 1 (CAH1)
Date:	23 October 2024

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FULL TRANSCRIPT (with timecode)

00:00:04:29 - 00:00:40:15

Good afternoon, everybody. Um, the time is 2 p.m.. And this compulsory acquisition hearing for Oaklands Farm Solar Park is now open. Thank you for all joining us today. Please call a member of the case team, confirm that I can be heard clearly and that the live streaming and recording has started. Thank you. Um, my name is Stuart Cowperthwaite. I've been appointed by the Secretary of State as the examining authority to examine the application by Oaklands Farm Solar Limited for an order granting development consent for this project. I'm supported by the Planning inspectors case team, who are managed by Neil Markham, who's with us today.

00:00:41:28 - 00:00:59:19

Um, today's hearing is a hybrid event, meaning that parties are able to be present here in the room in person and others are able to join using Microsoft Teams. Um, as far as I'm aware, nobody is currently joining using Microsoft Teams, so I think it's involving people in the room.

00:01:01:21 - 00:01:13:27

I intend to make sure that everyone's given a fair opportunity to participate, and I'll deal with a few housekeeping matters. Um, if you haven't already, please, could you set any devices or phones to silent?

00:01:15:29 - 00:01:34:02

And to avoid disrupting the hearing, please keep the microphones muted until I invite you to speak. And if you do speak, please try to be reasonably close to the microphone, because we've had some, um, issues with, um, some contributions not being picked up, clearly, um, at previous hearings.

00:01:36:12 - 00:01:56:10

I understand that no fire alarm is planned for today. Should an alarm sound, then please leave. Using a fire exit, the exits are marked on the outside wall of this room. Um. Then go to the fire assembly point, which is between the main entrance to the building and the adventure goal. So it's within the car park.

00:01:57:27 - 00:02:08:09

The recording of today's hearing will be made available on the National Infrastructure Planning website as soon as we can. After the hearing is finished. Please contact a member of the case team. If you don't know how to find the website.

00:02:09:24 - 00:02:35:21

A link to the planning Inspectorate's Privacy Policy. Privacy notice was provided in my rule eight letter of 16th of July 2024. That sets out how the personal data of our customers is handled in accordance with data protection law, and I assume that everybody's familiarized themselves with it as necessary. Please speak to Noel if you have any questions about this. Who will be the lead speaker for the applicant, please?

00:02:36:24 - 00:02:38:25

So good afternoon, Patrick Robinson for Viva.

00:02:39:04 - 00:02:57:15

Thank you. I won't invite any other introductions at this stage, but we'd ask people to introduce themselves when they when they speak. Um, as I invite them to later, I will follow the agenda that was published on the 15th of October, 2024. Could a copy of that be shared on the screen, please?

00:02:59:21 - 00:03:42:03

Thank you. I'm just about to complete agenda item one. Are there any questions about the agenda or the arrangements for the hearing, please? No thank you. Agenda item two. The purpose of the hearing and how it will be conducted. The application for the proposed development includes a request for powers for the compulsory acquisition of land, and the compulsory acquisition of interests in our rights over land. The purpose of this hearing is to give me an opportunity to examine the applicant's case, for those powers to be granted, and to invite any affected persons present and the applicant to speak about those matters.

00:03:42:26 - 00:03:50:17

Affected persons are parties with a legal interest in the land or rights over which the applicant is seeking the powers.

00:03:52:14 - 00:04:15:23

This hearing will help me to consider whether relevant legal and policy tests applicable to the granting of the powers sought by the applicant have been met. This hearing is subject to my control over its conduct as established by the Planning Act 2008. The purpose of this hearing is to assist my examination. It is not to be used as a political platform. Please. I will let parties know when there's an opportunity to speak.

00:04:17:16 - 00:04:44:21

I will, as I consider necessary, ask questions of any speaker and I will give the applicant an opportunity to respond should that be appropriate. Please direct any comments, questions and answers to myself rather than anybody else. Um. I may ask for some responses to be provided in writing rather than during the hearing, although that's unlikely. Please could. The applicant provides a written summary of all the responses for deadline five.

00:04:46:15 - 00:04:48:01

The applicant nodded. Thank you.

00:04:49:00 - 00:04:52:03

Yes, sir. Patrick Robinson, we will do so. Thank you.

00:04:52:17 - 00:05:23:25

That includes that concludes, um, agenda item two. So now move into the main body of this hearing, and I'll take each agenda item in turn. Um, I would just add that this compulsory acquisition hearing wasn't specifically requested by any affected person. Um, so it's being held for completeness as much as anything. Um, to give any affected person an opportunity to attend if they if they decided to. So agenda item three.

00:05:24:06 - 00:05:24:21

Um.

00:05:28:17 - 00:05:43:25

So quite a straightforward question. Could the applicant run through the position in terms of its due diligence? Um, any related corrections, updates to the book of reference, statement of reasons and the land plans, please.

00:05:46:09 - 00:06:19:05

Um, Victoria Sherwin from McLaren, on behalf of the applicant. And so, in reference to corrections and updates to the book of reference, uh, revision be provided in response to section 51. Advice resulted in the inclusion of Derbyshire County Council for the cross Britain Way on on plots 2055 and 2056 uh listed as a category one occupier interest um ahead of issuing section 56 notices, Malcolm McLaren carried out a data refresh to ensure the accuracy of the book reference.

00:06:19:12 - 00:06:50:13

This included refreshing all Land Registry titles, um, which showed that Barclays Security Trustee Limited no longer held an interest within the order limits for a mortgage charge on six plots. This was omitted from being updated in the book of reference until deadline three by clerical Error, uh, where it was noted in the next data refresh and carried out. Um. As such, Barclays Security Trustees Limited were removed from the book of reference in its entirety at deadline three.

00:06:50:22 - 00:07:29:18

The applicant also chose to correct a clerical error in revision C of the book reference, adding qualifier to the entry for James John Henry Gallimore on Plot 01026. This qualifier states his interest in the plot is for a right of access. Also at deadline three, following a registered address check as part of the data refresh exercise, a deadline for it was found that Open Reach Limited had changed their registered company address, so this was updated in the book of reference on 14 separate plots and deadline for only changes that were made were to the introduction pages.

00:07:29:20 - 00:07:56:24

No changes were identified for the land interests. Thank you. Um, sorry. Uh, corrections and updates. Statement of reasons. Um. In response to examiner Questions 2.1, the applicant updated the full name for Elizabeth Goodson to include her middle names, and also updated appendix one of the Statement of Reasons to include the relevant plot numbers for Ian Um, which had been omitted.

00:08:04:08 - 00:08:34:11

Uh corrections and updates to the land plans following section 151 advice. The acquisition call for plots zero one, 021 and 03058 were altered from acquisition rights to temporary possession. The correct acquisition for these plots had already been applied to the book of reference. Also following section 51 advice, minor formatting amendments were made to the land plans. This resulted in better label identifiers and the use of a thicker boundary for the plots.

00:08:34:13 - 00:08:48:12

In order to better contrast between the OS topographical mapping and the plot outlines. Um. A key was also added into the plan legend for the acquisition. Types. There have been no other corrections or updates been required for the land plans.

00:08:49:18 - 00:09:03:21

Thank you. Um, because the applicant just run through. So there there are some unknown rights currently. Um, could the applicant run through the steps it's taken to try and identify any further unknown rights?

00:09:08:15 - 00:09:42:11

Victoria Sharon from McLaren. Um, so throughout the course of the project, McLaren, on behalf of the applicant, have attempted to identify anyone who holds any interest within the order limits. However, this cannot always be done as some interests that we have identified through desktop

referencing can't be traced. Some land will not be registered with Land Registry for these days. McLaren have created unregistered land parcels. Site notices have been erected during contact referencing statutory consultation periods and section 56 notification, and also ahead of hearing dates for examination.

00:09:43:01 - 00:10:22:16

Um, the notices were put in publicly accessible areas with a plan of the land in question. Um, attached to a wooden stake. These notices were then monitored for a period of at least four weeks, depending on the task in hand. For example, during statutory consultation, these notices were in place for six weeks. Um, some registered land will have third party interests where it isn't immediately obvious who now holds them. For these, we've included a list of unknown interests pre-populated onto the land interest questionnaires for the holder of the freehold title, and we have also erected site notices where we haven't been able to identify the owner of a piece of unregistered land.

00:10:22:18 - 00:10:48:00

We've included the adjacent freeholder as assumed freeholders. Some registered land will have third party interests where it isn't immediately obvious who now holds them. For those, we include a list of the unknown interests pre-populated onto the land plans of the holder of the freehold title. In order to provide them the opportunity to, um, put forward who may own them. And we have also erected the site notices.

00:10:50:03 - 00:10:59:13

Um, as as the examination continues, we will continue to erect site notices at relevant times and attempt to identify who may hold these unknown interests. Thank you.

00:11:00:23 - 00:11:12:18

Um, I appreciate those updates. And presumably the detail will be provided at deadline five as. Yeah, part of the summary of the submissions. Thank you. Um,

00:11:14:14 - 00:11:46:26

that concludes item three. If we can move on to item four, there's a very specific point there that was touched on this morning. Um, so this is in relation originally to a question, um, that I raised about, um, uh, references in the DCO, um, streets. References AC one and then AC one. Um, I particularly like to focus on

00:11:48:12 - 00:12:12:04

as e one. Um, so at deadline one, the applicant stated that both AC, G1 and AC one are outside the order limits at that stage. Um, and there were um, issues in relation to existing farm access. Um,

00:12:14:00 - 00:12:24:02

at that stage at deadline one, the applicant identified that the works are not necessary and not been identified as mitigation within the EAS. Um.

00:12:26:12 - 00:13:00:01

That deadline. Sorry. In the second set of questions. Um, that was I raised a related question as well. Just for further clarification. Um, the applicant at deadline for amended the Streets Access and Rights of way plan with the references to ASG one and ASC one removed. Um, and at that point removed references to those from schedule three of the DCO.

00:13:00:08 - 00:13:20:11

This morning we discussed, um, schedule eight of the DCO, um, where ASC one was still included, and it was agreed this morning that AC one would be removed from search later, the DCO um.

00:13:22:21 - 00:13:32:28

Were left in a position. However, at the moment, um, so ASC one is outside the red line boundary still.

00:13:35:25 - 00:14:12:13

To Patrick Robinson. Um, but, uh, but, um, just to recap slightly, the so the, um, the street works, uh, description as each one is uh, was a largish area at that particular point, completely outside of the well, outside of the order limits. Um, plot 03058 is inside the order limits.

00:14:13:04 - 00:14:18:12

So that plot is part of what was originally shown as AC one.

00:14:18:25 - 00:14:20:19

That's it was a part of it.

00:14:20:21 - 00:14:26:21

Yes, I see, yes. Okay. Because my concern was going to be that weather

00:14:28:06 - 00:14:33:04

powers was being requested for land outside the order limits in data.

00:14:33:06 - 00:14:50:26

So when when I said this morning we are deleting ASC one. Yeah. From schedule eight we are deleting the reference to ask one. Yeah, but we're not intending deleting 03058 from okay. Schedule eight.

00:14:51:12 - 00:14:52:20

Right. Thank you.

00:15:02:15 - 00:15:12:03

As the um so I'm looking at the land plan at the moment, um, which is indicating 03058 um,

00:15:13:26 - 00:15:16:03

within the verge of Cotton Road, I think.

00:15:16:05 - 00:15:17:22

That's right. It's in the village. Yes, sir.

00:15:23:06 - 00:15:30:12

Okay. And I'm looking at so has that red line boundary been unchanged since the application was made.

00:15:30:24 - 00:15:32:27

Yes. Unchanged? Yes.

00:15:32:29 - 00:15:34:17

That's unchanged. Okay.

00:15:36:10 - 00:15:39:15

In which case that's fine. I think I'm content.

00:15:41:02 - 00:15:44:09

I'm absolutely sure I did not make that clear this morning.

00:15:44:12 - 00:15:52:12

No. That's fine. No. It's important to be clear because if that had changed since the application, then we're into interesting territory. But

00:15:54:02 - 00:15:58:22

we're clearly not. Thank you for that clarification. Just bear with me a moment, please.

00:16:56:13 - 00:17:02:12

Thank you. Um, I don't have any other matters to raise into item four. Um,

00:17:03:28 - 00:17:09:16

are there any affected persons present who would like to speak today?

00:17:21:16 - 00:17:25:17

Could we get them? Sorry, I couldn't clearly hear. Could we get a microphone to you, please?

00:17:41:04 - 00:17:43:00

Could you introduce yourself as well, please?

00:17:43:12 - 00:18:09:26

I'm Tracy Hyatt. Um, we're immediate neighbor to the solar farm. It's my father's farm that borders it. Um, we're just here representing my father. Okay. [REDACTED] And it's just understanding when you're speaking the the codes, um, and the references, it's difficult for us to understand what areas you're actually talking to unless you explain the lines involved, if that's okay.

00:18:10:04 - 00:18:37:20

Okay. Um, so this hearing is specifically in relation to land rights, and it's specifically, um, to involve affected persons. So an infected person isn't somebody just outside the boundary of the site, it's somebody within the boundary of the site. So to my records, you are not an infected person. Do you believe that you are.

00:18:38:02 - 00:18:54:13

So I'm Robert Salt, I'm from Corner Farm, and when bordering on, I think they're possibly passing over the end of our, um, farm from one into White's field. So, um, I'm here on behalf of Mrs. Ivy salt,

00:18:54:15 - 00:18:59:10

So, again, you're outside the boundary of the proposed development. Yeah.

00:18:59:23 - 00:19:04:12

Um, we're on the edge. Yes. We're on. Yeah, I'm quite right next to it.

00:19:04:14 - 00:19:06:18

Okay. So, um.

00:19:09:14 - 00:19:14:12

Does the applicant agree that these parties are not affected persons, Mr. Ross?

00:19:14:14 - 00:19:17:04

Distant road, corner Farm and new corner farm. Mhm.

00:19:19:05 - 00:19:27:26

Um, Ashley McInnis, on behalf of the applicant, and in terms of the book of reference, um, they have not been identified as affected parties.

00:19:28:01 - 00:20:04:29

Okay. I'm sorry to be very, very precise about this, but it's important procedurally because, uh, you're very welcome to make other representations as you wish, with concerns that you have. Um, and there's an ability to, for you to provide. Well, there were, there was actually an ability for you to do that earlier today and yesterday. Um, um, unfortunately, I don't think you were here for those, but there is if you have concerns about the development that you'd like to raise, then please do feel free to do that.

00:20:05:01 - 00:20:29:08

You could ask, um, either Tim or Noel how you do that. Um, there are still opportunities to do so. We have another deadline, um, towards the end of this month where written submissions can be made. So please do feel free to use that mechanism. But I'm afraid I can't address your concerns during this hearing because it's very tightly focused. As a format of hearing. Okay.

00:20:29:10 - 00:20:40:21

Well, we thought that because of the maps that have been left outside our house, that it is concerning the roads in and outside our farms are two farms. Sure, sure.

00:20:40:23 - 00:20:58:23

And those are matters that we've considered during the other hearings. Yeah. Yeah. So I'm sorry of any confusion around that. We have tried to set out carefully what the purpose of this hearing is. Yeah. And so I'm afraid we can't cover those matters today. A number of the parties who would need to be present and not.

00:20:59:09 - 00:21:03:05

Um, we did hear that there are going to be traffic lights as well outside our property.

00:21:03:07 - 00:21:09:20

And indeed we so we dealt we dealt with traffic and transport earlier today in a different type of hearing.

00:21:09:22 - 00:21:12:03

Okay. So realize that. Yeah.

00:21:12:05 - 00:21:48:23

So as I said though, if you actually the focus of the examination is the written process. Actually, um, more so than the hearings. So you haven't been left out if you, if you want to make representations. So I would encourage you to do that. Please, um, set out your concerns in writing. Um, if you need to have a chat with Tim or Noel about how you do that, um, it's a straightforward process. Once those are lodged into the system, into the examination, in the right way, um, I can examine, you know, look at what you've written.

00:21:48:25 - 00:21:59:20

I can request responses of the applicant or the councils, whoever might be appropriate. So that is your appropriate route to have your concerns raised. Does that make sense?

00:21:59:22 - 00:22:00:15

Yeah. Yeah that's fine.

00:22:00:17 - 00:22:05:21

Yeah. Okay. Sorry for any confusion. That's fine. It can be a confusing process at times, but it's just.

00:22:05:23 - 00:22:09:03

The amount of numbers and sort of schedule you've got that mean.

00:22:09:05 - 00:22:23:21

So this is a bit tentative necessarily technical in the numbers sense if you like. Okay. But it is dealing with the people within the boundary in their rights. That is the focus. So we won't be dealing with your particular issues in this hearing.

00:22:23:23 - 00:22:25:09

Yeah. Okay. Thanks.

00:22:25:20 - 00:22:36:23

Okay. Thank you. Thank you for bearing with us. Um, any I'll repeat the question. Ready? So any affected persons who might want to speak.

00:22:39:09 - 00:22:45:08

Okay. Um, let me, um, invite, um.

00:22:48:10 - 00:22:48:28

Bear with me.

00:22:55:08 - 00:23:07:22

The applicant has produced a schedule with updates on discussions with the different groups of affected persons, um, which are reflected within item five of the agenda. Um.

00:23:09:23 - 00:23:43:15

Could the applicant give an update? So in some cases, heads of terms have been agreed, um, in some cases and in others, there are still drafts in discussion. Uh, similarly, for option agreements, um, the status of objection has been noted in, in the schedule that the applicant has, um, provided and grateful for, for, for that information being provided. Are there any updates at this stage that can be given any progress on those matters?

00:23:44:15 - 00:24:14:22

Ashley Mckinnis, on behalf of the applicant, um, there's only one update at this time to the schedule of progress regarding affected persons, and this is to correct an error in the previous version submitted by the applicant. Deadline for um, the applicant noted that in the status update section under column notes for Elizabeth Albania Dobbin Goodson at Fairfield's farm, it was incorrectly stated Um. Easement for cabling and construction.

00:24:14:24 - 00:24:45:19

Access secured by a signed option agreement. This was an error and should have reflected that this negotiation was ongoing as correctly reflected in the option agreement status column. So just a slight variation there. Um, while the negotiations are advanced and the applicant hopes to conclude in the coming weeks, the option for cable and access easement with Elizabeth Albina Goodson, DOB and Goodson is still under negotiation.

00:24:46:07 - 00:25:07:21

Negotiations for the other outstanding land agreements with tenant farmer Peter Avery of Fairfield Farm and with National Grid electricity transmission for grid cabling, easement and access at Drake

Substation continue to progress and the applicant can provide a corrected and updated schedule of progress regarding affected parties at deadline five.

00:25:08:09 - 00:25:14:10

Is the applicant having regular meetings with those parties? Yes. Thank you. Um.

00:25:16:17 - 00:25:18:25

That's fine. If we could move down the agenda, please.

00:25:29:28 - 00:25:40:09

Could the applicant give an update on progress with statutory undertakers? So protected provisions, but also any side agreements? Yes.

00:25:40:14 - 00:25:45:19

Um, Lindsay Reed for Burgess Salmon on behalf of the applicant. Um, so in relation.

00:25:45:21 - 00:26:15:24

To National Grid Electricity Transmission plc. Uh, further to our update deadline for, um, we can confirm that protect provisions are nearly agreed. Um, National grid came back to us yesterday, and we understand that they wrote to confirm they weren't attending to because protecting Britain's were almost agreed. Um, so we expect to be able to update the draft DC and protect provisions to provide for that shortly.

00:26:18:04 - 00:26:35:24

Um. National grid electricity distribution. Um East Midlands plc as set out in our previous report. Um, a deadline for the protect provisions between these parties are have been agreed and are reflected in the draft DCO. Um

00:26:37:13 - 00:26:47:18

the applicant and and National grid electricity distribution, um, have agreed the terms of a side agreement that's currently out for signing

00:26:49:12 - 00:27:02:21

in relation to cadent gas. Further to our updated deadline for the protect provisions are close to being agreed, and we hope to be able to include those in the revised DCO to be submitted at deadline five.

00:27:05:07 - 00:27:24:18

In relation to Network Rail Infrastructure Limited. The position remains are set out in a representation at deadline two. That or in Network Rail's representation deadline two that they've withdrawn their objection on the basis that they do not have any operational railway assets and the proximity of the application site

00:27:26:06 - 00:28:08:07

in relation to other statutory undertakers, as set out in our deadline for response with South Staffordshire Water PLC. Protect provisions were agreed and are included in the draft DCO with BT, Openreach and Vodafone. Um, we haven't neither such Undertaker has engaged with attempts made by the applicant, um to progress protection provisions or with the examination um, but the applicant has protected these parties through protect provisions and part six of schedule ten of the DCO and um also Severn Trent and water, haven't haven't engaged with the applicant or during the examination.

00:28:08:20 - 00:28:15:11

Um, but they are protected by the protected origins in part one of schedule ten of the draft DCO. Thank you.

00:28:24:26 - 00:28:32:05

Um, grateful for progress being made in finalising protective provisions and the signed agreements. Um,

00:28:33:22 - 00:29:00:00

very helpful. Obviously, if those can be finalised before the close of the examination. Um, having assurance that the statutory undertakers are not disadvantaged is important. And, um, certainly I'm an inspector who routinely makes recommendations subject to any outstanding protective provisions being agreed. So, um, it would be nice to avoid that if possible.

00:29:01:20 - 00:29:11:16

Um. Thank you. And, um. Yes. Just to have a general update with the progress schedule for those deadline five would be helpful, please.

00:29:15:09 - 00:29:16:26

Item seven. Um.

00:29:25:07 - 00:29:52:00

Uh, I have had sight of a. So the National grid did make a submission either earlier today or yesterday, which hasn't been published yet, which confirmed that, um, protected provisions are still being discussed. Um, there has been another submission from an interested party, um, which will be published shortly. Um, and this goes back to um.

00:29:54:06 - 00:30:16:12

Some of the commercial challenges that have been reported that the applicant is having, um, which there have been representations made on that previously and the applicant has responded previously. Um, um, let's wait and see. So that has come up again, I think. Um, at this stage.

00:30:19:14 - 00:30:51:12

The applicant needs to decide how much information it wants to provide to the examination on that issue. Um, I think it's likely to be something that I would end up, um, in the report highlighting to the Secretary of State as something for them to consider in their due diligence. Um, I think the nature of those types of concerns are probably more for the secretary of State to deal with than than, um, during the examination.

00:30:51:14 - 00:31:07:14

But I think if, um, if more information can be provided and it's up to the application, up to the applicant to decide how much to provide, then it might ease some of the concerns of interested parties at this stage. But it's it's totally for the applicant to decide.

00:31:09:24 - 00:31:33:05

Please. Ashley McInnis, on behalf of the applicant. Um, yeah. I just wanted to reinforce what we'd submitted and deadline for in previous submissions that by the shareholders and financing partners, um, they're fully committed to the long term development of renewable energy projects, which is evidenced by the recent funding uplift provided to by the AG.

00:31:34:00 - 00:31:36:21

Thank you. Thank you. Um,

00:31:38:15 - 00:32:06:28

I have no more to cover under item seven. Um, I'm not aware of any compensation or possible impediment issues that I'd want to raise at this stage. Any particular concerns? Um, I'm not making a

commitment to that. There aren't any at this stage, but nothing to discuss at this hearing. Um, are there any other land rights matters that um, parties would like to raise at this moment to please.

00:32:10:00 - 00:32:12:21

No. Thank you. Um.

00:32:22:03 - 00:32:26:29

So that brings us, um, to, um,

00:32:28:23 - 00:32:46:28

towards the end of the hearing. So a recording of this hearing will be published on the National Infrastructure Planning website for all to see. Um, I believe that we've now covered all of the items on the agenda. Um, thank you for your assistance during this compulsory acquisition hearing, which is now closed. Thank you.