



Hearing Transcript

Project:	Dogger Bank South Offshore Wind Farms
Hearing:	Compulsory Acquisition Hearing 1 (CAH1) – Session 1
Date:	14 January 2025

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

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TRANSCRIPT_DOGGERBANKSOUTH_CAH1_SESSION1_14012025

Wed, Jan 15, 2025 10:07AM • 1:43:15

00:17

Good afternoon, everybody. The time is now, 2pm and I would like to welcome you to this compulsory acquisition hearing in relation to the application made by RWE renewables UK daugabank South West limited and RWE renewables UK doggerbank South East limited for the proposed dugabank South offshore wind farms. Before I proceed any further. Can I just check that everybody can see and hear me? If not? Can you please raise a hand in teams?

00:48

Okay. Can I also confirm with Mrs. Hopewell that the live stream and the recording of this event have come in perfect thank you. Please. Could all participants ensure that they are muted unless invited to speak, and please silence all electronic devices.

01:04

My name is Laura Shawnee. I'm an examining inspector and a chartered town planner. I have been appointed by the Secretary of State to be a member of a panel of inspectors to examine this application. In this introduction, I will be going through the management of today's event and introduction, and one of my colleagues will be taking notes of any actions. I would now like to ask my colleagues to introduce themselves, please.

01:29

My name is Claire bilo. I am an examining inspector, chartered scientist and chartered Water and Environmental Manager.

01:37

I name this Joe Downing. I'm a chartered town planner and examining inspector, and I have been appointed by the Secretary of State to be the lead member of the panel. I will be leading the discussions at today's event.

01:50

Hello. My name is Helena abramski. I'm a chartered town planner and an examining inspector. I'm attending virtually today, and for information, I intend to switch off my camera when I'm not actively participating in the hearing.

02:04

Good afternoon. My name is Matt Tandy. I'm a chartered water environmental manager, also a civil engineer, and I'm also an examining inspector. Thank you.

02:16

Together, we constitute the examining authority, or xa, for this application, I can confirm that all members of the examining authority have made a formal declaration of interest, and that there are no known conflicts of interest with regard to us examining this application. Together, we form the examination authority or XA. There are other colleagues from the planning Inspectorate with us today. You will have all spoken to Caroline Hopewell, our case manager in the joining conference. In addition, there are technicians from production 78 who are attending solely for the purpose of managing the recording and live streaming of the hearing. If you have any questions regarding the application process in general, could I ask that you please email the case team who will be happy to help.

03:02

This meeting is being held on the Microsoft Teams platform and is being live streamed. Participants should not use the chat function, as it is not being monitored. Today. Should you wish to make a comment, please switch your camera and use the Microsoft Teams hand up function and please wait to be invited to speak. If you participate in the meeting, it is important that you understand that you will be recorded and live streamed, and that the digital recording will be published. If you do not want your image to be recorded, you can switch off your camera. The planning inspectors practice is to retain recordings for five years from the Secretary of State's decision on the development consent order to avoid the need to edit the digital recordings, we would ask that you try your best not to add information to the public record that you wish to be kept private and confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication,

04:02

no requests have been made for any special measures or arrangement to enable participation in this hearing. But I would just like to confirm that this is correct.

04:12

I can't see any hands, so I assume so

04:15

if at any point in the meeting you can't hear us or wish to speak, can I ask that you turn on your camera, if it is turned off and use the raised hand function in teams? There may sometimes be a delay before we can acknowledge this. Mrs. Hopewell will have explained what to do if you lose your connection and we are able to adjourn for a short period. If there are any more significant connection problems, we will adjourn for a short break at a convenient point, usually no more than every hour and a half or so, if for medical or other reasons, anyone requires a break at a specific time. Could you please let the case team know, and we can hopefully adjust the program to meet your needs for the purpose of identification and for the benefit.

05:00

Of those who may be listening to the digital recording later, could I ask that at every point in which you speak, please give your name, and if you're representing an organization or individual, who it is that you represent,

05:13

does anybody have any questions or concerns about the technology or the general management of today's event?

05:21

No, I don't think so. So today's compulsory acquisition hearing is being held at the request of the examining authority, who wish to explore a number of matters orally in respect of compulsory acquisition and temporary possession.

05:35

Rule 14, two of the examination procedure rules, requires that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing. These are set out in the agenda for this hearing, which are in EV 3002,

05:51

which is available on the inspectorate website. And for the sake of expedience, see, I do not propose to read out all the separate agenda items Now,

06:01

please note that today's agenda is for guidance only. We may choose to move items around the agenda or add other issues for consideration as we progress.

06:11

If we need to take any short breaks, then you can stay locked into teams throughout the break, but please ensure you switch your cameras off and mute your microphones. If you do lose your connection, use the same link that you used to log on this afternoon, and the case, team will endeavor to reconnect, reconnect you as soon as possible.

06:31

Finally, it is important that we get the right answers to the questions that Miss Dowling is going to ask at this stage. It is worth reminding everyone that this is a predominant, predominantly written process. Therefore, if you cannot answer the question that are being asked or required time to get the information requested, then rather than giving a restricted or potentially incorrect answer, can you please indicate that you need to respond in writing? We can then defer the response either to an action point to be submitted at deadline, one the date of which will be confirmed in the rule eight, letter or to a written question or later hearing. So before we move on, are there any questions at this stage about the procedural side of today's hearings or the agenda?

07:16

No, okay. So the case team have provided me with a list of those interested and other parties who have expressed a wish to be heard today. Those persons are people representing the following organizations, which is the applicant and ripplingham Estates limited and the Lost trustees. Before I ask people to introduce themselves, can I check that I haven't inadvertently missed anyone off this list of participants?

07:41

No, okay,

07:43

I'm going to now ask those of you who are participating in today's hearing to introduce yourselves to the examining authority and the people who are watching the live stream of this event. When I say your name, please introduce yourself, including how you would like to be referred to. For example, dr, Mrs. Miss, Mr. And if you're representing someone who is, is it that you represent? If you're attending virtually, then please switch on your camera and microphone when I call your name

08:10

for the applicants, please

08:13

shut down.

08:18

Good afternoon, Madam. Yeah, so I've got Mr. Julian Boswell, sorry, yeah, yes. Mr. Julian Boswell, I'm a solicitor and partner with Burgess salmon, and we represent the applicant, and

08:32

I've got Jen as well.

08:35

Actually, Jen won't be it's unlikely to be speaking in this session. Would help. I ask the other people at the front table to introduce themselves. Yes, please.

08:47

Mr. Colin McAllister, development project lead for RWE on the DBS projects,

08:55

solicitor with burger salmon, ping poly applicant,

09:00

Georgina Hurley, senior surveyor at downpour McLaren, acting on behalf of the applicant.

09:05

Mail or James Lister at Bucha Simon, representing the applicant.

09:12

Thomas Tremlett, dBs, senior consents manager, may be required to speak of something to say at the same

09:22

stage. Okay. Thank you very much. And then I have

09:26

Michael Glover

09:29

for representing rippling and estate limited and the Lost trustees. Michael Clover representing rippling mistakes limited and lost trustees. I'm principal of Michael Clover LLP, a firm of charter surveyors in Beverly.

09:46

Thank you. Is there anyone I have missed?

09:50

I don't think so. Okay, I'm now going to pass over to Miss Dowling to lead on the first item of the main agenda.

09:58

Thank you very much. So.

10:00

And there are a number of key documents which are going to be referred to throughout this afternoon's hearing. And to prevent things becoming repetitive and to save time, I'm just going to set out in detail now what those are, along with the relevant examination and library reference and how I will refer to them in discussions. I therefore do not intend to keep repeating the EI reference unless I'm referring to a different version of the document or introduce a new document. So the version of the draft development consent order I will use was that that was submitted by the applicant on the seventh of December 2024

10:31

which has the examination library reference as 121,

10:36

going forward, I will refer to this as the draft DCO,

10:40

the version of explanatory memorandum I will use is that which was submitted by the applicant on the sixth of december 2024 which can be found in examination library at as 107

10:52

going forward, I will refer to this as the explanatory memorandum

10:57

the book of reference is the version that was submitted by the applicant on the 13th of November 2024, which can be found in the examination library at as 043,

11:08

going forwards, I will refer to this as the book of reference. The applicant has also provided a schedule of progress for voluntary land interest agreements. This can be found in the examination library at a PP, 032,

11:21

however, at the request of the examining authority, this has been replaced by a lands rights tracker which was submitted on the 13th of November 2024,

11:30

which has the examination library reference as 046,

11:34

I will refer to this document as the land rights tracker. All of these are quite large documents which are quite heavy in text and do not really lend themselves to being shared on the screen. So it would be useful if you have independent access to them.

11:49

While I will try to minimize the use of abbreviations I may occasionally lapse. And so when I see say CA, I mean compulsory acquisition, and when I say TP, I mean temporary possession,

12:01

we issued a supplementary agenda, EV 3001,

12:05

with the agenda for the compulsory acquisition hearing that was scheduled to be held in October, but that was subsequently canceled following the adjournment of the preliminary meeting. However, the applicants have chosen to provide a response to this, which can be found at as zero 40, and updated the draft DCO as required. I'd like to thank the applicants for doing this. It's very helpful.

12:28

Late yesterday, we received a letter from Mr. Glover on behalf of rippling and estates limited and lost trustees due to the timing of this submission, we have not been able to publish it on the website in advance of this meeting, and we only received Mr. Glover's consent at lunchtime that we could forward it on directly to the applicant. As a result, I assume that the applicant has had not, not had sight of this document, and if they have, in any event, would not have been able to look at it in any detail. At 91

pages, I have only been able to give it the briefest of reviews myself. Therefore, I propose that when we get to that item on the agenda, Mr. Glover will be provided the five minutes to provide a very brief overview of the concerns. But he needs to recognize that both the applicants and myself may not be able to respond to the points he raises at the meeting today.

13:17

Is that all right with both the applicants and Mr. Glover, can I just check with the applicants first whether they've actually seen sight of that document, just

13:26

just as with the comtrader dBs, yeah, we've just just seen picked up the email apologies. Okay? And as I say, I do not expect you really to have had the opportunity to look at that in any detail. Mr. Glover, is that all right? If I give you five minutes at the beginning, when we start to talk about your item on the agenda for you to just be provide a very brief overview of what's contained in that document. Yes, that's fine. Okay, thank you.

13:50

Finally, I'd like to discuss a potential amendment to the agenda. Item three on this agenda is Section 127, of the Planning Act 2008 with particular reference to part five and schedule 15 of the draft development consent order protected provisions, Item five of tomorrow's issue, specific hearing on the draft development consent order proposes as a discussion on schedule 15 of the draft development consent order, having so, having reviewed the agendas, I would suggest that we do not discuss. We don't need to have discussions on the matter on both days, and would therefore move that we discuss item three of this agenda tomorrow Under Item five, given that we have the Beverly and North Holderness internal drainage board attending tomorrow, and they have indicated that they wish to speak on this agenda. Item, can I just check with the applicants that they're happy to do that?

14:40

William balsall, the applicant, Yes, madam, that's that's fine. Okay. Thank you very much. So yes, just for the applicant's reference, I'm sure you have seen it, but Beverly and North Holden us internal drainage board did submit a late document because they weren't aware of the application, which on the 16th of December and was on.

15:00

Response to procedural deadline C, which can be found at as 123, and they had concerns with regards, in particular to the protective provisions, but also some articles. So they will all be discussed at the DCO hearing tomorrow, and they will be attending the DCO hearing tomorrow.

15:16

Okay, so I'm going to move on to item two on the agenda, which is Section 122, and 123, of the Planning Act, 2008

15:24

to provide context for today's discussions, can I just start by asking applicant to give to take no more than 10 minutes to very, very briefly set out the case for compulsory acquisition and temporary possession against the tests in the Planning Act 2008 as set out in the agenda. Thank you.

15:45

Yes, madam, as

15:47

you can imagine, I've got a script, and I'm going to go through it

15:52

so the applicant's case for compulsory acquisition and temporary possession is set out in the statement of reasons, a, PP, 03,

16:00

it

16:06

allows development consent orders to be granted with rights to compulsory acquire land included within the order limits. This is the case only where the Secretary of State can be satisfied that the land for which the powers are obtained reflect the following purposes. The land is required for the development, or the land is required to facilitate or to facilitate, or is incidental to the development, or the land is replacement land for commons, open space, etc. And there is a compelling case in the public interest. So going through those in turn, Section 1222,

16:41

section six of the statement of reasons in particular sets out the compliance with these requirements. The Order land comprises only that which is required for the development itself, or is required to facilitate the land, or is incidental, no replacement land is given as exchange land

17:00

because there is no requirement for that on this scheme. And therefore the third limb of Section 1222, does not apply. The nature of the rights and restrictions being sought, together with a description of the land required for the projects is included in and a description of how that land will be used by reference to the proposed development is included in Section 12. Segment of reasons, Section 12.8,

17:25

onwards, details the purpose of the purpose of the acquisition. I reference the different aspects of the development, such as the substation landfall and onshore cable corridor and specific pot numbers for each aspect referenced on the land plans. This demonstrates that all of the land has been included within the book of reference is required for the delivery of the projects. At this stage, it's not possible to identify exactly where within the joint or the limits each project's cable will be laid. The precise location of the cables will be determined by the pre construction surveys and investigations, and the cable corridor width therefore provides room for micro siting during detailed design, the applicants are

seeking permanent, compulsory acquisition powers to accommodate the onshore converter stations and new rights to accommodate the length of The onshore export cable corridor, which is 32 kilometers, approximately, with a further two and a half kilometers of onward cable connection from the converter stations to the proposed new National Grid substation at Burke Hill wood.

18:38

Although the powers are sought over a wider corridor than that will be finally acquired. This is necessary for detailed design in the final routing of the corridor. It's disproportionate to do that work ahead of consent being granted, given both the substantial costs involved and the intrusive works, including more ground investigation and trenching, this approach is common in development. Consent orders for this type of linear development, including other offshore wind farms. For example, our Moore granted in 2023 and the Sheringham and Dudgeon extensions granted in 2024 both of which adopted a similar approach.

19:15

The applicant is seeking temporary possession for land required in construction but not in operation. This minimizes the land over which permanent rights are required to be sought. The use of temporary possession powers in DCOs, commonly includes the land to use. Commonly includes the ability to use land for access during construction. In this case, there are a number of plots where the applicant requires to be able to take access during construction but does not intend to do so exclusively. Essentially, the proposal is to use temporary possession powers to create a temporary right to share accesses. The alternative would be to create a permanent right of access which

19:55

the development which the applicant does not consider is necessary or proportionate in these.

20:00

Cases,

20:04

in terms of considering alternatives the object, the objective to avoid or minimize compulsory acquisition was an important factor in selecting the current location for the projects. The site selection process is set out in Section seven of the statement of reasons land ownership and land use factor were factors taken into account in refining projects locations, negotiations are ongoing with affected parties. And the detailed in the land rights tracker that you've already referenced, madam and

20:38

MS Hurley is ready after under the next agenda item to give you an update on where we are with the different negotiations. So I'm not going to dwell on that, but we have summarized the sort of strategy in the in the statement of reasons in section in Section 11.

20:59

So in terms of being necessary and proportionate, the

21:02

compulsory acquisition and temporary possession powers are necessary in order to ensure the projects can be delivered. This has been set out and explained in the statement of reasons. The use of CA powers is a necessary backup in the event that voluntary agreement landowners cannot be reached whilst the applicant is making good progress. There is no guarantee that all of the land and rights required for the project will be capable of being acquired on a voluntary basis. And CA powers are therefore necessary. The applicants have sought to limit the CA and TP powers to minimize interference with landowners through a proportionate use of the powers. For example, permanent freehold acquisition is only being sought where absolutely necessary, and equally, rights are only being sought where temporary possession would not be appropriate. EG, the permanent easement for the cables the land and rights included within the book of reference

21:58

are only those necessary to deliver the project, it is therefore submitted that the CA and TP powers being sought are proportionate and in terms of the compelling case in the public interest,

22:12

the need for the projects is set out in both the statement of reasons and the planning statement, and in further and in further detail in the planning statement. It has also been established within the energy national policy statements, which reference in both of those documents to summarize the project will assist in

22:34

series of objectives, policy meeting, policy commitments and legal decarbonization targets for securing renewable energy, meeting national energy security needs, as well as contributing towards carbon and greenhouse emission reductions, replacing closing electricity generation capacity, meeting future increases in energy demand, producing affordable energy, meeting the government targets of 50 gigawatts of offshore wind generating capacity by 2030

23:04

providing investment in the UK and local economy and creating new employment opportunities and skills which are

23:13

the employment production depends on the scenario, which is delivered as between an isolated or concurrent scenario, which is addressed in the documents I've referenced, creating environmental benefits through the delivery of biodiversity net gain, and contributing, more generally, to the local and national economy, in relation to the private loss to those affected by compulsory acquisition, as set out in compulsory acquisition guidance, there is a balancing exercise to be undertaken to consider whether the public benefits would be derived from the projects outweigh the private loss would be suffered by those whose land is taken. This is ultimately the decision for the Secretary of State, but the applicants would submit that in these circumstances, the significant public benefits from the projects do outweigh the loss, and that would be that would be suffered by those affected by the CA powers, and therefore a

compelling case in the public interest has been demonstrated. That was the summary that I wanted to take you through. I hope I've stuck to the time limit.

24:15

Thank you very much. Mr. Boswell, that's very helpful. If I could ask as an action point, would you be prepared to submit a copy of that script that you've just read out into the examination? Please? Yes, that's already teed up to be announced summary of case. Thank you very much. So, having provided that very useful context of the background of why you're seeking ca and TP powers, I just want to in relation to them being required to facilitate the proposed development. I've worked through the work and land plans and in detail, and I've got a number of questions regarding why some of the land being sought is required to enable the development to happen.

24:55

I propose to use the work plans for these discussions rather.

25:00

Than land plans, because obviously it helps you to then tie it back to what is being proposed, rather than just looking at what is being sought. So I think beforehand, we've sent over a list of plans that we've asked you to display to aid these discussions. So if I could just ask whether page one of 19 on the work plans could be put on the screen, please.

25:38

I'm just bringing forward the person that's more likely to be involved in discussion, particularly now you've told us that protected provisions Are tomorrow, yeah, okay, no problem.

26:02

Thank you very much. So on this work plan, we are looking at works number 10, A and B, and works number nine, A and B, which is the emergency beach access. I've got several questions in relation to this, to try and understand this in relation to need to acquire the land. However, I recognize this overlaps with some concerns that my colleague Mrs. Shirley has in relation to traffic and transport, which we are and onshore ecology, which we are due to examine on Wednesday and Thursday. I'm going to ask them now. However, I recognize we may need to revisit some of these at that issue specific hearing, which is due to be held tomorrow afternoon and on Thursday. So if you can't answer the question I'm about to ask, then you can always ask that. We re ask them again at that hearing. So I just want some to understand a bit more about the emergency access. The information provided relating to the emergency beach access is in the updated environmental statement, chapter 18, which is PDC 02 and PDC 03 in examination library and your response to the relevant representations.

27:14

The emergency access road is described as an existing access point. However, on the unaccompanied site inspection undertaken in September 2024

27:25

it did not show an we couldn't see an existing access or row. So could the applicants briefly explain the works required from the end of North turnpike up to the landfall location, and also an indication of when those in the building schedule those works would occur.

27:46

So I think here we're talking about the yellow stretch up to the beach

27:53

south. So yes, and I'm aware of the area in question, so we would be required. I mean, ultimately, it's minimal works. We'd be accessing the beach using four by four equipment, and we'd be using temporary matting or similar. We would not be expected to making substantial improvements to the access because of the use of that four by four equipment or similar, to maintain that or to retain that access. Ultimately, I think it might be best place to leave this to the initiative hearing, if we can, on the basis that we've got the relevant transport and ecology leads available, who can provide pendulums. Okay, I'm just going to continue the questions that I had. If you again, if you can't answer them, just defer them to issue specific hearing too,

28:44

is the essence of the question you just asked, What Works might be needed to allow it to be used for its purpose? Is that, where you're coming from? So I think in a nutshell, there's a bit of a concern that we have is obviously, at the end of the end of the day with compulsory acquisition, what we're looking at is, does all of the NAND that's being asked to be

29:08

used for CA actually needed. And one of the things that when we went out on site and had a look along here was there's there seemed to be other points at which the beach could potentially be accessed,

29:22

which were closer to the land for site in order to provide the emergency access. And there was some uncertainty as to why exactly this location had been chosen, potentially over those and therefore the amount of land being sought, or the rights that were being sought were being were being requested, because, obviously, at the end of the day, you know you should only take the land necessary to enable the development. And so we just wanted to explore here why this quantum of land was being sought for this proposal, and why. And so that's why we're just trying to understand a bit more background to the actual emergency access.

30:00

Self, so if I can maybe ask the other questions that may help contextualize it and may understand where we're coming from, and then maybe you can come back from response. But you know, as Mrs. Shawnee said at the beginning of this meeting, if you need to take it away, given we've now verbalized what our concern is and what we're trying to explore, it may be that you need to come back in writing and provide a bit more detail, if you don't have the experts with you that would be able to provide that response already today,

30:28

Julian as a headline answer.

30:33

This got a great deal of attention because it wasn't easy to find somewhere that ticked all of the necessary boxes. And so we are pretty comfortable with our decision, but obviously very happy to take you through how we reach that how we reach that decision. But I think you're right that it is bet we will have better people to address sort of site selection aspect of that, at the at the

31:02

the other hearing, than, than, than, than we have today. But it's very helpful to understand where you're coming from. Yeah. So if I can just quickly run through these questions, then, if anything, it gives you the advantage of being pre briefed for those questions on on Thursday. So can I just ask, would the emergency access only be installed in the event of an actual emergency at landfall, or as a precaution prior to works commencing at landfall, in case of an emergency potentially happening? So the sound of things you talked about, sort of using temporary measures like four by fours and matting, is this going to be a permanent access or is this permanent for the duration of the construction works, obviously, or is this actually just something that would only be used in the

31:54

event in an emergency? Unfortunately, we haven't Tom from the dog south. Unfortunately we haven't got the relevant experts here today, but ultimately we,

32:04

apparently we've got Rosemary tingle talking about myself behind us. You can provide a response. Apologies. Hi. Sorry if you want to just ask that question again. I was working on this. I'm the onshore consensus manager. I am providing Tom with information, but this might be one that would be better for me to directly answer to you. Are we mainly speaking on the next few hearings? Okay, so effectively, what we're just trying to find out is whether it's actually

32:29

one of the better phraseology a semi permanent feature, because obviously it's only going to be in place during the construction works. But are you actually proposing to physically install an access or

32:41

would you only actually install it in the event of an emergency? Yeah, I understand your question. So it's principally there to provide some emergency if there's an environmental incident during the trenchless crossing work. So if something were to happen on the beach, this is our closest access and as Julian mentioned, it was selected due to its sort of lower Cliff hike at that point. And there was at one point and a fully working access there that was previously accessed by the local public.

33:09

As you've said, on site, we've also been to site. The track there is not well we used, but it is used by farm traffic. So we would propose that we would use, as Tom mentioned, some more four by four type

material, when we'd need to use it would be during the sort of highest risk point of that trenchless drilling point. So that could be when the incident could happen. So from discussions with engineering, it would be at the point when

33:36

we would install it prior to that. We're not proposing to put in a full stone road, but it'd be something that these vehicles, you know, we would choose appropriate vehicles to make sure that we could get down the track as it is we feel it's suitable for farm type access. They would install a temporary construction compound behind, away from the eroding cliff edge. There's actually a boat storage area that we've identified that would be the best place for it during the kind of high risk period, we'd store some equipment in there that could be used if there was an environmental incident, and potentially a vehicle to dig any

34:09

we call it pracap material. So it would be the inert drilling fluid, if any of that would be on the surface, you know, that would be equipment to remove that or for a temporary spill, but we'd be seeing that emergency access in use during those high risk periods. So we've identified up to 18 months for HDD drilling or another technique, and it would be during the highest risk points of that 18 months. If that helps with further clarification as to when and how it would be used. No, that's really helped. And if I can just come on to a question, which I actually had to schedule slightly later, just with regards to that storage area. Again, when we were on our unaccompanied site inspection, we noticed that there is currently a storage area that's used for materials and boats. Is first of all, is the temporary compound in that same location, and if it is in the same location, what's happening with the.

35:00

Storage of that equipment and those boats while it's being used for temporary construction compound.

35:07

It is a separate area, but it's adjacent. I believe, I will go back and absolutely clarify that, but it's within the same area, but it's adjacent to, I believe, okay, so if we could take that away as an action point, if you could just clarify what would be happening with the boat storage and the material storage in that area, whether it would continue, or whether it would need to be moved as a result of the use of that area as a temporary construction company? That would be very helpful. I'm just going to take a moment to review some of the other questions, because actually, in answering that question, you possibly covered a number of other questions. I'm just going to consult with my colleague, Mrs. Shirley, on this matter, so if you just bear with one moment.

35:56

Okay, so

35:58

the one question I do want to ask here, and that won't be asked in traffic and transport, is the beach is obviously only accessible for vehicles during low tide. Please, could the applicants explain how an emergency would be dealt with during high tide?

36:18

Rosemary tingle onshore, consent manager, doggo bank south, I think, in relation to if there was a frack out of high tide, the material is inert and fairly dense. So there may be that some would be washed out to sea, could be washed away, but given the density of it, it could also still remain there for low tide. So we would only be requiring access low tide to recover anything that we that we could essentially

36:47

so in the event that an emergency extends beyond low tide, how would the emergency be resolved? I'm assuming that the vehicles would need to return to shore, and from what you just said, you'd wait for the period for it to go back to low tide.

37:06

Yes. In terms of the emergency vehicles that need to held back, yes, they'd only be able to access when the tide was low. We would have quite a specific window in terms of access onto the beach. There is also an option that we could land vehicles will remove vehicles from the seaward side using sort of equipment, you know, sort of offshore equipment. I should probably just clarify. I'm not the engineers. I'm more of the onshore consents manager, so I don't want to stray too far out of my area. But I could also take that one away and double check with the engineers. We could clarify one of the other hearings. But I my understanding would be that we can get access from see if needed, but

37:45

our emergency access is for the inter tidal access when we're at low tide. Thank you.

37:51

I'm just going to check with Mrs. Shirley if there's anything that she wishes to add to the discussions on this matter. And it may well be, as we've highlighted, that those, all those issues get re picked up, or we give you the opportunity to re pick up on those on Thursday afternoon when we discuss traffic and transport. So let me just discuss with my colleague.

38:13

Okay, on that basis, unless anyone else has anything to add on that matter, I proceed to move to the next question that I have with regards to

38:22

land acquisition.

38:24

So if we move to page two of 19 and look at the actual landfall site itself, here you are seeking the permanent acquisition of rights in the land for part of the beach in a significant quantum of land,

38:39

up to the junction of Hornsey road with the b1, 242,

38:43

this is all shown as being required for works number 13, A and B, which is landfall, landfall, operation and transition, Joint Base compound. I'd like to just explore why such a significant quantum of land is needed for these works, particularly because, as I understand it, due to the need to allow for coastal erosion, the exit to the transition joint base would be located at a significant distance back from the current cliff edge.

39:13

Yes, Tom tremlin at Dogger bank south so ultimately, we've undertaken archeological trial trenching works in this location, and I had identified that we will need to micro site within the landfall location.

39:27

So obviously, we have the the identified coastal erosion to the to the eastern center, the end of the site, and the western end of the site. We've identified archeology. So we need to maintain the flexibility to identify a suitable location for the transition joint base as we progress further.

39:48

Yes, but I think I understand that. But I think what I was trying to get at is whilst I understand maybe the back element of the site is needed because to allow for coastal erosion, you're seeking to.

40:00

Make everything up to the cliff edge. I was just wanting to understand why all of that land was needed, if it's only you're only going to use, sort of literally, the back edge of the site to allow which is where the transition joint base would be located, because it's, if you look at the land plans, you're seeking the permanent acquisition of rights in the whole of this area.

40:22

Rosemary, single onshore consents manager. And we also need the rights to install the cables from the transition Joint Base in underneath that area as well. So we, as part of that works, we've also got the right to install electrical cables. So wherever the box ends up being our final transition joint base, we need to consider the electrical infrastructure that will be installed below ground, both between there and the onshore export cable route, and then also with the below ground trenchless crossing then into the intertidal. So obviously, understanding exactly where those cables will go will depend on the installation of those from the trenchless technique, so there will be some degree of uncertainty about exactly where in the box it will go, between the transition joint base and the seaward side.

41:10

Thank you very much. I think you've helped provide some clarity on why you're seeking all of that land. I'm just going to check with my colleague, Mr. Tandy, if there's anything further he wants to add on

41:21

this. Okay, thank you so remaining on this page, I just want to ask

41:28

the at the bottom of the site there's hashed in purple on this plan is an area that's proposed to be being taken for a temporary construction compound. I just want to ask, Why is this necessary, given that it will be adjacent to the main landfall construction compound.

41:48

So you had it there, that's it. Yeah, it's the area hashed in purple at the bottom of the screen, and it's literally across the road from the main landfall construction compound. And I'm just wondering why a temporary construction compound would also be needed there.

42:01

So that that compound from that location is proposed for a for the cable contractor to deliver the cable corridor. So, as you can appreciate, the work to the transition Joint Base is likely to be a separate contractor, and therefore it's, it's a compound deliver the cable corridor.

42:23

Okay, thank you.

42:26

If we can then move to page four of the land plans, and I want to look at work number 17, A B and 19, a B.

42:35

So I'm just wanting to understand here a little bit more again, as to why the land being sought is being taken. So obviously, there's an access point coming from the road, which is sort of in yellow from the top, but at the bottom of the cable corridor, you've got this sort of arch of green. And I'm just wanting to know why is this separate access necessary for the proposed construction compound, if Would it not be possible to provide the space within the cable corridor? So just a little bit more of an explanation as to effectively, why that green arc is there.

43:12

Yeah. Tom from the dog bank south. It's a logical, logical connection point into the main highway provider present prevents us having to track such significant different distances along the haul road through the site, along past those receptors.

43:29

The the access track in question was improved and utilized by dog Bank A and B during the construction of that scheme recently,

43:43

and we feel that it's necessary to have various connection points where possible to enable the to reduce the need to undertake long distances along haul roads between compounds. And therefore this is a proposed haul road location, a proposed compound, a logical location relative to where the cable corridor is located.

44:07

So from what you're saying that the green arc is effectively to allow vehicles to come out of the cable corridor and onto the access track below the cable corridor. Sorry, yeah, so I think what we're proposing is to get confused slightly by your question, the that green COVID or the art varies for a trenchless crossing of that trenches, crossing of that highway right that provides the ability to still use the whole road, I to utilize an existing gated access across into our area and the extension up the up and up the highway is to enable any widening works as required to maintain visibility. Okay, that helps find clarity. And just again, this may be a question that you might need to come back to me in writing for we've got the several of these along the cable corridor, and I propose, just to very briefly touch on the.

45:00

To one of them. But one of the concerns that the examining authority has is what how that impacts the land within between the hash green area and the cable corridor, so the two little patches of white, which are obviously agricultural land. So what we're just wanting to understand is, would that, how would that would affect the ability of the landowner to continue to access that and use that land during the construction works,

45:28

and therefore, in designing works number 18, A and B, how have that has that been designed to a minimum to make sure that if that land is effectively going to be neutralized by results with proposals that's been done to the sort of minimum required rather than the maximum required.

45:49

It has and will be compensating for for loss of loss of access during the works, if required, as required.

45:56

And I

45:57

can I just ask for clarity that when, again, I always use the analogy in development consent, that a lot of these topics, like Venn diagram, there's a lot of overlap between different topics. And so I do apologize if I start veering off into other topic areas, but obviously you can see the relevance here. So I just want to just while we're talking about it, ask in terms of sort of the land use element, the loss of that these areas are included in the calculations for loss of agricultural land during the construction

46:27

period. I believe so. But we could confirm in writing, if you could, if we could take that way as an action point, and if you could just confirm that in writing, that'd be great. Thank you.

46:36

So if we can move to page 520,

46:40

again, it's about the whole road.

46:43

And again, it's a similar question. So here there's,

46:48

so it's the one that you just showed me there. Yeah, that one. So here there's a much bigger loop, and it's not unlike the other one, not connecting into an access track. So again, could just talk me through what this is for and why it needs to be in the format that it's proposed. Because, again, it's similar concern that there's an area between the the works and the cable corridor, and I want to just be reassured that that's the minimum land take that's being sought. The CA, point of view, yes, say Tom from McDonald bank South I confirmed that ultimately, the reasoning for that particular

47:30

movement away from the cable corridor is because there is an existing farm gate in that location. So it's to prevent it is an optional trenchless crossing within our Crossing register,

47:42

and therefore it would enable us to utilize an existing access point, rather than,

47:47

rather than undertaking or putting it all through a whole road, through an existing hedgerow.

47:54

Okay, thank you. And then, if we can move on to

47:57

page nine, it's a

48:02

similar question for this one, which is getting very large.

48:08

So again, so this is a solar farm. So there is a solar farm in this location,

48:17

and which we are undertaking, potentially have the option to undertake a trenchless crossing underneath,

48:24

and following agreement from the land layer, from the feedback, from our re application consultation, we, I doubt we added this new access route to the north to reduce impact on The scheme or potential scheme.

48:41

Okay. Thank you. And then if you can move to page 10.

48:49

So on page no, that page 10, one you had before was the right one, no, next one. That's it. Thank you. So here, I'm just a little confused as to why these works are potentially necessary, given that there's a main construction compound in very close proximity, and that there's another temporary construction compound to the west, which is shown on page 11,

49:10

and the construction compound here would require the construction and access haul road over some considerable length across agricultural fields, which potentially has an impact on farming. So if you could just talk me through why this is necessary, I'd be grateful again. So, so in the center of your screen there, there is the

49:34

name of the two watercourses, such strange drainage features, but there are two features that we are

49:42

undertaking trenchless crossings of. So ultimately that severs the haul road, which requires

49:50

the route around using the major road network or using the road network.

49:57

And then because of the works.

50:00

Which we have immediately to the west of the second the of the West study compound

50:08

here, where we have a trenchless crossing of is it mu mew lane and a another access for a poultry farm. We require that compound as well

50:20

to undertake works.

50:23

Thank you that has prepared helps, helps clarify why you're seeking those bits of land. So I'm just going to check that none of my colleagues have any

50:34

questions that they want to ask. I

50:40

I'm

50:54

just going to hand to my colleague, Mr. Tandy, who's just going to raise a matter in relation to the segregated land.

51:01

Thank you. You were just mentioning before that you were going to come back to us in writing as to whether those pieces of land were included in the environmental assessment for the land use chapter. It's my understanding. I don't have the references to hand for this afternoon, but it's my understanding that they aren't included. And in fact, there's a statement to say that access will be

51:23

sort of insured for the landowners. So I just wanted to understand if that is the case. Can you explain how that would work, particularly given the number of examples we've already had on the screen this afternoon and the varying sizes and how that would be used for agricultural purposes? I Well,

51:46

unfortunately, to come back to you in writing, we wouldn't want to mislead the panel, so I think we need to come back in writing to make sure we can be very clear on

51:57

on the hacks.

51:59

Okay, we are due to discuss land use on Thursday. I think it's on Thursday, so

52:08

potentially someone here to discuss that, then that would be useful. Yeah, we'll have someone here to discuss that at that point. Thank you. Thank

52:16

you very much. Mr. Tandy,

52:19

I'd like to come on to discuss the area that the applicants refer to as the onshore substation zone. On Friday the 10th of January, the applicant submitted a change request that the implications that has implications for this area, as set out at the preliminary meeting. Due to preparation of these hearings and travel, we haven't had the opportunity to look at these in great detail, and so at this stage, have not reached a conclusion on whether or not they will be accepted into the examination. I'm therefore proposing to ask a number of questions in relation to this area based on the plans as originally submitted. However, I recognize that you may need to refer to the proposed changes in response to the questions I'm going to ask.

52:58

At the moment, the applicants haven't concluded whether the converter stations would use gas or air insulation, insulated switching gear design, my understanding is that air insulation would be lower in height, but have a larger footprint, and that gas insulation would be higher but have a smaller footprint. Can you please outline the difference between the two design types and what the implications are for land acquisition. Tom

53:31

from Red Dog bank south, unfortunately, we haven't got engineering presence here to describe the differences and therefore the implications on land acquisition.

53:41

It is still so, yeah, within the change request, that is still an decision yet to be made, so we are still maintaining that flexibility.

53:50

So I don't think we can add anything to how it affects compulsory acquisition as such at this stage,

53:56

but we will have relevant engineering presence available later in the week, where I believe that was identified as a question

54:05

for Thank you. Okay, so that may well be that we will ask that question again on Thursday when we're looking at onshore matters. But as I say, I was looking at it in particularly in relation to compulsory acquisition, to see because obviously there may be an implication that you may need less land than you're actually seeking depending on the design, the end design of the gas, the end design of the converter station. And I think you did touch upon it, but I just want to

54:30

ask the question again.

54:33

You obviously said at the moment you haven't got any more certainty regarding which switch gear design would be used, but I'm just wondering if there would be a decision made on that within the six month examination period, or whether that's something you would make a decision on later down the line. I'm

54:49

standing with that being later down the line. Thank you.

54:54

I'm just going to check with MS abrenski If there's anything further she'd want to ask on this matter of whether.

55:00

Will just be something that she will deal with on Thursday, and she's advised that's not the case. Okay?
Thank you.

55:06

So if we can just go to page 18,

55:15

and I do caveat that, obviously I realize that this area is subject to change, but again, I just want to understand the situation, because there's a lot of construction compounds proposed here. I'm just wondering why they're all necessary, and it may be for the reasons you've alluded to it, the landfall site, as to why two are separate. But at the moment, you've got a main temporary construction compound, a satellite. Temporary construction compound, a converter station, temporary construction compound, and in fact, there's two of those, both marked A or B, not A or B. But I'm just asking the question again, from a land acquisition perspective, are all of these compounds necessary?

55:57

In a simple answer, yes, they are currently considered necessary

56:03

to enable the delivery of the corridor there, to enable delivery of the corridor, the

56:09

construction of the converter stations, and then subsequently the onward cable connection, or as part of that onward cable connection, do you think you'd be able to take away as an action point, just to provide a Little bit more background as to white for these individual? Of these individual converter each of these individual construction compounds are required, just to be able to help us when writing our report, to explain why all the land being sought is necessary. Yeah, of course.

56:36

Thank you.

56:39

I've got a quick question here. We're just wanting us to seek a clarification with regards to walkington footpath nine by Buck farm. It's unclear at the moment whether this is or isn't within the order limits, and I need some different plans shown here. So if you I think we asked for the public rights of way plan, page 29 of 31

57:05

that seems to show the footpath within the red line. And then if you look at the outline public rights of way management plan, which is ASO 94 page 1151,

57:18

it seems to show it outside of the order limits, and I was just trying to seek some clarification as to whether that footpath is in or out.

57:30

While we're looking at this area onshore. Consents manager, I can't actually see the plan in front of me right now, but I believe it's the footpath that's directly adjacent to the construction compound to the south,

57:42

it is on the outside. We're not planning on having that within the compound. We will be we will have the fence or the compound adjacent to it, but the compound, but the public right way, will be separate. So they the two are separated. Okay, as an action point, could you possibly maybe go away and review both of those plans and just make sure that they do tally up, because, as I say, when we were looking at them, particularly when we're out on the unaccompanied site inspection in September and we walk that footpath, there wasn't the clarity as to whether or not it was going to be within the order limits or with outside the order limits.

58:14

I will take that away and check lovely. Thank you. And then

58:20

just at the very bottom of this plan, I just wanted

58:25

to ask why an access in Hall road to mouse Hill was necessary, given the proximity of the access from the A 164

58:34

so that, I think is the dark green bit and the green hatched bit at the bottom of the plan that leads into the gray area, my

58:42

understanding is this to do with the jocks lodge improvement scheme

58:48

and the realignment of various highways in this location. If you could possibly take it as a way, as an action point, just to confirm if that is actually the case, that'd be grateful. Thank you.

59:00

If we

59:02

can look at page 19 of 19,

59:07

and here, the corridor cable splits in two. And I'd just like

59:12

to understand why that is the case.

59:17

So our onward cable Tom traveler, dog back south, our onward cable connection is a high, high voltage source facing current, so it's different to our table Corona earlier. Ultimately, they require a greater spacing of cables,

59:34

and it's not possible to fit both sets of cables essentially around existing constraints within the area or not.

59:44

Thank you. That does help provide clarification the

59:49

proposal is for, obviously, ultimately preferentially two offshore wind farms. But there is also one possible outcome, is that only one off.

1:00:00

Shore wind farm could be built. However, you're seeking compulsory acquisition of all the land for both projects. How is this reconciled? Given the Section 122, requires land sub of the Planning Act 2008 requires land subject to CA, must be required for the development to which the DCO relates, or must be required to facilitate or be incidental to the development and

1:00:23

particularly given you should take no more land than there's a reasonably required and it has to be proportionate.

1:00:31

Julian Boswell, for the applicant, we have followed an approach that's been used elsewhere. And the argument is that the first project in if there's a sequential scenario, that the first project will take what it needs and it will leave what is required for the other project. And because of the way the CA powers are written in the DCO, that first Well, each Undertaker can only take the

1:01:03

power that the land that the other project doesn't object to. In practice, one would expect them to work together completely, but there is deliberate protection given from one project to the other in in both directions. So for that, for that model to to work, and it it requires that each project has the nominal ability to build out across the full width. But in practice, it wouldn't do that, because it would attract disproportionate compensation if it takes more land than it needs. But crucially on the design of this

project, it wouldn't. It wouldn't do so because the other project would protect its interest, because it needs to ensure that there is enough land left for the other project. So the this is an approach that was adopted, for example, the East Anglia one, North East Anglia two,

1:02:15

the O's, which, which, which were overlapping, and we've adapted that to this model

1:02:22

budget. So when

1:02:25

you're referring to an approach elsewhere, I was just going to follow up on that it's East Anglia one and East Anglia two. That's not the I mean that, as you may be aware, there have been multiple approaches that there are now multiple examples of more than one NCIP being included in an offshore wind VCO.

1:02:45

And that started for its work with with Hornsey, with the Dogger projects, which are now Dogger bank, A, B and C and Sophia. But they had original, different names, originally Teesside A and B and creaky Beck A and B. So those were the first two projects, the first two DCOs that had

1:03:03

two nsips in one DCO and that followed a particular approach. And then other sort of paired projects have come along, and different permutations and different different approaches have been followed, and each of them, obviously, as you're saying, has to be mindful of not taking more, not not taking more than each project can justify. And so there have been different approaches in relation to that the other, the other one that is in the mix is the

1:03:38

Sheringham and Dudgeon extension projects, which also have two projects within a single, DCO, East Anglia one North East Anglia two is different because those are two DCO so they have exactly the same onshore they're completely overlap on shore.

1:03:57

So we've we've drawn on different to

1:04:01

some extent, we've drawn on different different approaches to inform what we've what we've done with what we've done here. But I think the single, the single sort of starting point is more the sharing than Dutch and extension, but with some some elements from from the other projects that I've mentioned,

1:04:21

thank you. That's very helpful. It just enables me to go and have a look at how the how it's been dealt with in the past, and the precedent that's been set by those proposals. So that ends my questions with

regards to queries that I had where you are seeking land, and to understand why that lands being sought, and thank you for the clarifications that you've provided and will be providing in action points. So I'm just going to move on to affected persons. The purpose of today is not to hear detailed discussions on individual plots, as at this stage we would expect the applicant to be attempting to resolve any differences outside of the examination.

1:05:00

And where we have not received a representation, we are assuming that there is no objection to the acquisition of land. The examining authority aware from relevant represent representations that are a number of specific plots where there are outstanding concerns. A number of these are from such the undertakers, and we will deal with those tomorrow in the DCO hearing when we're going to look at protected provisions. But for now, the people I'd like to have some feedback on with regards to affected persons are as follows. So it's Auburn wise limited dash risby estate, which is relevant rep 01

1:05:37

Auburn wise synergy limited, relevant rep 002

1:05:43

Network Rail, in their capacity as landowner and relevant. Rep zero 10 lost trustees, which are represented by Mr. Glover today, which is relevant. Rep zero 32

1:05:55

rippingham Estates, who are also represented by Mr. Glover and they're relevant rep zero, 33

1:06:02

we also have a relevant rep o 54 from jail White and Sun and Buck farm camping caravan and glamping site, who represented by, I don't know how to pronounce this, Elliot's rural limited. And then we have two category three affected persons, Sam bruit, on behalf of St Peter's house, which is relevant rep O, 50 and Dawn bash, which is spelled B, A, C, H, E, which is relevant rep zero, 60. So I'm going to deal with each of those in turn. So I'm going to first of all propose to deal with Auburn wise limited and open wide open wise synergy, limited together, they have 51 plots listed in the schedule,

1:06:43

in your in the land right tracker, but there are 59 plots listed. I jumped in. Yeah, sure. Possible for the applicants.

1:06:54

Hurley has got a sort of set piece prepared that gives you an overview of where we are with the different land negotiations, which I suspect you do want at some point. Would it? Would you like, I'm just trying to work out where we are on the agenda. Would would you like that as a prelude to this section, or for us to do it later? No, I think, as I just mentioned, from a compulsory acquisition and temporary possession perspective, we where we haven't received an objection. I know you the land right tracker covers a lot of negotiations that are ongoing, but where we haven't actually received an objection from the affected person, where I'm assuming that they have no objection. So it might be

quicker to go through the ones that I have, that I know have raised concerns, and then Ms Hurley at the end, wanted to sweep up anything else that wasn't involved, because I've got some very specific questions with regards to there's not very many of them, literally, the five people that I've just mentioned,

1:07:53

and I'd like to focus on those, because obviously, from a reporting perspective, those are the ones that I'll need to report back to the Secretary of state on. Are you happy with that?

1:08:02

Okay, so the first one is just a clarification, as I say, and it may be, again, something that you'll need to take away as an action point. When I've looked at the land right tracker, you've got 51 plots listed down for these organizations, but there seem to be 59 plots listed in the book of reference where they have a land interest. So I just I can give you the ones that I think are missing, but if I could ask that you check, confirm and amend as necessary, as an action coming out of this meeting, I'd be grateful. Would you like me to give you the missing plots that I've identified? Yes, please. So the ones that I seem to have missing are 11, zero, 15, and then plots 12, number 234,

1:08:51

and six, and plots 19, two, three and seven. So again, I don't expect you to respond on that now, because obviously that's quite a detailed question I'm asking, and it can be just responded to in writing and the amendment made if necessary. So in your land rights tracker the heads, it indicates that heads of terms negotiations are ongoing,

1:09:15

and I recognize that obviously this is an area that could be affected by the change request. Is that correct? First of all, would this be an area that's potentially affected by the change request?

1:09:29

I think this should be Julian Boswell for the applicant.

1:09:33

There's ongoing engagement with with all the relevant land interests, and yes, they are well aware of the emerging changes that are in motion, yes. So some of what I'm saying is obviously the onshore substation change request looks at reducing the amount of land that's being taken from a CA perspective. And I'm just wondering if some of those plots that would be coming out are some of these plots that belong to this this objector. Yeah.

1:10:01

Yes, Auburn wise is very well aware of the the change request that in motion and that forms part of the ongoing negotiation.

1:10:12

I don't think you quite asked the question that was asking. It may be that it's something you need to take away are some of the plots that are owned by

1:10:21

urban wise, the ones that are going to be affected by the change request, yes or no. Yes, they are. They are thinking thoughts that are affected. Yes, that's fine. I just want to do that for clarification in my own minds to understand what was happening. So this is an area where it's in flux. Um, can you just provide me with a very brief update as to where you are with the negotiations with Auburn wise and also an indication of whether or not these are likely to be concluded before the end of the

1:10:50

examination. Georgina hervie, on behalf of the applicant, following the update provided on the eighth of November 2024 the applicant has been actively engaging with Auburn wise and Auburn wise synergies. The applicant has met with the appointed agent on 16 December, and the majority of outstanding points on the heads of terms were agreed, which allowed the heads of terms to be in an advanced stage.

1:11:15

Both parties took away a point regarding the outstanding issue, which is the commercial figures, the landowners acting agent has confirmed their position in the email on the eighth of January, which the applicant and the agent are considering, and it is anticipated that this would be completed before the end of examination.

1:11:36

Thank you for that update.

1:11:38

I note that the applicants did actually respond in quite some detail at PDA zero 13 to the comments that Auburn wise made with regards to their concerns as to the acquisition of these bits of lands, given that our urban wise are not here, can I ask that we take away as an action point that they potentially respond in writing to the applicant's comments and whether or not they address the issues that they've raised.

1:12:05

So I'm just going to move on to Network Rail, and this is Network Rail in terms of their land owner, rather than terms of the protective provisions. So Network Rail considers that there is no compelling case in the public interest with a compulsory acquisition of rights over its land, and that the applicant should negotiate matters by private agreement to secure the necessary powers to consent.

1:12:29

There are seven plots identified

1:12:33

to in in the land rights tracker. Can you just explain why plot 13? Zero, 14 has a separate entry, and then it's also included in the entry for where they're an affected person under the reference number 7310, so in the lands, rights, Tracker, network, rail, appear twice, once where they've just got a single plot, and then once where they've got a lot of plots. I'm just trying to understand why that potential, why they're potentially appearing twice in the land tracker.

1:13:16

We'll come back to. We can't immediately think of a reason for that okay? And

1:13:23

under the entry for plot 13 Oh 14, it says that heads of terms are agreed. And under the entry for all the plots, it states that negotiations are ongoing to agree an option for easement. Can

1:13:37

I just clarify what is happening? Can you provide an update, again, similar to the one that you provided for albise with regards to compulsory acquisition and your negotiations and whether these are likely to be concluded before the close of the examination.

1:13:52

Georgina Hurley, on behalf of the applicant, Network Rail and the applicant, have agreed heads of terms in August 2024 these have been progressed to legal agreements which are currently ongoing, and again, it is anticipated by the end of examination that these will be completed.

1:14:09

Thank you very much. I'm now going to move on to lost trustees and ripplingham Estates, where Mr. Glover is representing them. Just before I come on to dealing with Mr. Glover's concerns, there's just a couple of matters of clarification that I need to make. Lost trustees at the moment don't appear in the land rights tracker. The only reference is to Richard Hendrick loss with Ian Peter Robson and John Michael murdrick on in relation to plots, 1406,

1:14:43

can I just clarify that this is the same person? I'm assuming it is because in the correspondence, Mr. Glover seems to refer to the same plot. And it may be that Mr. Glover needs to provide this clarification.

1:14:59

Madam, yes.

1:15:00

The Michael Glover for lost trustees and ripping the states limited, I think probably the reasoning I noticed that on the

1:15:10

on the project information, and I think it's probably because only two parties are allowed to show names to be shown on the land registry entries for that title. So I think they are two of the trustees. There's

one, one, further one, but I think it does correctly identify the parties. Thank you. I just wanted to make sure that we were talking about the same plot, so that that's that is great that you can clarify that in the book or reference, they also seem to have listed a category one interest in plot 1403,

1:15:44

but that's not reflected in the tracker. Can you confirm whether that is the case? And again, this may be something that needs to be taken away.

1:15:56

Michael Glover, for lost trustees,

1:15:59

it is something I'd have to take away. I'm not sure whether that's I can't picture that particular plot actually without going back to it, but I suspect it's the section of dyke of uncertain ownership. Probably okay. So if I could ask, as a an action point, Mr. Glover, if you could clarify whether,

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as I say, in the book of reference,

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which obviously Richard Hendrick lost, is identified as having a category one interest in plot 1403

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so, but I believe your concerns relate mainly to 1406

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so I don't think I had any clarification questions with regards to rippling her estate. Mr. Glover, can I just confirm that you're happy for us to take both of these items together?

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Yes, the issues do affect

1:17:00

both really. So just to set the scene, the land rights tracker shows the heads of terms negotiation are ongoing, and the concerns expressed in the relevant representation seem to be that the engagement is at odds with the basis of compulsory purchase code, and there's concern that their powers shouldn't be given because their land is an urban fringe location rather than an open countryside location. The applicants have respited a response in pdao 13, and you state there that you continue to seek voluntary agreement on voluntary agreement on reasonable commercial terms, as I mentioned at the start of this hearing, we did receive a submission late yesterday from Mr. Glover on behalf of both these affected persons. So I was just going to say, give you this opportunity now, Mr. Glover, to very briefly cover what it is that you submitted in your representation yesterday, but obviously you may please bear with us, because obviously we haven't had the opportunity to respond to it, and so it may be that we'll just note

what you say and take away an act as an action, a response on that. So Mr. Glover, if you'd just like to take the opportunity to explain what it was that you submitted yesterday.

1:18:21

Michael Glover for lost trustees and rippling the states limited Yes, apologies that it was submitted rather late.

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The documents, although 91 pages was referred to, I think

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56 of those pages relate to the sustainability matrix of the surrounding vortex councils for planning team, only two pages of those 60 are relevant to the rippling estate site in question.

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The documents I submitted were mainly email correspondence between ourselves and Duncan McLaren, which neatly sets out, really the elements of concern that we have,

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the

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that's also supported with a statement, which I'll read the first

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page or so of, because that really sets out our position, if that's okay.

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So within the within the statement I've said, the issues upon which we would like to draw attention to the X, A, relate to the manner in which the proposed acquiring authority RWE in the event of confirmation of the DCO seemingly seek to apply the CPA powers that they would secure in the case of two parcels of land referred to above, in respect to which they currently seek voluntary easements.

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We consider that the proposals.

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Put four by RWE are contrary to the principles of the compulsory purchase code in both case, both the case of rippling mistakes limited and that of the lust trustees.

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Whilst we accept that the quantum of disputed compensation in the case of compulsory purchase acquisitions is a matter for the upper tribunal lands chamber, we believe it is the role of the examining authority in the case of consideration of a grant of DCO powers, to be satisfied that the steps the body

seeking those compulsory powers intends to take are in compliance with the compulsory purchase code.

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The key elements of our concern are set out in a correspondence following meetings prior to and following a meeting on 10 September 2024 with Dow, COVID, McLeod and RWS agents. The basis of our arguments can be clearly followed by reference to correspondence over the matter set out within the following attached documents. And then I list the documents, madam, that

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are really

1:21:00

correspondence with RWE,

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I have prepared a supplementary statement, and then I come back to the key if I may. I come back to the key document, which sets out our concerns.

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I've been dealing with compulsory purchase claims for landowners over for over 40 years and selling agricultural land as an agricultural surveyor following an earlier time of a district valuer,

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I have never had the need to progress matters to a hearing

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in all that time until now, either on the question of confirmation of an order or in respect of compensation,

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I fully accept the nature of the NCIP project and the government support for such infrastructure delivery. And we have dealt with a number of schemes recently, Hornsey, four national grids, North northumber to high marlam and dog bank D and a lot of that's ongoing.

1:22:02

However, a company seeking DCO right should show that they will exercise those rights in a responsible manner, having regard to the compulsory purchase code. We do not feel that the arguments put forward by Iwe in the case of rippling the states limited and MOS trustees for a voluntary agreement, have respected that obligation, and therefore that

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the concerns we have concerns as to how they might act if granted DCO rights.

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Right from the start of discussions with Diem on this scheme,

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there appeared to be a denial that Vinegar Hill Farm had any potential for future developments, and it was intimated to us that this was an opening verticommer, try on closing verticommer.

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That situation did seem to change as time progressed and from a proposed a proposal to run the cables longitudinally, right through the center of the land parcel, the scheme was diverted to the north west corner. That movement was welcome.

1:23:05

We believe that there may have been an approach to the county council for planning team that gave rise to this change since from a denial of any likelihood of future development, there seemed to be a form of acknowledgement of it. The

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issue that then needed to be addressed with the terms of an easement

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throughout the league meetings at which Edward Smith of this office represented this firm, Edward had stressed that the formula that RWE seemed to be working towards was not appropriate for land parcels on the urban fringe and with a different approach was needed there due to the higher land values and different opportunities that arise,

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there has been a complete denial of the fact that land achieves higher values on the urban fringe. Evidence has been presented to show this to DM, but it has not been accepted. Further evidence was shown on the most recent email correspondence submitted to the examining examining authority to illustrate the point, and that was the email to

1:24:07

Georgina Hurley on the 10th of January.

1:24:13

I would wish to read an excerpt from the notes of the meeting with DM on the 10th September, which I sent to them on the 30th September 2024 asking for confirmation as to whether they disagreed. I will read the relevant

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passage, which is indicative of my concerns.

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And this is headed the valuation position of the RW, of RW. And this, this is one of the documents submitted

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as written evidence to you.

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And this, this relates to a meeting on

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tense September

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2024,

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Four at our offices in Beverly

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the valuation position of RWE at that meeting, Edward Smith and I had with Steve Harkin of RWE and Georgina Hurley of dalcolm McLaren as agent for RWE. Their position was that land on the urban fringe is no more valuable than agricultural land further out in open countryside until such time as it has been allocated for residential or other development.

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The argument of Vance was that until such an allocation is made, there is no justification for payment being based on anything other than agricultural land values.

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Michael Glover and Ebert Smith stressed that, in our view, this is totally at odds with market evidence, examples of which have been provided an MwG reiterated several times within our experience, land on the urban fringe is always like to sell for a better rate than normal agricultural land, and the closer to the urban fringe, normally, the greater the value. We

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commented that this was because of the convenience of a situation proximity to chimney pots given which gives rise to far more options for potential uses of land together, within many cases, hope for future development. MG explained that uses on the urban fringe could include golf courses, equestrian activities, dog walking fields and other non agricultural uses. But leaving aside those potential alternative uses, there is virtually always a speculative value suit associated with urban fringe, urban fringe land. And in cases where land is sold on the urban fringe, there is very frequently a development uplift clause applied to the sale, whereas this is not the case in relation to land normally out in open countryside.

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And then I requested confirmation from

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RW in and DM that that was a fair representation of the of the meeting that seems to be have been accepted.

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Mr. Clever. I mean, you've given I think it's clear the concern is that your clients are not, potentially not getting the value for the land that you perceive it's worth. Is that it in a nutshell. Because I'm just trying to cut to the chase, because i You've obviously submitted all of this information in writing. This is a predominantly written process, and unfortunately that the situation is we haven't had the ability to have the time to actually read that information. So I just want, for the benefit of today's discussion, if, if it is what you're saying, effectively, that. The concern is that, arguably, we are not accepting that the land on the urban fringe is worth more than the land out in the open countryside. In your opinion,

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there's that. And my concern is that if they achieve a DCO

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that sort of we don't want to have to go to the lands tribunal to settle compensation. Okay, as I set out in at the beginning of this topic, that is this hearing today, at the end of the day that the examining authority doesn't get into the detail of what people are being paid for the land. It's whether the land is needed to enable the development to happen. And it is actually the lands tribunal that is the forum whereby, if compensation can't be agreed between the parties, that that is actually sorted. So I just wanted to make it clear what's within our gift as an examining authority to be able to understand, so what we need to look at and what what we can take into account when we're writing our report to the Secretary of State is simply, is the land needed to require, land requested, needed to enable the development to be delivered, and then the whether, what's been, how and what is compensation is paid, is a different process to the process that we're talking about today. So I just wanted to clarify that with you. Yes, I understand that. Madam Mike, all I wanted to sort of, I wanted to make the point that the examining authority I felt needed to be assured that was an intention to follow the compulsory purchase code if it was to grant it DCO powers. Thank you. I'm just going to come back to the applicant and offer them the opportunity to respond, albeit that I do recognize, again, they only received a copy of this correspondence actually during this hearing, and that they may want to take a take it away and provide a more detailed response once they've had the opportunity to

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read that at their leisure, and that could be provided at deadline one, But I do want to just provide Mr. Boswell the opportunity if he does to come back on any of the points that have been raised.

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Julian Boswell, the applicant, I think the main thing we want to say is that it's better that we respond in writing. But just as an immediate comment that we don't, we don't agree with the characterization of

various things that Mr. Glover has said, and it's we can explain that in our written reply, but also very much to agree with what you've just said, Madam about the limits of this process,

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because it is, as you've indicated, and Mr. Glover is acknowledging that he is aware of this that.

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At tongue. You don't debate compensation and land values in this process, because there is a there is a separate process for for that.

1:30:14

Thank you very much. So Mr. Glover, thank you very much for your attendance today and raising these points with the examining authority. I just want to give you a final opportunity, as there's anything, if there's anything else that you want to raise before we move to the next affected person on my list.

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No, I think you've made the point very clearly, madam, that the lance tribunal, which I was very well aware of, but

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I just felt that since

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RWE was seeking a voluntary agreement at this stage, if they the arguments that are being put forward, I have serious concerns. Should they get a DCO? I think it's the concerns are clear and again, because, as I've indicated before, this is a predominantly written process. So if, when the applicant provide their written response, you obviously have the opportunity to take that away, read it and come back with any points in writing that you want to and obviously we will. We will be pursuing this matter throughout the examination, and again, just in terms of compulsory acquisition and temporary possession. The starting point is that it is a last resort. It should really the applicant, wherever possible, should try to acquire the land voluntarily. So I'm sure that the applicant will be doing their utmost to try and achieve that with youth during the examination process. So I'm just going to come on to the the last affected person that I have on my list, which is we've received a relevant representation from JL White and Sun and Buck farm camping and Caravan caravanning and glamping site, which is relevant rep zero, 54

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that

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title as in JL White and Sun and Buck farm camping and caravanning and glamping site do not appear in the land tracker, but there are a number of whites in there. And I think I probably worked out who they are, but I just wanted to try and see if I am correct. And obviously, unfortunately, the people who made the representation are actually here today to confirm that for me. But there's, I think that they

probably relates to Oliver and Pamela white. I don't know if Miss Hurley can confirm that for me, yes, and Jean Hurley on behalf of the effort, and that is correct. Thank you. I just want to again, it's a clarification point. The tents of Bucha in their relevant rep mentioned plots, 1810, and 1802 eight. But I noticed that those are also allocated to Alban wise. And it may be that actually they both have an interest. But I just wanted to try and seek some clarification as to whether or not those were plots for JL White and Sun, or whether those were old and wise and Georgina honey. On behalf, we have to Oliver White is a tenant of mine, so that's why they both have the same interest. Okay, so I just

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suppose,

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if it just to enable me in terms of my reporting, obviously, they are an affected person, because they've written in with a concern about their land being acquired. And I know technically in the land white tracker

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that they are there as Oliver and Pamela white. But if you could link the relevant rep number to that so that we can keep track as to whether or not their concerns have been addressed and a voluntary agreement is in place by the close of the examination, that would be examination. That would be really helpful. So you

1:33:46
obviously provided a detailed response to the relevant rep in PDA, oh, 13. I just wonder if there's anything else that you want to add now to those comments that you made there, or possibly provide an update with regards to where you are in terms of voluntary negotiations. Georgina Hurley, on behalf of the applicant, I can provide you with with an update, helpful the land that is in question is part of the change request will have a significant positive impact on their land. The applicant land agent and the appointed agent met with the occupier on the 25th of November to discuss the change request information, and then agreed that the impact was less dramatic as that first thought so, the impacts on the farm business and the caravan park will be reduced. The agents verbally discussed a commercial offer for the land to be surrendered,

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surrendered and agreed, surrounded and agreed, sorry, and once the change request is accepted, the heads of terms can be progressed. It is anticipated that these will be finalized by the end of examination.

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Thank you. And I'm just going to ask as an action point, obviously,

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jail white and son aren't actually represented here today, and we've obviously, they've obviously not yet provided a response.

1:35:00

Response to the response that you provided in pdao 13. So just as an action point, I would ask that they review that response and potentially provide a written response with regards to that. So I just also want to now move on to the two objections that we've received from category three persons. This is Sam brew. It on behalf of St Peter's house, which is relevant rep zero 50 and Dawn bash, which is relevant. Rep Zero 60, who lives at Lake farm. Both of these are residents of Bentley. And we did observe the location of both of these during the unaccompanied site inspection, and we note the detailed response provided by the applicant to both of these in pdao 13. Just before I move on to a more general point about category three persons, I just wondered if there's anything else that the applicants want to provide in response to these two specific responses. I

1:36:15

hi Julian boskin, I think, no, we don't want to say anything at this stage. Thank you. That's fine. I've got some general questions with regards to category three person, persons, which I'd put into the agenda here, because obviously they sit quite well with the two points that we just raised. But obviously the start of this meeting, you referred to the fact that you had a general update with regards to the land use tracker and where you were with negotiations given

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the time that we have available this afternoon, I'm just wondering if it'd be worthwhile just providing that in writing rather than going through that. But obviously I wanted to offer you the opportunity, if there's any highlights that you wanted to just pick out and very briefly

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cover. Now, could I just give a high sorry. Georgina early on behalf of the applicant, can I give a very high level summary as to where we are with the land agreements? Yes. I mean, I think yes, that's absolutely fine. I'm assuming it's that negotiations are ongoing and you hope to close them before the end of the examination. But I'll let you put that in your own words. Thank you.

1:37:19

We have 45 landowners that are impacted by the cable corridor, substation zone and onward cable corridor, with 36 of these having concluded negotiations and the project having signed an third project and having signed heads of terms. These parties are currently in the legal process with anticipation of the first completions coming in in a matter of weeks.

1:37:41

Thank you.

1:37:44

Convey. We hope it's coming across that that we have been unusually successful overall, in where we are with the landowners across this scheme, much better than many other equivalent projects, and that we have had a very successful campaign over how long it is, the last two years in terms of engagement, which has paved the way for the high level of heads of terms sign up at this point, and

we're now going into a way of signing, as just indicated, into a way of signing, of signing, binding options. So I guess we just wanted, I appreciate, as you said a couple of times, that you had to report on, you know, the ones that are outstanding, but we don't want the good news, if that's okay, to get lost in the overall picture.

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I've got no problem with that. Mr. Boswell, I mean, I think it's indicative we've only really got six objections to compulsory acquisition, and given the length of the cable route, again, as you pointed out, on other schemes, often there are many more objections at this point in time in the examinations. So I do think that you're obviously out there and having those discussions and negotiations. And sometimes we do tend to concentrate on the outstanding things rather than things that have been concluded. So thank you for bringing that up. I just very briefly, before we go to a break, wants to just cover category three persons. And obviously there is category three, the definition of category three and who is defined as a category category three person, very much falls to the applicants to do, but I just want to explore it a little bit more, because I've got a few concerns that, or I just would like, sort of to understand how you've come to the conclusions that you have with regards to who you have identified as a category three and whether there are potentially other category three people that you may need to identify. So the

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there appear to be 26 category three interests listed in the book of reference.

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And I suppose what I'd like to know is just how some of these were selected. And in particular, I'd just like to go back to those properties in Bentley that I previously referred to so you.

1:40:00

Identified three properties in Bentley as potentially, potentially being category three, which is Lake farm, Rose cottage and St Peter's house. Can you advise me why only these three properties were identified as category three in Bentley, given that they form part of a row of houses that would all overlook the proposed converter substation zone, and in fact, you have identified that these properties would be affected by the proposed development as requirement 21 which is the control of noise during operational phases. Lists additional properties in Bentley which such as church cottage, wonderful Manor, farm cottages, keepers cottage and Rose cottage, where there were concerns regarding noise limits.

1:40:48

Regina Hurley, on behalf of the applicant, can we respond to you in with this in writing? Please? Yes, that's no problem at all. And then, assuming that the same response will be elicited in terms of writing, I've also obviously requirement 21 lists 156, Victoria Road, Morris, Morris wood drops, Lodge, Victoria Road, Bentley lodge Victoria Road, which is listed in the book of reference, spring mount Victoria Road and Rose Villa Victoria Road, again, none of those are identified in the book of references, potentially being category three people, but you have identified them in requirement 21 as needing to have measures put in place to ensure that they aren't subjected to noise during operation. So again, I'd just

like to know why in one document you're identifying them. There's a potential harm to these people, and measures need to be put in place to mitigate it, but they're not identified as category three, where, obviously they could bring a claim of blight.

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Georgina Haley on behalf of the applicant. And thank you, we'd like to take that away as well.

1:41:54

That's fine. So just before hand back to Mrs. Shirley to call a brief adjournment. Is there anything else that anyone wants to raise in relation to agenda item two?

1:42:10

No. And then obviously we have agreed that agenda item three will be deferred tomorrow's DCO hearing Under Item five, which is protected provisions. So I'm just going to pass back to Mrs. Journey, to adjourn.

1:42:25

Yes, okay, yeah, I think this would be an appropriate time to take a short comfort break.

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Don't know how long we want to adjourn, maybe for 10 minutes. That's okay with everyone.

1:42:39

Or 15 minutes, say 10 minutes. Okay, so the time is now 1542

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so now I would suggest then a 10 minute break, and we'll come back at 15 452

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if that's all right.

1:42:55

While we adjourn, can I ask that all the participants turn off their cameras and mute their microphones, those people watching the live stream, we need to refresh their browser, and this meeting is now adjourned, and we will be resumed at 1552 i.